

FILED MAR 7 2005

SENATE FILE 271  
BY COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT

(SUCCESSOR TO SSB 1109)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to regulating and registering certain vessels,  
2 operating certain vessels by minors, inspecting certain  
3 vessels, operating vessels for hire or commercial vessels,  
4 providing for penalties, and appropriating the moneys  
5 collected from certain registration fee increases to the state  
6 fish and game protection fund.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

SF 271

1 Section 1. Section 462A.5, subsection 1, unnumbered  
2 paragraph 1, Code 2005, is amended to read as follows:

3 The owner of each vessel required to be numbered by this  
4 state shall register it every ~~two~~ three years with the county  
5 recorder of the county in which the owner resides, or, if the  
6 owner is a nonresident, the owner shall register it in the  
7 county in which such vessel is principally used. The  
8 commission shall have supervisory responsibility over the  
9 registration of all vessels and shall provide each county  
10 recorder with registration forms and certificates and shall  
11 allocate identification numbers to each county.

12 Sec. 2. Section 462A.5, subsection 1, Code 2005, is  
13 amended by adding the following new unnumbered paragraph after  
14 unnumbered paragraph 2:

15 NEW UNNUMBERED PARAGRAPH. A vessel that has an expired  
16 registration certificate from another state may be registered  
17 in this state upon proper application, payment of all  
18 applicable registration and writing fees, and payment of a  
19 penalty of five dollars.

20 Sec. 3. Section 462A.5, subsection 3, Code 2005, is  
21 amended to read as follows:

22 3. The registration fees for vessels subject to this  
23 chapter are as follows:

24 a. For vessels of any length without motor or sail, ~~five~~  
25 twelve dollars.

26 b. For motorboats or sailboats less than ~~twelve~~ sixteen  
27 feet in length, ~~eight~~ thirty dollars.

28 c. For motorboats or sailboats ~~twelve~~ sixteen feet or  
29 more, but less than ~~fifteen~~ twenty-six feet in length, ~~ten~~  
30 forty-five dollars.

31 ~~d.--For-motorboats-or-sailboats-fifteen-feet-or-more,-but~~  
32 ~~less-than-eighteen-feet-in-length,-twelve-dollars-~~

33 ~~e.--For-motorboats-or-sailboats-eighteen--feet-or-more,-but~~  
34 ~~less-than-twenty-five-feet-in-length,-eighteen-dollars-~~

35 ~~f.~~ d. For motorboats or sailboats ~~twenty-five~~ twenty-six

1 feet in-length or more, twenty-eight but less than forty feet  
2 in length, seventy-five dollars.

3 e. For motorboats or sailboats forty feet in length or  
4 more, one hundred fifty dollars.

5 f. For all personal watercraft, seventy-five dollars.

6 Every registration certificate and number issued becomes  
7 delinquent at midnight April 30 of odd-numbered-years the last  
8 calendar year of the registration period unless terminated or  
9 discontinued in accordance with this chapter. After January 1  
10 in-odd-numbered-years, 2007, an unregistered vessel and a  
11 renewal of registration may be registered for the two-year  
12 three-year registration period beginning May 1 of that year.  
13 After When unregistered vessels are registered after January 1  
14 in-even-numbered-years, of the year succeeding the beginning  
15 of the three-year registration period, such unregistered  
16 vessels may be registered for the remainder of the current  
17 registration period at fifty-percent a prorated amount of the  
18 appropriate registration fee.

19 If a timely application for renewal is made, the applicant  
20 shall receive the same registration number allocated to the  
21 applicant for the previous registration period. If the  
22 application for registration for the biennium three-year  
23 registration period is not made before May 1 of each-odd-  
24 numbered the last calendar year of the registration period,  
25 the applicant shall be charged a penalty of five dollars.

26 Sec. 4. Section 462A.5, subsection 6, Code 2005, is  
27 amended to read as follows:

28 6. The owner of each vessel which has a valid marine  
29 document issued by the bureau of customs of the United States  
30 government or any federal agency successor thereto shall  
31 register it every two three years with the county recorder in  
32 the same manner prescribed for undocumented vessels and shall  
33 cause the registration validation decal to be placed on the  
34 vessel in the manner prescribed by the rules of the  
35 commission. When the vessel bears the identification required

1 in the documentation, it is exempt from the placement of the  
2 identification numbers as required on undocumented vessels.  
3 The fee for such registration is twenty-five dollars plus a  
4 writing fee.

5 Sec. 5. Section 462A.12, subsection 6, Code 2005, is  
6 amended to read as follows:

7 6. An owner or operator of a vessel propelled by a motor  
8 of more than ten horsepower shall not permit any person under  
9 twelve years of age to operate the personal-watercraft vessel  
10 unless accompanied in or on the same personal-watercraft  
11 vessel by a responsible person of at least eighteen years of  
12 age who is experienced in motorboat operation. ~~Commencing~~  
13 ~~January 1, 2003,~~ a A person who is twelve years of age or  
14 older but less than eighteen years of age shall not operate  
15 any personal-watercraft vessel propelled by a motor of more  
16 than ten horsepower unless the person has successfully  
17 completed a department-approved watercraft safety course and  
18 obtained a watercraft safety certificate or is accompanied in  
19 or on the same vessel by a responsible person of at least  
20 eighteen years of age who is experienced in motorboat  
21 operation. A person required to have a watercraft safety  
22 certificate shall carry and shall exhibit or make available  
23 the certificate upon request of an officer of the department.  
24 A violation of this subsection is a simple misdemeanor as  
25 provided in section 462A.13. However, a person charged with  
26 violating this subsection shall not be convicted if the person  
27 produces in court, within a reasonable time, a department-  
28 approved certificate. The cost of a department certificate,  
29 or any duplicate, shall not exceed five dollars.

