

Senate Study Bill 3119 - Introduced

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

A BILL FOR

1 An Act relating to various conservation and recreation
2 activities under the purview of the department of natural
3 resources, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80B.3, subsection 3, Code 2009, is
2 amended to read as follows:

3 3. "*Law enforcement officer*" means ~~an~~ a full-time officer
4 appointed by the director of the department of natural
5 resources pursuant to section 456A.13, a member of a police
6 force or other agency or department of the state, county,
7 city, or tribal government regularly employed as such and who
8 is responsible for the prevention and detection of crime and
9 the enforcement of the criminal laws of this state and all
10 individuals, as determined by the council, who by the nature of
11 their duties may be required to perform the duties of a peace
12 officer.

13 Sec. 2. Section 321G.1, Code 2009, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means a
16 snowmobile riding trail on any public land, private land, or
17 ice that has been designated by the department, a political
18 subdivision, or a controlling authority for snowmobile use.

19 NEW SUBSECTION. 5B. "*Direct supervision*" means to provide
20 supervision of another person while maintaining visual and
21 verbal contact at all times.

22 Sec. 3. Section 321G.1, subsection 19, Code 2009, is amended
23 to read as follows:

24 19. "*Safety Education certificate*" means a snowmobile
25 safety education certificate, approved by the commission, which
26 is issued to a qualified applicant who is twelve years of age
27 or older.

28 Sec. 4. Section 321G.2, subsection 1, paragraphs c, e, and
29 f, Code Supplement 2009, are amended to read as follows:

30 c. Use of snowmobiles on designated snowmobile trails
31 and public lands under the jurisdiction of the commission.

32 e. Establishment of a program of grants, subgrants,
33 and contracts to be administered by the department for the
34 development, maintenance, signing, and operation of designated
35 snowmobile trails and the operation of grooming equipment by

1 political subdivisions and incorporated private organizations.

2 *f.* Issuance of safety education certificates.

3 Sec. 5. Section 321G.2, subsection 1, Code Supplement 2009,
4 is amended by adding the following new paragraph:

5 NEW PARAGRAPH. 1. Maintenance, signing, and operation of
6 designated snowmobile trails.

7 Sec. 6. Section 321G.3, subsection 2, Code 2009, is amended
8 by striking the subsection.

9 Sec. 7. Section 321G.3, subsection 3, Code 2009, is amended
10 to read as follows:

11 ~~3-~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as
12 a scheduled violation under section 805.8B, subsection 2,
13 paragraph "a". When the scheduled fine is paid, the violator
14 shall submit proof to the department that a valid registration
15 or user permit has been obtained by providing a copy of the
16 registration or user permit to the department within thirty
17 days of the date the fine is paid. A person who violates this
18 subsection is guilty of a simple misdemeanor.

19 Sec. 8. Section 321G.4, subsection 2, Code 2009, is amended
20 to read as follows:

21 2. The owner of the snowmobile shall file an application
22 for registration with the department through a the county
23 recorder of the county of residence in the manner established
24 by the commission. The application shall be completed by the
25 owner and shall be accompanied by a fee of fifteen dollars and
26 a writing fee as provided in section 321G.27. A snowmobile
27 shall not be registered by the county recorder until the
28 county recorder is presented with receipts, bills of sale,
29 or other satisfactory evidence that the sales or use tax has
30 been paid for the purchase of the snowmobile or that the
31 owner is exempt from paying the tax. A snowmobile that has
32 an expired registration certificate from another state may be
33 registered in this state upon proper application, payment of
34 all applicable registration and writing fees, and payment of a
35 penalty of five dollars.

1 Sec. 9. Section 321G.6, subsection 3, Code 2009, is amended
2 to read as follows:

3 3. Duplicate registrations may be issued ~~upon application~~
4 ~~to the~~ by a county recorder and or a license agent upon the
5 payment of a five dollar fee plus a writing fee as provided in
6 section 321G.27.

7 Sec. 10. Section 321G.7, subsection 1, Code 2009, is amended
8 to read as follows:

9 1. A county recorder or license agent shall remit to the
10 commission the snowmobile fees collected by the recorder
11 or license agent in the manner and time prescribed by the
12 department.

13 Sec. 11. Section 321G.8, subsection 1, Code 2009, is amended
14 to read as follows:

15 1. Snowmobiles owned and used by the United States,
16 ~~another~~ this state, or a political subdivision of
17 ~~another~~ this state.

