

Senate Study Bill 1068

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to various conservation and recreation activities
2 under the purview of the department of natural resources,
3 modifying fees, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1397DP 82
6 av/je/5

PAG LIN

1 1 Section 1. Section 462A.2, Code 2007, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
4 factory=installed or dealer=installed emergency cut-off engine
5 stop switch that is installed on a personal watercraft.
6 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
7 cord used to attach the person of the operator of a personal
8 watercraft to the cut-off switch.

9 Sec. 2. Section 462A.5, subsection 1, unnumbered
10 paragraphs 1 and 2, Code 2007, are amended to read as follows:

11 The owner of each vessel required to be numbered by this
12 state shall register it every three years with the commission
13 through the county recorder of the county in which the owner
14 resides, or, if the owner is a nonresident, the owner shall
15 register it in the county in which such vessel is principally
16 used. The commission shall develop and maintain an electronic
17 system for the registration of vessels pursuant to this
18 chapter. The commission shall have supervisory responsibility
19 over the registration of all vessels and shall provide each
20 county recorder with registration establish forms and
21 certificates and shall allocate identification numbers to each
22 county procedures as necessary for the registration of all
23 vessels.

24 The owner of the vessel shall file an application for
25 registration with the appropriate county recorder on forms
26 provided by the commission. The application shall be
27 completed and signed by the owner of the vessel and shall be
28 accompanied by the appropriate fee, and the writing fee
29 specified in section 462A.53. Upon applying for registration,
30 the owner shall display a bill of sale, receipt, or other
31 satisfactory proof of ownership as provided by the rules of
32 the commission to the county recorder. If the county recorder
33 is not satisfied as to the ownership of the vessel or that
34 there are no undisclosed security interests in the vessel, the
35 county recorder may register the vessel but shall, as a
2 1 condition of issuing a registration certificate, require the
2 2 applicant to follow the procedure provided in section 462A.5A.
2 3 Upon receipt of the application in approved form accompanied
2 4 by the required fees, the county recorder shall enter it upon
2 5 the records of the recorder's office and shall issue to the
2 6 applicant a pocket-size registration certificate. The
2 7 certificate shall be executed in triplicate, one copy to be
2 8 delivered to the owner, one copy to the commission, and one
2 9 copy to be retained on file by the county recorder. The
2 10 registration certificate shall bear the number awarded to the
2 11 vessel, the passenger capacity of the vessel, and the name and
2 12 address of the owner. In the use of all vessels except
2 13 nonpowered sailboats, nonpowered canoes, and commercial
2 14 vessels, the registration certificate shall be carried either
2 15 in the vessel or on the person of the operator of the vessel
2 16 when in use. In the use of nonpowered sailboats, nonpowered
2 17 canoes, or commercial vessels, the registration certificate
2 18 may be kept on shore in accordance with rules adopted by the

2 19 commission. The operator shall exhibit the certificate to a
2 20 peace officer upon request or, when involved in ~~a collision or~~
~~2 21 accident~~ an occurrence of any nature with another vessel or
2 22 other personal property, to the owner or operator of the other
2 23 vessel or personal property.

2 24 Sec. 3. Section 462A.5, subsection 3, unnumbered paragraph
2 25 2, Code 2007, is amended to read as follows:

2 26 Every registration certificate and number issued becomes
2 27 delinquent at midnight April 30 of the last calendar year of
2 28 the registration period unless terminated or discontinued in
2 29 accordance with this chapter. After January 1, 2007, an
2 30 unregistered vessel and a renewal of registration may be
2 31 registered for the three-year registration period beginning
2 32 May 1 of that year. When unregistered vessels are registered
2 33 after May 1 of the second year of the three-year registration
2 34 period, such unregistered vessels may be registered for the
2 35 remainder of the current registration period at ~~sixty-six~~
~~3 1 percent two-thirds~~ of the appropriate registration fee. When
3 2 unregistered vessels are registered after May 1 of the third
3 3 year of the three-year registration period, such unregistered
3 4 vessels may be registered for the remainder of the current
3 5 registration period at ~~thirty-three percent~~ one-third of the
3 6 appropriate registration fee.

3 7 Sec. 4. Section 462A.7, Code 2007, is amended to read as
3 8 follows:

3 9 ~~462A.7 COLLISIONS, ACCIDENTS AND CASUALTIES~~ OCCURRENCES
3 10 INVOLVING VESSELS.