30 Sec. 6. Section 462A.20, Code 2005, is amended to read as  
31 follows:

32 462A.20 BOAT INSPECTION.

33 Any-person-having, A vessel either for hire or offered for  
34 hire upon any waters of this state under the jurisdiction of  
35 the commission, ~~any vessel, either for hire or offered for~~

1 ~~hire, must have such vessel and all its appurtenances annually~~  
2 may be inspected at any time by representatives of the  
3 commission or by any peace officer who is trained in  
4 enforcing, and who in the regular course of duty enforces,  
5 boating and navigation laws.

6 ~~Every such owner shall file in the office of the~~  
7 ~~commission, an application for inspection of such vessels on a~~  
8 ~~blank furnished by the commission for that purpose.~~

9 Officers appointed by the commission or any peace officer  
10 who is trained in enforcing, and who in the regular course of  
11 duty enforces, boating and navigation laws shall have the  
12 power and authority to determine whether such vessel is safe  
13 for the transportation of passengers or cargo and upon what  
14 waters it may be used. They may determine and designate the  
15 number of passengers or cargo, including crew, that may be  
16 carried and determine whether the machinery, equipment and all  
17 appurtenances are such as to make ~~said vessels~~ the vessel  
18 seaworthy, where used, and such other matters as are  
19 pertinent.

20 ~~After such vessels have been inspected as provided herein,~~  
21 ~~a current inspection seal or tag shall be issued by the~~  
22 ~~commission and shall be kept posted in a conspicuous place~~  
23 ~~upon or in such vessel. Any inspection seal or tag shall be~~  
24 ~~in effect only for the calendar year for which the inspection~~  
25 ~~seal or tag is issued.~~

26 Private vessels may also be inspected to determine their  
27 seaworthiness at any time by representatives of the commission  
28 or by any peace officer who is trained in enforcing, and who  
29 in the regular course of duty enforces, boating and navigation  
30 laws.

31 Sec. 7. Section 462A.23, subsection 1, Code 2005, is  
32 amended to read as follows:

33 1. Any officer appointed by the commission may, for cause,  
34 temporarily suspend the registration certificate of any vessel  
35 ~~and the license of a pilot or engineer,~~ that has been issued

1 under this chapter, and the commission, after a due hearing on  
2 the matter at its next session, shall make final determination  
3 in the matter.

4 Sec. 8. Section 462A.23, subsection 2, unnumbered  
5 paragraph 1, Code 2005, is amended to read as follows:

6 The commission shall forthwith revoke the registration  
7 certificate of any vessel and the ~~pilot's-or-engineer's~~  
8 ~~license-of-the-operator-of-such-vessel~~ owner's or operator's  
9 privilege to operate a vessel for hire or commercial vessel,  
10 upon receiving a record of such owner or operator's conviction  
11 of any of the following offenses, when such conviction has  
12 become final:

13 Sec. 9. Section 462A.23, subsection 3, Code 2005, is  
14 amended to read as follows:

15 3. The commission is hereby authorized to suspend the  
16 registration certificate of any vessel and the ~~pilot's-or~~  
17 ~~engineer's-license-of-an-operator~~ owner's or operator's  
18 privilege to operate a vessel for hire or commercial vessel  
19 upon a showing by its records that the owner or operator:

20 a. Has committed an offense for which mandatory revocation  
21 of the registration certificate or ~~pilot's-or-engineer's~~  
22 ~~license~~ of the privilege to operate a vessel for hire or  
23 commercial vessel is required upon conviction.

24 b. Is a habitual reckless or negligent operator of a  
25 vessel for hire or commercial vessel.

26 c. Is incompetent to operate a vessel for hire or  
27 commercial vessel.

28 d. Has permitted an unlawful or fraudulent use of such  
29 registration certificate ~~or-pilot's-or-engineer's-license.~~

30 Sec. 10. Section 462A.25, Code 2005, is amended by  
31 striking the section and inserting in lieu thereof the  
32 following:

33 462A.25 PENALTY.

34 If an owner or operator of a vessel for hire or commercial  
35 vessel operated upon the waters of this state under the

1 jurisdiction of the commission permits such vessel to be  
2 occupied by more passengers and crew than the registration  
3 capacity allows or if a person continues to operate a vessel  
4 for hire or commercial vessel after the person's privilege to  
5 operate the vessel has been revoked, the person shall be  
6 guilty of a serious misdemeanor. The provisions of this  
7 section shall not apply to vessels registered or numbered by  
8 authority of the United States.

9 Sec. 11. Section 462A.39, Code 2005, is amended to read as  
10 follows:

11 462A.39 EXPIRATION DATE.

12 Each special certificate issued hereunder shall expire at  
13 midnight on April 30 of ~~each-odd-numbered~~ the last calendar  
14 year of the registration period, and a new special certificate  
15 for the ensuing biennium registration period may be obtained  
16 upon application to the commission and payment of the fee  
17 provided by law.

18 Sec. 12. Section 462A.52, Code 2005, is amended to read as  
19 follows:

20 462A.52 FEES REMITTED TO COMMISSION.

21 1. Within ten days after the end of each month, a county  
22 recorder shall remit to the commission all fees collected by  
23 the recorder during the previous month. Before May 10 ~~in-odd-~~  
24 numbered-years of the registration period beginning May 1 of  
25 that year, a county recorder shall remit to the commission all  
26 unused license blanks for the previous biennium registration  
27 period. All fees collected for the registration of vessels  
28 shall be forwarded by the commission to the treasurer of the  
29 state, who shall place the money in ~~a-special-conservation~~ the  
30 state fish and game protection fund. The money so collected  
31 is appropriated to the commission solely for the  
32 administration and enforcement of navigation laws and water  
33 safety.