18 Sec. 12. Section 321G.9, subsection 6, Code 2009, is amended
19 by striking the subsection.

20 Sec. 13. Section 321G.12, Code 2009, is amended to read as
21 follows:

22 **321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight —**
23 **brakes.**

24 Every snowmobile shall be equipped with at least one
25 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every
26 snowmobile shall be equipped with brakes.

27 Sec. 14. Section 321G.17, Code 2009, is amended to read as
28 follows:

29 **321G.17 Violation of stop signal.**

30 A person, ~~after having~~ who has received a visual or audible
31 signal from a peace officer to come to a stop, shall not
32 operate a snowmobile in willful or wanton disregard of the
33 signal, ~~or~~ interfere with or endanger the officer or any other
34 person or vehicle, ~~or~~ increase speed, or attempt to flee or
35 elude the officer.

1 Sec. 15. Section 321G.20, Code 2009, is amended to read as
2 follows:

3 **321G.20 Minors under ~~twelve~~ sixteen — supervision**
4 **requirements.**

5 1. An owner or operator of a snowmobile shall not permit a
6 person under twelve years of age to operate and a person less
7 than twelve years of age shall not operate, a snowmobile on a
8 designated snowmobile trail, public land, or ice except when
9 accompanied on the same snowmobile by a responsible person of
10 at least eighteen years of age who is experienced in snowmobile
11 operation and who possesses a valid driver's license, as
12 defined in section 321.1, or a ~~safety~~ an education certificate
13 issued under this chapter.

14 2. While operating a snowmobile on a designated snowmobile
15 trail, public land, or ice, a person twelve to fifteen years
16 of age and possessing a valid education certificate must
17 be under the direct supervision of a parent, guardian, or
18 another adult authorized by the parent or guardian, who is
19 experienced in snowmobile operation, and who possesses a valid
20 driver's license, as defined in section 321.1, or an education
21 certificate issued under this chapter.

22 3. A person under sixteen years of age shall not operate a
23 snowmobile on or across a public highway unless the person has
24 in the person's possession an education certificate issued to
25 the person pursuant to this chapter.

26 Sec. 16. Section 321G.21, subsections 1 through 5, Code
27 Supplement 2009, are amended to read as follows:

28 1. A manufacturer, distributor, or dealer owning a
29 snowmobile required to be registered under this chapter
30 may operate the snowmobile for purposes of transporting,
31 testing, demonstrating, or selling it without the snowmobile
32 being registered, except that a special ~~identification~~
33 ~~number~~ registration decal issued to the owner as provided
34 in this chapter shall be displayed on the snowmobile in the
35 manner prescribed by rules of the commission. The special

1 ~~identification number~~ registration decal shall not be used
2 on a snowmobile offered for hire or for any work or service
3 performed by a manufacturer, distributor, or dealer.

4 2. Every manufacturer, distributor, or dealer shall
5 register with the department by making application to the
6 commission, upon forms prescribed by the commission, for
7 a special registration certificate ~~containing a general~~
8 ~~identification number and for one or more duplicate special~~
9 ~~registration certificates and decal~~. The applicant shall pay
10 a registration fee of ~~fifteen~~ forty-five dollars and submit
11 reasonable proof of the applicant's status as a bona fide
12 manufacturer, distributor, or dealer as may be required by the
13 commission.

14 3. The commission, upon granting an application,
15 shall issue to the applicant a special registration
16 certificate ~~containing~~ and decal. The special registration
17 certificate shall contain the applicant's name, and address,
18 the and general identification number; ~~assigned to~~
19 ~~the applicant,~~ the word "manufacturer", "dealer", or
20 "distributor"; and other information the commission
21 prescribes. ~~The manufacturer, distributor, or dealer shall~~
22 ~~have the assigned number printed upon or attached to a~~
23 ~~removable sign or signs which may be temporarily but firmly~~
24 ~~mounted or attached to the snowmobile being used. The display~~
25 ~~shall meet the requirements of this chapter and the rules of~~
26 ~~the commission.~~

27 4. The commission shall also issue duplicate special
28 registration certificates and decals which shall have displayed
29 thereon the general identification number assigned to the
30 applicant. ~~Each duplicate registration certificate so issued~~
31 ~~shall contain a number or symbol identifying it from every~~
32 ~~other duplicate special registration certificate bearing~~
33 ~~the same general identification number.~~ The fee for each
34 additional duplicate special registration certificate and
35 decal shall be ~~two~~ five dollars.