3 11 1. The operator of a vessel involved in ~~a collision,~~
~~3 12 accident or other casualty~~ an occurrence that results in
3 13 personal property damage or the injury or death of a person,
3 14 shall, so far as possible without serious danger to the
3 15 operator's own vessel, crew, or passengers, render to other
3 16 persons affected by the ~~collision, accident or casualty,~~
3 17 occurrence such assistance as may be practicable and necessary
3 18 to save them from or minimize any danger caused by the
3 19 ~~collision, accident or other casualty~~ occurrence. The
3 20 operator shall also give the operator's name, address, and
3 21 identification of the operator's vessel in writing to any
3 22 person injured and to the owner of any property damaged in the
3 23 ~~collision, accident or other casualty~~ occurrence.

3 24 2. Whenever any vessel is involved in ~~a collision,~~
~~3 25 accident or casualty~~ an occurrence that results in personal
3 26 property damage or the injury or death of a person, except one
3 27 which results only in property damage not exceeding ~~five~~
~~3 28 hundred two thousand~~ dollars, a report ~~thereof of the~~
3 29 occurrence shall be filed with the commission. The report
3 30 shall be filed by the operator of the vessel and shall contain
3 31 such information as the commission may, by rule, require. The
3 32 report shall be submitted ~~without delay~~ within forty-eight
3 33 hours of the occurrence in cases that result in death, or
3 34 disappearance cases, or personal injuries requiring medical
3 35 treatment by a licensed health care provider, and within five
4 1 days of the occurrence in all other cases.

4 2 3. Every law enforcement officer who, in the regular
4 3 course of duty, investigates an occurrence which is required
4 4 to be reported by this section, shall, after completing such
4 5 investigation, forward a report of such occurrence to the
4 6 commission.

4 7 4. a. All reports shall be in writing. A vessel
4 8 operator's report shall be without prejudice to the person
4 9 making the report and shall be for the confidential use of the
4 10 department. However, upon request the department shall
4 11 disclose the identities of the persons on board the vessels
4 12 involved in the occurrence and their addresses. Upon request
4 13 of a person who made and filed a vessel operator's report, the
4 14 department shall provide a copy of the vessel operator's
4 15 report to the requester. A written vessel operator's report
4 16 filed with the department shall not be admissible in or used
4 17 in evidence in any civil or criminal action arising out of the
4 18 facts on which the report is based.

4 19 b. All written reports filed by law enforcement officers
4 20 as required under subsection 3 are confidential to the extent
4 21 provided in section 22.7, subsection 5, and section 622.11.
4 22 However, a completed law enforcement officer's report shall be
4 23 made available by the department or the investigating law
4 24 enforcement agency to any party to ~~a boating accident,~~
~~4 25 collision, or other casualty~~ an occurrence involving a vessel,
4 26 the party's insurance company or its agent, or the party's
4 27 attorney on written request and payment of a fee.

4 28 5. Failure of the operator of any vessel involved in ~~a~~
~~4 29 collision, accident, or other casualty,~~ an occurrence to offer

4 30 assistance and aid to other persons affected by such
4 31 ~~collision, accident, or casualty occurrence~~, as set forth in
4 32 this chapter, or to otherwise comply with the requirements of
4 33 subsection 1, is punishable as follows:

4 34 a. In the event of ~~a collision, accident, or other~~
4 35 ~~casualty an occurrence~~ resulting only in property damage, the
5 1 operator is guilty upon conviction of a simple misdemeanor.

5 2 b. In the event of ~~a collision, accident, or other~~
5 3 ~~casualty an occurrence~~ resulting in an injury to a person, the
5 4 operator is guilty upon conviction of a serious misdemeanor.

5 5 c. In the event of ~~a collision, accident, or other~~
5 6 ~~casualty an occurrence~~ resulting in a serious injury to a
5 7 person, the operator is guilty upon conviction of an
5 8 aggravated misdemeanor.

5 9 d. In the event of ~~a collision, accident, or other~~
5 10 ~~casualty an occurrence~~ resulting in the death of a person, the
5 11 operator is guilty upon conviction of a class "D" felony.