34 2. Notwithstanding subsection 1, any increase in revenues  
35 received on or after July 1, 2007, but on or before June 30,

1 2013, pursuant to this section as a result of fee increases  
2 pursuant to this Act, shall be used by the commission only for  
3 the administration and enforcement of programs to control  
4 aquatic invasive species and for the administration and  
5 enforcement of navigation laws and water safety upon the  
6 inland waters of this state.

7 Sec. 13. Section 462A.53, Code 2005, is amended to read as  
8 follows:

9 462A.53 AMOUNT OF WRITING FEES.

10 A writing fee of one dollar and twenty-five cents for each  
11 transaction shall be collected by the county recorder. If two  
12 or more functions are transacted for the same vessel at one  
13 time, the writing fee is limited to one dollar and twenty-  
14 five cents.

15 Sec. 14. Section 462A.66, Code 2005, is amended to read as  
16 follows:

17 462A.66 INSPECTION AUTHORITY.

18 An officer of the commission or any peace officer who is  
19 trained in enforcing, and who in the regular course of duty  
20 enforces, boating and navigation laws may stop and inspect a  
21 vessel being launched, being operated, or being moored on the  
22 waters of this state under the jurisdiction of the commission  
23 to determine whether the vessel is properly registered,  
24 numbered, and equipped as provided under this chapter and  
25 rules of the commission. An officer may board a vessel in the  
26 course of an inspection if the operator is unable to supply  
27 visual evidence that the vessel is properly registered and  
28 equipped as required by this chapter and rules of the  
29 commission. The inspection shall not include an inspection of  
30 an area that is not essential to determine compliance with the  
31 provisions of this chapter and rules of the commission.

32 Sec. 15. Section 462A.77, subsection 1, Code 2005, is  
33 amended to read as follows:

34 1. Except as provided in subsection 3, an owner of a  
35 vessel seventeen feet or longer in length principally used on



1 the waters of the state and to be numbered pursuant to section  
2 462A.4 shall apply to the county recorder of the county in  
3 which the owner resides for a certificate of title for the  
4 vessel. The requirement of a certificate of title does not  
5 apply to canoes, kayaks, or inflatable vessels regardless of  
6 length.

7 Sec. 16. Sections 462A.21 and 462A.22, Code 2005, are  
8 repealed.

9 EXPLANATION

10 This bill relates to various water navigation regulations.

11 The bill changes the registration period for a vessel from  
12 two years to three years for vessels registered after January  
13 1, 2007. The bill provides that every registration  
14 certificate and number issued becomes delinquent at midnight  
15 on April 30 of the last calendar year of the registration  
16 period and that if an application for the three-year  
17 registration period is not made before May 1 of the last  
18 calendar year of the registration period, the applicant shall  
19 be charged a penalty of \$5. The bill also provides that an  
20 unregistered vessel that is registered after January 1 of the  
21 year succeeding the beginning of the three-year registration  
22 period may be registered for the remainder of the current  
23 registration period at a prorated amount of the appropriate  
24 registration fee. The bill also changes the registration  
25 period for a vessel with a valid marine document issued by the  
26 bureau of customs of the United States government or any  
27 federal agency successor thereto or for a special certificate  
28 from two to three years.

29 Code section 462A.5 is amended to provide that a vessel  
30 that has an expired registration certificate from another  
31 state may be registered in this state upon proper application,  
32 payment of all applicable registration and writing fees, and  
33 payment of a penalty of \$5.

34 Code section 462A.5 is also amended by increasing the  
35 registration fees for vessels, creating a new registration

1 category for motorboats or sailboats 26 feet or more but less  
2 than 40 feet in length, with a registration fee of \$75, and  
3 creating a new category for motorboats or sailboats 40 feet in  
4 length or more, with a registration fee of \$150. The bill  
5 also provides that there is a separate registration fee for  
6 all personal watercraft of \$75.

7 Code section 462A.12 is amended to provide that an owner or  
8 operator of a vessel propelled by a motor of more than 10  
9 horsepower shall not permit any person under 12 years of age  
10 to operate the vessel unless accompanied in or on the same  
11 vessel by a responsible person of at least 18 years of age who  
12 is experienced in motorboat operation. The bill also provides  
13 that a person who is 12 years of age or older but less than 18  
14 years of age shall not operate any vessel propelled by a motor  
15 of more than 10 horsepower unless the person has successfully  
16 completed a department-approved watercraft safety course and  
17 obtained a watercraft safety certificate or is accompanied in  
18 or on the same vessel by a responsible person of at least 18  
19 years of age who is experienced in motorboat operation. A  
20 person who is required to have a watercraft safety certificate  
21 must carry and exhibit or make the certificate available upon  
22 request of an officer of the department. A violation of this  
23 provision is a simple misdemeanor, except that a person  
24 charged with a violation of this requirement shall not be  
25 convicted if the person produces the certificate in court  
26 within a reasonable time. The bill provides that the cost of  
27 the certificate shall not exceed \$5. Previously these  
28 provisions only applied to persons under 12 years of age or 12  
29 to 18 years of age who operated a personal watercraft.

30 Code section 462A.20 is amended to provide that a vessel,  
31 either for hire or offered for hire, is subject to inspection  
32 at any time, rather than an annual mandatory inspection, by  
33 representatives of the natural resource commission or by any  
34 peace officer who is trained in enforcing, and who in the  
35 regular course of duty enforces, boating and navigation laws.

1 The bill also eliminates the requirement that the owner of a  
2 vessel file an application for inspection of such vessels with  
3 the commission. The bill provides that an officer of the  
4 commission or any peace officer who is trained in enforcing,  
5 and who in the regular course of duty enforces, boating and  
6 navigation laws has the power to determine whether a vessel  
7 for hire is safe and upon what waters it may be used and the  
8 power to determine the seaworthiness of any private vessel.  
9 The bill eliminates the requirement that vessels that have  
10 been inspected be issued a current inspection seal that must  
11 be posted in a conspicuous place and is valid for the calendar  
12 year in which the inspection occurred.