1 5. Each special registration certificate issued
2 ~~hereunder~~ under this section shall be for a period of three
3 years and shall expire on December 31 of each the renewal year,
4 ~~and a.~~ A new special registration certificate for the ensuing
5 ~~twelve months~~ three-year renewal period may be obtained upon
6 application to the commission and payment of the fee provided
7 by law.

8 Sec. 17. Section 321G.23, Code 2009, is amended to read as
9 follows:

10 **321G.23 Course of instruction.**

11 1. The commission shall provide, by rules adopted pursuant
12 to section 321G.2, for the establishment of certified courses
13 of instruction to be conducted throughout the state for the
14 safe use and operation of snowmobiles. The curriculum shall
15 include instruction in the lawful and safe use, operation, and
16 equipping of snowmobiles consistent with this chapter and rules
17 adopted by the commission and the director of transportation
18 and other matters the commission deems pertinent for a
19 qualified snowmobile operator. The commission may establish
20 a fee for the course which shall not exceed the actual cost
21 of instruction minus moneys received by the department from
22 ~~safety~~ education certificate fees under section 321G.24.

23 2. The commission may certify any experienced, qualified
24 operator to be an instructor of a class established under
25 subsection 1. Each instructor shall be at least eighteen years
26 of age.

27 3. Upon completion of the course of instruction, the
28 commission shall provide for the administration of a written
29 test to any student who wishes to qualify for a ~~safety~~ an
30 education certificate.

31 4. The commission shall provide ~~safety~~ education material
32 relating to the operation of snowmobiles for the use of
33 nonpublic or public elementary and secondary schools in this
34 state.

35 5. The department may develop requirements and standards

1 for online education offerings. Only vendors who have entered
2 into a memorandum of understanding with the department
3 shall be permitted to offer an online course that results
4 in the issuance of an education certificate approved by the
5 commission. Vendors may charge for their courses and collect
6 the education certificate fee required under section 321G.24,
7 subsection 2, on behalf of the department as agreed to in the
8 memorandum of understanding.

9 Sec. 18. Section 321G.24, Code Supplement 2009, is amended
10 to read as follows:

11 **321G.24 Safety Education certificate — fee.**

12 1. A person under eighteen years of age shall not operate
13 a snowmobile on public land or ice or land purchased with
14 snowmobile registration funds in this state without obtaining a
15 valid safety education certificate issued by the department and
16 having the certificate in the person's possession, unless the
17 person is accompanied on the same snowmobile by a responsible
18 person of at least eighteen years of age who is experienced in
19 snowmobile operation and possesses a valid driver's license, as
20 defined in section 321.1, or a ~~safety~~ an education certificate
21 issued under this chapter.

22 2. Upon ~~application~~ successful completion of the course and
23 payment of a fee of five dollars, a qualified applicant
24 shall be issued a ~~safety~~ an education certificate which is
25 valid until the certificate is suspended or revoked by the
26 director for a violation of a provision of this chapter or a
27 rule adopted pursuant to this chapter. ~~The application shall~~
28 ~~be made on forms issued by the commission and shall contain~~
29 ~~information as the commission may reasonably require.~~

30 3. Any person who is required to have a ~~safety~~ an
31 education certificate under this chapter and who has completed
32 a course of instruction established under section 321G.2,
33 subsection 1, paragraph "j", including the successful passage
34 of an examination which includes a written test relating to
35 such course of instruction, shall be considered qualified to

1 receive a ~~safety~~ an education certificate.

2 4. The ~~permit~~ certificate fees collected under this section
3 shall be credited to the special snowmobile fund created under
4 section 321G.7 and shall be used for safety and educational
5 programs.

6 5. A valid snowmobile safety or education certificate or
7 license issued to a nonresident by a governmental authority
8 of another state shall be considered a valid certificate
9 or license in this state if the ~~permit~~ certification or
10 ~~license~~ licensing requirements of the governmental authority,
11 ~~excluding fees,~~ are substantially the same as the requirements
12 of this chapter as determined by the commission.