5 12 Sec. 5. Section 462A.9, Code 2007, is amended by adding
5 13 the following new subsection:

5 14 NEW SUBSECTION. 12A. An owner of a personal watercraft
5 15 equipped with a cut-off switch shall maintain the cut-off
5 16 switch and the accompanying cut-off switch lanyard in an
5 17 operable, fully functional condition.

5 18 Sec. 6. Section 462A.12, Code 2007, is amended by adding
5 19 the following new subsection:

5 20 NEW SUBSECTION. 14. A person shall not operate a personal
5 21 watercraft that is equipped with a cut-off switch, at any
5 22 time, without first attaching the accompanying cut-off switch
5 23 lanyard to the operator's person while the engine is running
5 24 and the personal watercraft is in use.

5 25 Sec. 7. Section 462A.14A, subsection 3, paragraph b, Code
5 26 2007, is amended to read as follows:

5 27 b. The motorboat or sailboat has been involved in an
5 28 ~~accident or collision occurrence~~ resulting in personal injury
5 29 or death.

5 30 Sec. 8. Section 462A.23, subsection 2, paragraph c, Code
5 31 2007, is amended to read as follows:

5 32 c. Failure to stop and render aid as required by this
5 33 chapter when ~~a collision, accident or other casualty an~~
5 34 ~~occurrence involving a vessel~~ results in the death or personal
5 35 injury of another.

6 1 Sec. 9. Section 462A.43, Code 2007, is amended to read as
6 2 follows:

6 3 462A.43 TRANSFER OF OWNERSHIP.

6 4 Upon the transfer of ownership of any vessel, the owner,
6 5 except as otherwise provided by this chapter, shall complete
6 6 the form on the back of the registration certificate and shall
6 7 deliver it to the purchaser or transferee at the time of
6 8 delivering the vessel. ~~All registrations must be valid for the~~
6 9 ~~current registration period prior to the transfer of any~~
6 10 ~~registration, including assignment to a dealer. If a vessel has~~
6 11 ~~an expired registration at the time of transfer, the~~
6 12 ~~transferee shall pay all applicable fees for the current~~
6 13 ~~registration period, the appropriate writing fee, and a~~
6 14 ~~penalty of five dollars, and a transfer of number shall be~~
6 15 ~~awarded in the same manner as provided for in an original~~
6 16 ~~registration.~~

6 17 Sec. 10. Section 481A.55, subsection 1, Code 2007, is
6 18 amended to read as follows:

6 19 1. Except as otherwise provided, a person shall not buy or
6 20 sell, dead or alive, a bird or animal or any part of one which
6 21 is protected by this chapter, but this section does not apply
6 22 to fur-bearing animals, bones of wild turkeys that were
6 23 legally taken, and the skins, plumage, and antlers of legally
6 24 taken game. This section does not prohibit the purchase of
6 25 jackrabbits from sources outside this state. A person shall
6 26 not purchase, sell, barter, or offer to purchase, sell, or
6 27 barter for millinery or ornamental use the feathers of
6 28 migratory game birds; and a person shall not purchase, sell,
6 29 barter, or offer to purchase, sell, or barter mounted
6 30 specimens of migratory game birds.

6 31 Sec. 11. Section 481A.123, Code 2007, is amended by adding
6 32 the following new subsection:

6 33 NEW SUBSECTION. 5. This section does not apply to the
6 34 discharge of a firearm on a farm unit by the owner or tenant
6 35 of the farm unit or by a family member of the owner or tenant
7 1 of the farm unit.

7 2 As used in this subsection, "family member", "farm unit",
7 3 "owner", and "tenant" mean the same as defined in section
7 4 483A.24, subsection 2.

7 5 Sec. 12. Section 481A.130, subsection 1, paragraph g, Code

7 6 2007, is amended to read as follows:

7 7 g. For each antlered deer, reimbursement shall be based on
7 8 the ~~point~~ score of the antlered deer as measured by the Boone
7 9 and Crockett club's ~~net~~ scoring system for whitetail deer as
7 10 follows:

7 11 (1) ~~150 points gross inches~~ or less: A minimum of two
7 12 thousand dollars and not more than five thousand dollars, and
7 13 eighty hours of community service or, in lieu of the community
7 14 service, a minimum of four thousand dollars and not more than
7 15 ten thousand dollars, in an amount that is deemed reasonable
7 16 by the court.