13 Code section 462A.21, which relates to inspections and  
14 annual fees for inspections of vessels operated for hire, and  
15 Code section 462A.22, which relates to engineer or pilot  
16 licenses for operators of vessels for hire, are stricken.  
17 Code section 462A.23 is amended to remove references to  
18 suspension or revocation of a person's pilot's or engineer's  
19 license under specified circumstances and instead applies to  
20 suspension or revocation of a person's privilege to operate a  
21 vessel for hire or commercial vessel under specified  
22 circumstances.

23 Code section 462A.25 concerning penalties applicable to  
24 certain persons holding a pilot's or engineer's license is  
25 stricken and rewritten. New Code section 462A.25 provides  
26 that if an owner or operator of a vessel for hire or  
27 commercial vessel permits such vessel to be occupied by more  
28 passengers and crew than the registration capacity allows or  
29 continues to operate such a vessel after the person's  
30 privilege to operate the vessel has been revoked, the person  
31 is guilty of a serious misdemeanor. A serious misdemeanor is  
32 punishable by confinement for no more than one year and a fine  
33 of at least \$250 but not more than \$1,500.

34 Code section 462A.52 is amended to provide that fees  
35 collected by a county recorder for the registration of vessels

1 shall be forwarded to the state treasurer to be placed in the  
2 state fish and game protection fund, instead of a special  
3 conservation fund. The bill provides that this money is  
4 appropriated to the commission solely for the administration  
5 and enforcement of navigation laws and water safety. The bill  
6 also provides that, notwithstanding these provisions, any  
7 increase in revenues received on or after July 1, 2007,  
8 pursuant to this Code section as a result of fee increases  
9 pursuant to the bill, shall be used by the commission for the  
10 fiscal period beginning July 1, 2007, and ending June 30,  
11 2013, only for the administration and enforcement of programs  
12 to control aquatic invasive species and for the administration  
13 and enforcement of navigation laws and water safety upon the  
14 inland waters of this state. Beginning July 1, 2013, the  
15 moneys collected can be used only for the administration and  
16 enforcement of navigation laws and water safety.

17 Code section 462A.53 is amended to increase the writing fee  
18 paid to the recorder for transactions under Code chapter 462A  
19 from \$1 to \$1.25.

20 Code section 462A.66 is amended to provide that any peace  
21 officer, as well as an officer of the natural resource  
22 commission, may stop and inspect a vessel being launched,  
23 operated, or moored upon the waters of this state to determine  
24 whether the vessel is properly registered, numbered, and  
25 equipped and may board a vessel if the operator is unable to  
26 supply visual evidence that the vessel is properly registered  
27 and equipped, so long as the inspection does not include an  
28 inspection of an area that is not essential to determine  
29 compliance with these provisions.

30 Code section 462A.77 is amended to provide that owners of  
31 kayaks are not required to apply for a certificate of title.

32  
33  
34  
35

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

---

SF 271 - Boat Registration (LSB 1912 SV)

Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)

Fiscal Note Version - New

---

**Description**

Senate File 271 makes the following changes impacting boat registration fees:

- Increases the biennial registration fee for boats with no motor from \$5.00 to a triennial fee of \$12.00.
- Creates a triennial \$30.00 registration fee for boats with a motor that are less than 16 feet in length.
- Creates a triennial \$45.00 registration fee for boats with a motor that are 16 feet but less than 26 feet in length.
- Creates a triennial \$75.00 registration fee for boats with a motor that are 26 feet or more but less than 40 feet in length.
- Creates a triennial \$150.00 registration fee for boats with a motor that are 40 feet in length or longer.
- Creates a triennial \$75.00 registration fee for personal watercraft.
- Specifies boats not registered by May 1, are subject to payment of a \$5.00 penalty.
- Defines the qualifications of a peace officer and allows a peace officer or representative of the Natural Resource Commission to inspect at a commercial vessel for hire at any time.
- Outlines the reasons for suspending a commercial boat registration certificate.
- Specifies any peace officer trained in boating and navigation laws can inspect a boat to ensure it is properly registered.
- Requires boat operators that are between 12 and 17 years of age to complete the Watercraft Safety Course offered by the Department of Natural Resources (DNR).
- Specifies any operator of a vessel that has 10 or more horsepower, and is under the age of 12, must be accompanied by a responsible person 18 years or older.
- Specifies revenue received from the fee increase will be used for administration and enforcement of programs that control aquatic invasive species and enforcement of navigation laws and water safety.
- Increases the county writing fee from \$1.00 to \$1.25 per transaction, or a person registering three boats would pay \$1.25.
- The fee increase is effective January 1, 2007.

**Background**

There is a separate account in the DNR for Boat Registration Fees. Each year, \$1.4 million is transferred from the Boat Registration Fees account to the Fish and Wildlife Trust Fund that is used for navigation law enforcement and boater safety. The last fee increase was in 1984.

**Assumptions**

1. There are approximately 230,000 boats registered in Iowa.
2. Triennial gross receipts from boat registration fee increases are estimated to increase \$1.6 million for FY 2007 and every third year thereafter.

**Correctional Impact**

The correctional impact is expected to be minimal.

**Fiscal Impact**

The estimated fiscal impact of SF 271 is an increase in revenue of \$1.6 million for FY 2007 and every third year thereafter to the Boat Registration Fees account. Of that amount, \$800,000 will be used for boating enforcement and \$800,000 will be used for the prevention of aquatic invasive species. The estimated fiscal impact from the county writing fee increase is \$70,000 per year.