13 Sec. 19. Section 321G.29, subsection 8, Code 2009, is
14 amended to read as follows:

15 8. Once titled, a person shall not sell or transfer
16 ownership of a snowmobile without delivering to the purchaser
17 or transferee a certificate of title with an assignment on it
18 showing title in the ~~purchaser or transferee~~ purchaser's or
19 transferee's name. A person shall not purchase or otherwise
20 acquire a snowmobile without obtaining a certificate of title
21 for it in that person's name.

22 Sec. 20. Section 321G.31, subsection 1, Code 2009, is
23 amended to read as follows:

24 1. If ownership of a snowmobile is transferred by
25 operation of law, such as by inheritance, order in bankruptcy,
26 insolvency, replevin, or execution sale, the transferee, within
27 thirty days after acquiring the right to possession of the
28 snowmobile, shall mail or deliver to the county recorder of
29 the transferee's county of residence satisfactory proof of
30 ownership as the county recorder requires, together with an
31 application for a new certificate of title, and the required
32 fee.

33 Sec. 21. Section 321G.33, subsections 1 and 3, Code 2009,
34 are amended to read as follows:

35 1. The department may assign a distinguishing number to

1 a snowmobile when the serial number on the snowmobile is
2 destroyed or obliterated and issue to the owner a special
3 plate decal bearing the distinguishing number which shall be
4 affixed to the snowmobile in a position to be determined by
5 the department. The snowmobile shall be registered and titled
6 under the distinguishing number in lieu of the former serial
7 number. Every snowmobile shall have a vehicle identification
8 number assigned and affixed as required by the department.

9 3. A person shall not destroy, remove, alter, cover, or
10 deface the manufacturer's vehicle identification number, the
11 plate or decal bearing it, or any vehicle identification number
12 the department assigns to a snowmobile without the department's
13 permission.

14 Sec. 22. Section 321I.1, subsection 1, paragraph b, Code
15 Supplement 2009, is amended to read as follows:

16 b. Off-road motorcycles shall be considered all-terrain
17 vehicles for the purpose of registration. Off-road motorcycles
18 shall also be considered all-terrain vehicles for the
19 purpose of titling if a title has not previously been
20 issued pursuant to chapter 321. An operator of an off-road
21 motorcycle is subject to provisions governing the operation
22 of all-terrain vehicles in this chapter, but is exempt from
23 the safety education instruction and certification program
24 requirements of sections 321I.25 and 321I.26.

25 Sec. 23. Section 321I.1, subsection 16, paragraph b, Code
26 Supplement 2009, is amended to read as follows:

27 b. An owner of an off-road utility vehicle may register
28 or title an off-road utility vehicle in order to legally
29 operate the off-road vehicle on public ice, a designated
30 riding area, or a designated riding trail. The operator of an
31 off-road utility vehicle is subject to provisions governing the
32 operation of all-terrain vehicles in section 321.234A and this
33 chapter, but is exempt from the safety education instruction
34 and certification program requirements of sections 321I.25 and
35 321I.26. An operator of an off-road utility vehicle shall not

1 operate the vehicle on a designated riding area or designated
2 riding trail unless the department has posted signage
3 indicating the riding area or trail is open to the operation
4 of off-road utility vehicles. Off-road utility vehicles are
5 exempt from the dealer registration and titling requirements
6 of this chapter. A motorized vehicle that was previously
7 titled or is currently titled under chapter 321 shall not be
8 registered or operated as an off-road utility vehicle.

9 Sec. 24. Section 321I.1, subsection 25, Code Supplement
10 2009, is amended to read as follows:

11 25. ~~"Safety~~ "Education certificate" means an all-terrain
12 vehicle ~~safety~~ education certificate, approved by the
13 commission, which is issued to a qualified applicant who is
14 twelve years of age or older.

15 Sec. 25. Section 321I.2, subsection 1, paragraph f, Code
16 Supplement 2009, is amended to read as follows:

17 f. Issuance of ~~safety~~ education certificates.

18 Sec. 26. Section 321I.3, subsection 2, Code 2009, is amended
19 by striking the subsection.

20 Sec. 27. Section 321I.3, subsection 3, Code 2009, is amended
21 to read as follows:

22 ~~3-~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as
23 a scheduled violation under section 805.8B, subsection 2A,
24 paragraph "a". When the scheduled fine is paid, the violator
25 shall submit proof to the department that a valid registration
26 or user permit has been obtained by providing a copy of the
27 registration or user permit to the department within thirty
28 days of the date the fine is paid. A person who violates this
29 subsection is guilty of a simple misdemeanor.