7 17 (2) More than ~~150 points gross inches~~: A minimum of five
7 18 thousand dollars and not more than ten thousand dollars, and
7 19 eighty hours of community service or, in lieu of the community
7 20 service, a minimum of ten thousand dollars and not more than
7 21 twenty thousand dollars, in an amount that is deemed
7 22 reasonable by the court.

7 23 Sec. 13. Section 481A.133, Code 2007, is amended to read
7 24 as follows:

7 25 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
7 26 PERMITS.

7 27 A person who is assessed damages pursuant to section
7 28 481A.130 shall immediately surrender all licenses,
7 29 certificates, and permits to hunt, fish, or trap in the state
7 30 to the department. The licenses, permits, and certificates,
7 31 and the privileges associated with them shall remain suspended
7 32 until the assessed damages and any accrued interest are paid
7 33 ~~or a payment schedule is established by the court in full.~~

7 34 Upon payment of the assessed damages and any accrued interest,
7 35 the suspension shall be lifted. ~~If a payment schedule is~~

~~8 1 established, the suspension shall be lifted and remain so
8 2 unless the person fails to make a payment pursuant to that
8 3 schedule. Failure to make a payment shall cause the
8 4 suspension to be renewed. Interest shall begin to accrue as of
8 5 the date of judgment at a rate of ten percent per year.~~

8 6 Sec. 14. Section 483A.27, subsections 1 and 7, Code 2007,
8 7 are amended to read as follows:

8 8 1. A person born after January 1, ~~1967~~ 1972, shall not
8 9 obtain a hunting license unless the person has satisfactorily
8 10 completed a hunter safety and ethics education course approved
8 11 by the commission. A person who is eleven years of age or
8 12 more may enroll in an approved hunter safety and ethics
8 13 education course, but a person who is eleven years of age and
8 14 who has successfully completed the course shall be issued a
8 15 certificate of completion which becomes valid on the person's
8 16 twelfth birthday. A certificate of completion from an
8 17 approved hunter safety and ethics education course issued in
8 18 this state since 1960, by another state, or by a foreign
8 19 nation, is valid for the requirements of this section.

8 20 7. A hunting license obtained under this section by a
8 21 person who gave false information or presented a fraudulent
8 22 certificate of completion shall be revoked and a new hunting
8 23 license shall not be issued for at least two years from the
8 24 date of conviction. A hunting license obtained by a person
8 25 who was born after January 1, ~~1967~~ 1972, but has not
8 26 satisfactorily completed the hunter safety and ethics
8 27 education course or has not met the requirements established
8 28 by the commission, shall be revoked.

8 29 Sec. 15. Section 805.8B, subsection 1, paragraph b, Code
8 30 2007, is amended to read as follows:

8 31 b. For violations of registration, identification, and
8 32 record provisions under sections 462A.4 and 462A.10, and for
8 33 unused or improper or defective equipment under section
8 34 462A.9, subsections 2, 6, 7, 8, ~~12A~~, and 13, and section
8 35 462A.11, and for operation violations under sections 462A.26,
9 1 462A.31, and 462A.33, the scheduled fine is twenty dollars.

9 2 EXPLANATION

9 3 This bill contains provisions relating to the regulation of
9 4 various conservation and recreation activities under the
9 5 purview of the department of natural resources.

9 6 Code section 462A.2 is amended to define a "cut-off switch"
9 7 as an operable factory-installed or dealer-installed emergency
9 8 cut-off engine stop switch that is installed on a personal
9 9 watercraft, and to define a "cut-off switch lanyard" as the
9 10 cord used to attach the person of the operator of a personal
9 11 watercraft to the cut-off switch.

9 12 Code section 462A.5, subsection 1, is amended to provide
9 13 that the fee for a vessel registration which is renewed after
9 14 May 1 of the second year of the three-year registration period
9 15 is two-thirds instead of 66 percent of the appropriate
9 16 registration fee. The fee for a vessel registration which is

9 17 renewed after May 1 of the third year of the registration
9 18 period is one-third instead of 33 percent of the appropriate
9 19 registration fee.

9 20 Code sections 462A.5, 462A.7, 462A.14A, and 462A.23 are
9 21 amended to change language referring to collisions, accidents,
9 22 and casualties involving vessels to refer to occurrences
9 23 involving vessels.