**Source**

Department of Natural Resources

/s/ Holly M. Lyons

---

March 14, 2005

- 
7. The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
-

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

---

SF 271 - Boat Registration (LSB 1912 SV.1)

Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)

Fiscal Note Version - Revised

---

**Description**

Senate File 271 makes the following changes impacting boat registration fees:

- Increases the biennial registration fee for boats with no motor from \$5.00 to a triennial fee of \$12.00.
- Creates a triennial \$30.00 registration fee for boats with a motor that are less than 16 feet in length.
- Creates a triennial \$45.00 registration fee for boats with a motor that are 16 feet but less than 26 feet in length.
- Creates a triennial \$75.00 registration fee for boats with a motor that are 26 feet or more but less than 40 feet in length.
- Creates a triennial \$150.00 registration fee for boats with a motor that are 40 feet in length or longer.
- Creates a triennial \$75.00 registration fee for personal watercraft.
- Specifies boats not registered by May 1, are subject to payment of a \$5.00 penalty.
- Defines the qualifications of a peace officer and allows a peace officer or representative of the Natural Resource Commission to inspect at a commercial vessel for hire at any time.
- Outlines the reasons for suspending a commercial boat registration certificate.
- Specifies any peace officer trained in boating and navigation laws can inspect a boat to ensure it is properly registered.
- Requires boat operators that are between 12 and 17 years of age to complete the Watercraft Safety Course offered by the Department of Natural Resources (DNR).
- Specifies any operator of a vessel that has 10 or more horsepower, and is under the age of 12, must be accompanied by a responsible person 18 years or older.
- Specifies revenue received from the fee increase will be used for administration and enforcement of programs that control aquatic invasive species and enforcement of navigation laws and water safety.
- Increases the county writing fee from \$1.00 to \$1.25 per transaction, or a person registering three boats would pay \$1.25.
- The fee increase is effective January 1, 2007.

**Background**

There is a separate account in the DNR for Boat Registration Fees. Each year, \$1.4 million is transferred from the Boat Registration Fees account to the Fish and Wildlife Trust Fund that is used for navigation law enforcement and boater safety. The last fee increase was in 1984.

**Assumptions**

1. There are approximately 230,000 boats registered in Iowa.
2. Triennial gross receipts from boat registration fee increases are estimated to increase \$1.6 million for FY 2007 and every third year thereafter.

**Correctional Impact**

The correctional impact is expected to be minimal.

**Fiscal Impact**

The estimated fiscal impact of SF 271 is an increase in revenue of \$1.6 million for FY 2007 and every third year thereafter to the Boat Registration Fees account. Of that amount, \$800,000 will be used for boating enforcement and \$800,000 will be used for the prevention of aquatic invasive species. The estimated fiscal impact from the county writing fee increase, but changing it from a biennial fee to a triennial fee, is an annual decrease of \$13,000 per year.

**Source**

Department of Natural Resources

/s/ Holly M. Lyons

---

March 17, 2005

---

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

---



Black co-chair  
Johnson co-chair  
Schoenjahn  
Kettering

SSB# 1109  
Natural Resources

Succeeded By  
**SF/HF 271**  
SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT BILL  
BY CO-CHAIRPERSON BLACK)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to regulating and registering certain vessels,  
2 operating certain vessels by minors, inspecting certain  
3 vessels, operating vessels for hire or commercial vessels,  
4 providing for penalties, and appropriating the moneys  
5 collected from certain registration fee increases to the state  
6 fish and game protection fund.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

1 Section 1. Section 462A.5, subsection 1, unnumbered  
2 paragraph 1, Code 2005, is amended to read as follows:

3 The owner of each vessel required to be numbered by this  
4 state shall register it every two three years with the county  
5 recorder of the county in which the owner resides, or, if the  
6 owner is a nonresident, the owner shall register it in the  
7 county in which such vessel is principally used. The  
8 commission shall have supervisory responsibility over the  
9 registration of all vessels and shall provide each county  
10 recorder with registration forms and certificates and shall  
11 allocate identification numbers to each county.

12 Sec. 2. Section 462A.5, subsection 1, Code 2005, is  
13 amended by adding the following unnumbered paragraph after  
14 unnumbered paragraph 2:

15 NEW UNNUMBERED PARAGRAPH. A vessel that has an expired  
16 registration certificate from another state may be registered  
17 in this state upon proper application, payment of all  
18 applicable registration and writing fees, and payment of a  
19 penalty of five dollars.

20 Sec. 3. Section 462A.5, subsection 3, Code 2005, is  
21 amended to read as follows:

22 3. The registration fees for vessels subject to this  
23 chapter are as follows:

24 a. For vessels of any length without motor or sail, five  
25 twelve dollars.

26 b. For motorboats or sailboats less than twelve sixteen  
27 feet in length, eight thirty dollars.

28 c. For motorboats or sailboats twelve sixteen feet or  
29 more, but less than fifteen twenty-six feet in length, ten  
30 forty-five dollars.

31 ~~d. For motorboats or sailboats fifteen feet or more, but~~  
32 ~~less than eighteen feet in length, twelve dollars.~~

33 ~~e. For motorboats or sailboats eighteen feet or more, but~~  
34 ~~less than twenty-five feet in length, eighteen dollars.~~

35 f. d. For motorboats or sailboats twenty-five twenty-six

1 feet in-length or more, twenty-eight but less than forty feet  
2 in length, seventy-five dollars.

3 e. For motorboats or sailboats forty feet in length or  
4 more, one hundred fifty dollars.

5 f. For all personal watercraft, seventy-five dollars.