30 Sec. 28. Section 321I.4, subsection 2, Code 2009, is amended
31 to read as follows:

32 2. The owner of the all-terrain vehicle shall file an
33 application for registration with the department through
34 a the county recorder of the county of residence in the
35 manner established by the commission. The application shall

1 be completed by the owner and shall be accompanied by a fee
2 of fifteen dollars and a writing fee as provided in section
3 321I.29. An all-terrain vehicle shall not be registered by the
4 county recorder until the county recorder is presented with
5 receipts, bills of sale, or other satisfactory evidence that
6 the sales or use tax has been paid for the purchase of the
7 all-terrain vehicle or that the owner is exempt from paying the
8 tax. An all-terrain vehicle that has an expired registration
9 certificate from another state may be registered in this state
10 upon proper application, payment of all applicable registration
11 and writing fees, and payment of a penalty of five dollars.

12 Sec. 29. Section 321I.7, subsections 3 and 4, Code 2009, are
13 amended to read as follows:

14 3. Duplicate registrations may be issued ~~upon application~~
15 ~~to the~~ by a county recorder or a license agent and the payment
16 of a five dollar fee plus a writing fee as provided in section
17 321I.29.

18 4. A motorcycle, as defined in section 321.1, subsection
19 40, paragraph "a", may be registered as an all-terrain vehicle
20 as provided in this section. A motorcycle registered as an
21 all-terrain vehicle may participate in all programs established
22 for all-terrain vehicles under this chapter except for the
23 safety education instruction and certification program.

24 Sec. 30. Section 321I.8, Code 2009, is amended to read as
25 follows:

26 **321I.8 Fees remitted to commission — appropriation.**

27 1. A county recorder or license agent shall remit to the
28 commission the all-terrain vehicle fees collected by the
29 recorder or license agent in the manner and time prescribed by
30 the department.

31 2. The department shall remit the fees, including user
32 fees collected pursuant to section 321I.5, to the treasurer
33 of state, who shall place the money in a special all-terrain
34 vehicle fund. The money is appropriated to the department for
35 the all-terrain vehicle programs of the state. The programs

1 shall include grants, subgrants, contracts, or cost-sharing
2 of all-terrain vehicle programs with political subdivisions
3 or incorporated private organizations or both in accordance
4 with rules adopted by the commission. All-terrain vehicle fees
5 may be used for the establishment, maintenance, and operation
6 of all-terrain vehicle recreational riding areas through the
7 awarding of grants administered by the department. All-terrain
8 vehicle recreational riding areas established, maintained, or
9 operated by the use of such grants shall not be operated for
10 profit. All programs using cost-sharing, grants, subgrants,
11 or contracts shall establish and implement ~~a safety~~ an
12 education instruction program either singly or in cooperation
13 with other all-terrain vehicle programs. All-terrain vehicle
14 fees may be used to support all-terrain vehicle programs on
15 a usage basis. At least fifty percent of the special fund
16 shall be available for political subdivisions or incorporated
17 private organizations or both. Moneys from the special fund
18 not used by the political subdivisions or incorporated private
19 organizations or both shall remain in the fund and may be used
20 by the department for the administration of the all-terrain
21 vehicle programs. Notwithstanding section 8.33, moneys in the
22 special fund shall not revert to the general fund of the state
23 at the end of a fiscal year. Notwithstanding section 12C.7,
24 subsection 2, interest or earnings on moneys in the special
25 fund shall remain in the fund.

26 Sec. 31. Section 321I.9, subsection 1, Code 2009, is amended
27 to read as follows:

28 1. All-terrain vehicles owned and used by the United
29 States, ~~another~~ this state, or a political subdivision of
30 ~~another~~ this state.

31 Sec. 32. Section 321I.13, Code 2009, is amended to read as
32 follows:

33 **321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight —**
34 **brakes.**

35 Every all-terrain vehicle operated during the hours of

1 darkness shall display a lighted ~~headlamp~~ headlight and tail
2 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped
3 with brakes.