9 24 Code section 462A.7 is also amended to provide that the
9 25 owner of a vessel shall give assistance, so far as possible,
9 26 and provide the vessel operator's name, address, and vessel
9 27 identification to any person who is injured or whose property
9 28 is damaged when the operator's vessel is involved in an
9 29 occurrence that results in personal property damage or that
9 30 results in the injury or death of a person. Code section
9 31 462A.7 is also amended to provide that when any vessel is
9 32 involved in such an occurrence, except one which results only
9 33 in property damage not exceeding \$2,000, a report must be
9 34 filed with the natural resource commission by the operator of
9 35 the vessel involved. Previously, a report had to be filed
10 1 when the property damage exceeded \$500. The report must be
10 2 filed within 48 hours of the occurrence when a person dies,
10 3 disappears, or suffers an injury requiring medical treatment
10 4 by a licensed health care provider. In all other cases, the
10 5 report must be filed within five days of the occurrence.

10 6 Code section 462A.9 is amended to provide that the owner of
10 7 a personal watercraft equipped with a cut-off switch must
10 8 maintain the cut-off switch and the accompanying cut-off
10 9 switch lanyard in an operable, fully functional condition. A
10 10 violation of this new provision is punishable by a scheduled
10 11 fine of \$20 under Code section 805.8B.

10 12 Code section 462A.12 is amended to prohibit a person from
10 13 operating a personal watercraft that is equipped with a cut-
10 14 off switch, at any time, without first attaching the
10 15 accompanying cut-off switch lanyard to the operator's person
10 16 while the engine is running and the personal watercraft is in
10 17 use. A violation of this provision is punishable by a
10 18 scheduled fine of \$25.

10 19 Code section 462A.43 is amended to provide that if a vessel
10 20 has an expired registration at the time of a transfer of
10 21 ownership of the vessel, the transferee is required to pay all
10 22 applicable fees for the current registration period, the
10 23 appropriate writing fee, and a \$5 penalty, after which a
10 24 transfer of number for the vessel will be awarded in the same
10 25 manner as an original registration.

10 26 Code section 481A.55, subsection 1, is amended to allow a
10 27 person to buy or sell the bones of wild turkeys that were
10 28 legally taken. A violation of this provision is punishable by
10 29 a scheduled fine of \$50.

10 30 Code section 481A.123 is amended to provide that the
10 31 prohibitions of the section against discharging a firearm
10 32 within 200 yards of a building inhabited by people or
10 33 livestock, or a feedlot, do not apply to the discharge of a
10 34 firearm on a farm unit by owners, tenants, or their family
10 35 members who reside on the farm unit. The terms "family
11 1 member", "farm unit", "owner", and "tenant" are defined to
11 2 mean the same as in Code section 483A.24, which deals with the
11 3 rights of resident landowners, tenants, and their families who
11 4 reside with them, to hunt on farm units which are in tracts of
11 5 two or more contiguous acres, are operated as a unit for
11 6 agricultural purposes, and are under the lawful control of the
11 7 owner or the tenant.

11 8 Code section 481A.130 is amended to provide that a person
11 9 who unlawfully takes an antlered deer shall be assessed
11 10 damages for reimbursement to the state based on the score of
11 11 the deer as measured by the Boone and Crockett Club's scoring
11 12 system, instead of net scoring system, for whitetail deer,
11 13 based on the gross inches score, not the point score of the
11 14 deer.

11 15 Code section 481A.133 is amended to provide that when a
11 16 person is assessed damages for unlawfully selling, taking,
11 17 catching, killing, injuring, destroying, or possessing an
11 18 animal, the person's licenses, certificates, and permits are
11 19 suspended until payment in full of the assessed damages and
11 20 accrued interest. The bill removes the option that allowed a
11 21 person to pay damages pursuant to a payment schedule. The
11 22 bill also specifies that interest begins to accrue as of the
11 23 date of judgment at a rate of 10 percent per year.

11 24 Code section 483A.27 is amended to provide that a person
11 25 born after January 1, 1972, instead of January 1, 1967, must
11 26 complete a hunter safety and ethics education course before
11 27 obtaining a hunting license and that a hunting license

11 28 obtained by a such a person who has not completed the required
11 29 course shall be revoked. A violation of these provisions is
11 30 punishable by a scheduled fine of \$20.
11 31 LSB 1397DP 82
11 32 av:nh/je/5.1