6 Every registration certificate and number issued becomes  
7 delinquent at midnight April 30 of odd-numbered-years the last  
8 calendar year of the registration period unless terminated or  
9 discontinued in accordance with this chapter. After January 1  
10 in-odd-numbered-years, 2007, an unregistered vessel and a  
11 renewal of registration may be registered for the two-year  
12 three-year registration period beginning May 1 of that year.  
13 After When unregistered vessels are registered after January 1  
14 in-even-numbered-years, of the year succeeding the beginning  
15 of the three-year registration period, such unregistered  
16 vessels may be registered for the remainder of the current  
17 registration period at fifty-percent a prorated amount of the  
18 appropriate registration fee.

19 If a timely application for renewal is made, the applicant  
20 shall receive the same registration number allocated to the  
21 applicant for the previous registration period. If the  
22 application for registration for the biennium three-year  
23 registration period is not made before May 1 of each-odd-  
24 numbered the last calendar year of the registration period,  
25 the applicant shall be charged a penalty of five dollars.

26 Sec. 4. Section 462A.5, subsection 6, Code 2005, is  
27 amended to read as follows:

28 6. The owner of each vessel which has a valid marine  
29 document issued by the bureau of customs of the United States  
30 government or any federal agency successor thereto shall  
31 register it every two three years with the county recorder in  
32 the same manner prescribed for undocumented vessels and shall  
33 cause the registration validation decal to be placed on the  
34 vessel in the manner prescribed by the rules of the  
35 commission. When the vessel bears the identification required

1 in the documentation, it is exempt from the placement of the  
2 identification numbers as required on undocumented vessels.  
3 The fee for such registration is twenty-five dollars plus a  
4 writing fee.

5 Sec. 5. Section 462A.12, subsection 6, Code 2005, is  
6 amended to read as follows:

7 6. An owner or operator of a vessel propelled by a motor  
8 of more than ten horsepower shall not permit any person under  
9 twelve years of age to operate the ~~personal-watercraft~~ vessel  
10 unless accompanied in or on the same ~~personal-watercraft~~  
11 vessel by a responsible person of at least eighteen years of  
12 age who is experienced in motorboat operation. Commencing  
13 ~~January-17-2003~~-a A person who is twelve years of age or  
14 older but less than eighteen years of age shall not operate  
15 any ~~personal-watercraft~~ vessel propelled by a motor of more  
16 than ten horsepower unless the person has successfully  
17 completed a department-approved watercraft safety course and  
18 obtained a watercraft safety certificate or is accompanied in  
19 or on the same vessel by a responsible person of at least  
20 eighteen years of age who is experienced in motorboat  
21 operation. A person required to have a watercraft safety  
22 certificate shall carry and shall exhibit or make available  
23 the certificate upon request of an officer of the department.  
24 A violation of this subsection is a simple misdemeanor as  
25 provided in section 462A.13. However, a person charged with  
26 violating this subsection shall not be convicted if the person  
27 produces in court, within a reasonable time, a department-  
28 approved certificate. The cost of a department certificate,  
29 or any duplicate, shall not exceed five dollars.

30 Sec. 6. Section 462A.20, Code 2005, is amended to read as  
31 follows:

32 462A.20 BOAT INSPECTION.

33 ~~Any-person-having~~ A vessel either for hire or offered for  
34 hire upon any waters of this state under the jurisdiction of  
35 the commission~~7-any-vessel7-either-for-hire-or-offered-for~~

1 ~~hire, must have such vessel and all its appurtenances annually~~  
2 may be inspected at any time by representatives of the  
3 commission or by any peace officer who is trained in  
4 enforcing, and who in the regular course of duty enforces,  
5 boating and navigation laws.

6 ~~Every such owner shall file in the office of the~~  
7 ~~commission, an application for inspection of such vessels on a~~  
8 ~~blank furnished by the commission for that purpose.~~

9 Officers appointed by the commission or any peace officer  
10 who is trained in enforcing, and who in the regular course of  
11 duty enforces, boating and navigation laws shall have the  
12 power and authority to determine whether such vessel is safe  
13 for the transportation of passengers or cargo and upon what  
14 waters it may be used. They may determine and designate the  
15 number of passengers or cargo, including crew, that may be  
16 carried and determine whether the machinery, equipment and all  
17 appurtenances are such as to make ~~said vessels~~ the vessel  
18 seaworthy, where used, and such other matters as are  
19 pertinent.

20 ~~After such vessels have been inspected as provided herein,~~  
21 ~~a current inspection seal or tag shall be issued by the~~  
22 ~~commission and shall be kept posted in a conspicuous place~~  
23 ~~upon or in such vessel. Any inspection seal or tag shall be~~  
24 ~~in effect only for the calendar year for which the inspection~~  
25 ~~seal or tag is issued.~~

26 Private vessels may also be inspected to determine their  
27 seaworthiness at any time by representatives of the commission  
28 or by any peace officer who is trained in enforcing, and who  
29 in the regular course of duty enforces, boating and navigation  
30 laws.

31 Sec. 7. Section 462A.23, subsection 1, Code 2005, is  
32 amended to read as follows:

33 1. Any officer appointed by the commission may, for cause,  
34 temporarily suspend the registration certificate of any vessel  
35 ~~and the license of a pilot or engineer,~~ that has been issued

1 under this chapter, and the commission, after a due hearing on  
2 the matter at its next session, shall make final determination  
3 in the matter.

4 Sec. 8. Section 462A.23, subsection 2, unnumbered  
5 paragraph 1, Code 2005, is amended to read as follows:

6 The commission shall forthwith revoke the registration  
7 certificate of any vessel and the ~~pilot's-or-engineer's~~  
8 ~~license-of-the-operator-of-such-vessel~~ owner's or operator's  
9 privilege to operate a vessel for hire or commercial vessel,  
10 upon receiving a record of such owner or operator's conviction  
11 of any of the following offenses, when such conviction has  
12 become final:

13 Sec. 9. Section 462A.23, subsection 3, Code 2005, is  
14 amended to read as follows:

15 3. The commission is hereby authorized to suspend the  
16 registration certificate of any vessel and the ~~pilot's-or~~  
17 ~~engineer's-license-of-an-operator~~ owner's or operator's  
18 privilege to operate a vessel for hire or commercial vessel  
19 upon a showing by its records that the owner or operator:

20 a. Has committed an offense for which mandatory revocation  
21 of the registration certificate or pilot's-or-engineer's  
22 license of the privilege to operate a vessel for hire or  
23 commercial vessel is required upon conviction.