4 Sec. 33. Section 321I.17, Code 2009, is amended to read as
5 follows:

6 **321I.17 Special events.**

7 The department may authorize the holding of organized
8 special events as defined in this chapter within this state.
9 The department shall adopt rules relating to the conduct of
10 special events held under department permits and designating
11 the equipment and facilities necessary for the safe operation
12 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road
13 utility vehicles and for the safety of operators, participants,
14 and observers in the special events. ~~A special event for~~
15 ~~all-terrain vehicles may include motorcycles upon payment of~~
16 ~~an entrance fee set by the organizer of the special event. The~~
17 ~~department may require that part of the motorcycle entrance~~
18 ~~fee be credited to pay costs of all-terrain vehicle programs~~
19 ~~authorized pursuant to section 321I.8. At least thirty~~
20 days before the scheduled date of a special event in this
21 state, an application shall be filed with the department for
22 authorization to conduct the special event. The application
23 shall set forth the date, time, and location of the proposed
24 special event and any other information the department
25 requires. The special event shall not be conducted without
26 written authorization of the department. ~~Copies of the rules~~
27 ~~shall be furnished by the department to any person making an~~
28 ~~application.~~

29 Sec. 34. Section 321I.18, Code 2009, is amended to read as
30 follows:

31 **321I.18 Violation of stop signal.**

32 A person, ~~after having~~ who has received a visual or audible
33 signal from a peace officer to come to a stop, shall not
34 operate an all-terrain vehicle in willful or wanton disregard
35 of the signal, ~~or~~ interfere with or endanger the officer or any

1 other person or vehicle, ~~or~~ increase speed, or attempt to flee
2 or elude the officer.

3 Sec. 35. Section 321I.21, subsection 1, Code 2009, is
4 amended to read as follows:

5 1. The person is taking a prescribed ~~safety~~ safety education
6 training course and the operation is under the direct
7 supervision of a certified all-terrain vehicle ~~safety~~
8 education instructor.

9 Sec. 36. Section 321I.22, subsections 1 through 5, Code
10 Supplement 2009, are amended to read as follows:

11 1. A manufacturer, distributor, or dealer owning an
12 all-terrain vehicle required to be registered under this
13 chapter may operate the all-terrain vehicle for purposes of
14 transporting, testing, demonstrating, or selling it without the
15 all-terrain vehicle being registered, except that a special
16 ~~identification number~~ registration decal issued to the owner as
17 provided in this chapter shall be displayed on the all-terrain
18 vehicle in the manner prescribed by rules of the commission.
19 The special ~~identification number~~ registration decal shall not
20 be used on an all-terrain vehicle offered for hire or for any
21 work or service performed by a manufacturer, distributor, or
22 dealer.

23 2. Every manufacturer, distributor, or dealer shall
24 register with the department by making application to the
25 commission, upon forms prescribed by the commission, for
26 a special registration certificate ~~containing a general~~
27 ~~identification number and for one or more duplicate special~~
28 ~~registration certificates and decal.~~ The applicant shall pay
29 a registration fee of ~~fifteen~~ forty-five dollars and submit
30 reasonable proof of the applicant's status as a bona fide
31 manufacturer, distributor, or dealer as may be required by the
32 commission.

33 3. The commission, upon granting an application,
34 shall issue to the applicant a special registration
35 certificate ~~containing~~ and decal. The special registration

1 certificate shall contain the applicant's name, and address,
2 the and general identification number; assigned to
3 ~~the applicant,~~ the word "manufacturer", "dealer", or
4 "distributor"; and other information the commission
5 prescribes. ~~The manufacturer, distributor, or dealer shall~~
6 ~~have the assigned number printed upon or attached to a~~
7 ~~removable sign or signs which may be temporarily but firmly~~
8 ~~mounted or attached to the all-terrain vehicle being used. The~~
9 ~~display shall meet the requirements of this chapter and the~~
10 ~~rules of the commission.~~

11 4. The commission shall also issue duplicate special
12 registration certificates and decals which shall have displayed
13 thereon the general identification number assigned to the
14 applicant. ~~Each duplicate registration certificate so issued~~
15 ~~shall contain a number or symbol identifying it from every~~
16 ~~other duplicate special registration certificate bearing~~
17 ~~the same general identification number. The fee for each~~
18 additional duplicate special registration certificate and
19 decals shall be ~~two~~ five dollars.

20 5. Each special registration certificate issued
21 ~~hereunder~~ under this section shall be for a period of three
22 years and shall expire on December 31 of each the renewal year,
23 ~~and a.~~ A new special registration certificate for the ensuing
24 ~~twelve months~~ three-year renewal period may be obtained upon
25 application to the commission and payment of the fee provided
26 by law.