24 b. Is a habitual reckless or negligent operator of a  
25 vessel for hire or commercial vessel.

26 c. Is incompetent to operate a vessel for hire or  
27 commercial vessel.

28 d. Has permitted an unlawful or fraudulent use of such  
29 registration certificate ~~or-pilot's-or-engineer's-license.~~

30 Sec. 10. Section 462A.25, Code 2005, is amended by  
31 striking the section and inserting in lieu thereof the  
32 following:

33 462A.25 PENALTY.

34 If an owner or operator of a vessel for hire or commercial  
35 vessel operated upon the waters of this state under the

1 jurisdiction of the commission permits such vessel to be  
2 occupied by more passengers and crew than the registration  
3 capacity allows or if a person continues to operate a vessel  
4 for hire or commercial vessel after the person's privilege to  
5 operate the vessel has been revoked, the person shall be  
6 guilty of a serious misdemeanor. The provisions of this  
7 section shall not apply to vessels registered or numbered by  
8 authority of the United States.

9 Sec. 11. Section 462A.39, Code 2005, is amended to read as  
10 follows:

11 462A.39 EXPIRATION DATE.

12 Each special certificate issued hereunder shall expire at  
13 midnight on April 30 of each-odd-numbered the last calendar  
14 year of the registration period, and a new special certificate  
15 for the ensuing biennium registration period may be obtained  
16 upon application to the commission and payment of the fee  
17 provided by law.

18 Sec. 12. Section 462A.52, Code 2005, is amended to read as  
19 follows:

20 462A.52 FEES REMITTED TO COMMISSION.

21 1. Within ten days after the end of each month, a county  
22 recorder shall remit to the commission all fees collected by  
23 the recorder during the previous month. Before May 10 ~~in-odd-~~  
24 numbered-years of the registration period beginning May 1 of  
25 that year, a county recorder shall remit to the commission all  
26 unused license blanks for the previous biennium registration  
27 period. All fees collected for the registration of vessels  
28 shall be forwarded by the commission to the treasurer of the  
29 state, who shall place the money in ~~a-special-conservation~~ the  
30 state fish and game protection fund. The money so collected  
31 is appropriated to the commission solely for the  
32 administration and enforcement of navigation laws and water  
33 safety.

34 2. Notwithstanding subsection 1, any increase in revenues  
35 received on or after July 1, 2007, but on or before June 30,

1 2013, pursuant to this section as a result of fee increases  
2 pursuant to this Act, shall be used by the commission only for  
3 the administration and enforcement of programs to control  
4 aquatic invasive species and for the administration and  
5 enforcement of navigation laws and water safety upon the  
6 inland waters of this state.

7 Sec. 13. Section 462A.53, Code 2005, is amended to read as  
8 follows:

9 462A.53 AMOUNT OF WRITING FEES.

10 A writing fee of one dollar and twenty-five cents for each  
11 transaction shall be collected by the county recorder. If two  
12 or more functions are transacted for the same vessel at one  
13 time, the writing fee is limited to one dollar and twenty-  
14 five cents.

15 Sec. 14. Section 462A.66, Code 2005, is amended to read as  
16 follows:

17 462A.66 INSPECTION AUTHORITY.

18 An officer of the commission or any peace officer who is  
19 trained in enforcing, and who in the regular course of duty  
20 enforces, boating and navigation laws may stop and inspect a  
21 vessel being launched, being operated, or being moored on the  
22 waters of this state under the jurisdiction of the commission  
23 to determine whether the vessel is properly registered,  
24 numbered, and equipped as provided under this chapter and  
25 rules of the commission. An officer may board a vessel in the  
26 course of an inspection if the operator is unable to supply  
27 visual evidence that the vessel is properly registered and  
28 equipped as required by this chapter and rules of the  
29 commission. The inspection shall not include an inspection of  
30 an area that is not essential to determine compliance with the  
31 provisions of this chapter and rules of the commission.

32 Sec. 15. Section 462A.77, subsection 1, Code 2005, is  
33 amended to read as follows:

34 1. Except as provided in subsection 3, an owner of a  
35 vessel seventeen feet or longer in length principally used on



1 the waters of the state and to be numbered pursuant to section  
2 462A.4 shall apply to the county recorder of the county in  
3 which the owner resides for a certificate of title for the  
4 vessel. The requirement of a certificate of title does not  
5 apply to canoes, kayaks, or inflatable vessels regardless of  
6 length.

7 Sec. 16. Sections 462A.21 and 462A.22, Code 2005, are  
8 repealed.

9

#### EXPLANATION

10 This bill relates to various water navigation regulations.

11 The bill changes the registration period for a vessel from  
12 two years to three years for vessels registered after January  
13 1, 2007. The bill provides that every registration  
14 certificate and number issued becomes delinquent at midnight  
15 on April 30 of the last calendar year of the registration  
16 period and that if an application for the three-year  
17 registration period is not made before May 1 of the last  
18 calendar year of the registration period, the applicant shall  
19 be charged a penalty of \$5. The bill also provides that an  
20 unregistered vessel that is registered after January 1 of the  
21 year succeeding the beginning of the three-year registration  
22 period may be registered for the remainder of the current  
23 registration period at a prorated amount of the appropriate  
24 registration fee. The bill also changes the registration  
25 period for a vessel with a valid marine document issued by the  
26 bureau of customs of the United States government or any  
27 federal agency successor thereto or for a special certificate  
28 from two to three years.

29 Code section 462A.5 is amended to provide that a vessel  
30 that has an expired registration certificate from another  
31 state may be registered in this state upon proper application,  
32 payment of all applicable registration and writing fees, and  
33 payment of a penalty of \$5.

34 Code section 462A.5 is also amended by increasing the  
35 registration fees for vessels, creating a new registration

1 category for motorboats or sailboats 26 feet or more but less  
2 than 40 feet in length, with a registration fee of \$75, and  
3 creating a new category for motorboats or sailboats 40 feet in  
4 length or more, with a registration fee of \$150. The bill  
5 also provides that there is a separate registration fee for  
6 all personal watercraft of \$75.

7 Code section 462A.12 is amended to provide that an owner or  
8 operator of a vessel propelled by a motor of more than 10  
9 horsepower shall not permit any person under 12 years of age  
10 to operate the vessel unless accompanied in or on the same  
11 vessel by a responsible person of at least 18 years of age who  
12 is experienced in motorboat operation. The bill also provides  
13 that a person who is 12 years of age or older but less than 18  
14 years of age shall not operate any vessel propelled by a motor  
15 of more than 10 horsepower unless the person has successfully  
16 completed a department-approved watercraft safety course and  
17 obtained a watercraft safety certificate or is accompanied in  
18 or on the same vessel by a responsible person of at least 18  
19 years of age who is experienced in motorboat operation. A  
20 person who is required to have a watercraft safety certificate  
21 must carry and exhibit or make the certificate available upon  
22 request of an officer of the department. A violation of this  
23 provision is a simple misdemeanor, except that a person  
24 charged with a violation of this requirement shall not be  
25 convicted if the person produces the certificate in court  
26 within a reasonable time. The bill provides that the cost of  
27 the certificate shall not exceed \$5. Previously these  
28 provisions only applied to persons under 12 years of age or 12  
29 to 18 years of age who operated a personal watercraft.

30 Code section 462A.20 is amended to provide that a vessel,  
31 either for hire or offered for hire, is subject to inspection  
32 at any time, rather than an annual mandatory inspection, by  
33 representatives of the natural resource commission or by any  
34 peace officer who is trained in enforcing, and who in the  
35 regular course of duty enforces, boating and navigation laws.

1 The bill also eliminates the requirement that the owner of a  
2 vessel file an application for inspection of such vessels with  
3 the commission. The bill provides that an officer of the  
4 commission or any peace officer who is trained in enforcing,  
5 and who in the regular course of duty enforces, boating and  
6 navigation laws has the power to determine whether a vessel  
7 for hire is safe and upon what waters it may be used and the  
8 power to determine the seaworthiness of any private vessel.  
9 The bill eliminates the requirement that vessels that have  
10 been inspected be issued a current inspection seal that must  
11 be posted in a conspicuous place and is valid for the calendar  
12 year in which the inspection occurred.

13 Code section 462A.21, which relates to inspections and  
14 annual fees for inspections of vessels operated for hire, and  
15 Code section 462A.22, which relates to engineer or pilot  
16 licenses for operators of vessels for hire, are stricken.  
17 Code section 462A.23 is amended to remove references to  
18 suspension or revocation of a person's pilot's or engineer's  
19 license under specified circumstances and instead applies to  
20 suspension or revocation of a person's privilege to operate a  
21 vessel for hire or commercial vessel under specified  
22 circumstances.

23 Code section 462A.25 concerning penalties applicable to  
24 certain persons holding a pilot's or engineer's license is  
25 stricken and rewritten. New Code section 462A.25 provides  
26 that if an owner or operator of a vessel for hire or  
27 commercial vessel permits such vessel to be occupied by more  
28 passengers and crew than the registration capacity allows or  
29 continues to operate such a vessel after the person's  
30 privilege to operate the vessel has been revoked, the person  
31 is guilty of a serious misdemeanor. A serious misdemeanor is  
32 punishable by confinement for no more than one year and a fine  
33 of at least \$250 but not more than \$1,500.

34 Code section 462A.52 is amended to provide that fees  
35 collected by a county recorder for the registration of vessels

1 shall be forwarded to the state treasurer to be placed in the  
2 state fish and game protection fund, instead of a special  
3 conservation fund. The bill provides that this money is  
4 appropriated to the commission solely for the administration  
5 and enforcement of navigation laws and water safety. The bill  
6 also provides that, notwithstanding these provisions, any  
7 increase in revenues received on or after July 1, 2007,  
8 pursuant to this Code section as a result of fee increases  
9 pursuant to the bill, shall be used by the commission for the  
10 fiscal period beginning July 1, 2007, and ending June 30,  
11 2013, only for the administration and enforcement of programs  
12 to control aquatic invasive species and for the administration  
13 and enforcement of navigation laws and water safety upon the  
14 inland waters of this state. Beginning July 1, 2013, the  
15 moneys collected can be used only for the administration and  
16 enforcement of navigation laws and water safety.

17 Code section 462A.53 is amended to increase the writing fee  
18 paid to the recorder for transactions under Code chapter 462A  
19 from \$1 to \$1.25.

20 Code section 462A.66 is amended to provide that any peace  
21 officer, as well as an officer of the natural resource  
22 commission, may stop and inspect a vessel being launched,  
23 operated, or moored upon the waters of this state to determine  
24 whether the vessel is properly registered, numbered, and  
25 equipped and may board a vessel if the operator is unable to  
26 supply visual evidence that the vessel is properly registered  
27 and equipped, so long as the inspection does not include an  
28 inspection of an area that is not essential to determine  
29 compliance with these provisions.

30 Code section 462A.77 is amended to provide that owners of  
31 kayaks are not required to apply for a certificate of title.

32  
33  
34  
35