27 Sec. 37. Section 321I.25, Code 2009, is amended to read as
28 follows:

29 **321I.25 Course of instruction.**

30 1. The commission shall provide, by rules adopted pursuant
31 to section 321I.2, for the establishment of certified courses
32 of instruction to be conducted throughout the state for the
33 safe use and operation of all-terrain vehicles. The curriculum
34 shall include instruction in the lawful and safe use,
35 operation, and equipping of all-terrain vehicles consistent

1 with this chapter and rules adopted by the commission ~~and the~~
2 ~~director of transportation and other matters the commission~~
3 ~~deems pertinent for a qualified all-terrain vehicle operator.~~
4 The commission may establish a fee for the course which shall
5 not exceed the actual cost of instruction minus moneys received
6 by the department from safety education certificate fees under
7 section 321I.26.

8 2. The commission may certify any experienced, qualified
9 operator to be an instructor of a class established under
10 subsection 1. Each instructor shall be at least eighteen years
11 of age.

12 3. Upon completion of the course of instruction, the
13 commission shall provide for the administration of either a
14 written test or the demonstration of adequate riding skills
15 to any student who wishes to qualify for a ~~safety an~~
16 education certificate.

17 4. The commission shall provide safety education material
18 relating to the operation of all-terrain vehicles for the use
19 of nonpublic or public elementary and secondary schools in this
20 state.

21 5. The department may develop requirements and standards
22 for online education offerings. Only vendors who have entered
23 into a memorandum of understanding with the department
24 shall be permitted to offer an online course that results
25 in the issuance of an education certificate approved by the
26 commission. Vendors may charge for their courses and collect
27 the education certificate fee required under section 321I.26,
28 subsection 2, on behalf of the department as agreed to in the
29 memorandum of understanding.

30 Sec. 38. Section 321I.26, Code Supplement 2009, is amended
31 to read as follows:

32 **321I.26 Safety Education certificate — fee.**

33 1. A person twelve years of age or older but less than
34 eighteen years of age shall not operate an all-terrain vehicle
35 on public land or ice or land purchased with all-terrain

1 vehicle registration funds in this state without obtaining a
2 valid ~~safety~~ education certificate issued by the department and
3 having the certificate in the person's possession.

4 2. Upon ~~application~~ successful completion of the course and
5 payment of a fee of five dollars, a qualified applicant
6 shall be issued a ~~safety~~ an education certificate which is
7 valid until the certificate is suspended or revoked by the
8 director for a violation of a provision of this chapter or a
9 rule adopted pursuant to this chapter. ~~The application shall~~
10 ~~be made on forms issued by the commission and shall contain~~
11 ~~information as the commission may reasonably require.~~

12 3. Any person who is required to have a ~~safety~~ an
13 education certificate under this chapter and who has completed
14 a course of instruction established under section 321I.2,
15 subsection 1, paragraph "i", including the successful passage
16 of an examination which includes either a written test relating
17 to such course of instruction or the demonstration of adequate
18 riding skills, shall be considered qualified to receive a
19 ~~safety~~ an education certificate.

20 4. The ~~permit~~ certificate fees collected under this section
21 shall be credited to the special all-terrain vehicle fund and
22 shall be used for ~~safety and~~ educational programs.

23 5. A valid all-terrain vehicle ~~safety~~ or education
24 certificate or license issued to a nonresident by a
25 governmental authority of another state shall be considered
26 a valid certificate or license in this state if the
27 ~~permit~~ certification or ~~license~~ licensing requirements of the
28 governmental authority, ~~excluding fees,~~ are substantially the
29 same as the requirements of this chapter as determined by the
30 commission.

31 Sec. 39. Section 321I.31, subsection 8, Code 2009, is
32 amended to read as follows:

33 8. Once titled, a person shall not sell or transfer
34 ownership of an all-terrain vehicle without delivering to
35 the purchaser or transferee a certificate of title with

1 an assignment on it showing title in the ~~purchaser or~~
2 transferee purchaser's or transferee's name. A person shall
3 not purchase or otherwise acquire an all-terrain vehicle
4 without obtaining a certificate of title for it in that
5 person's name.

6 Sec. 40. Section 321I.33, subsection 1, Code 2009, is
7 amended to read as follows:

8 1. If ownership of an all-terrain vehicle is transferred by
9 operation of law, such as by inheritance, order in bankruptcy,
10 insolvency, replevin, or execution sale, the transferee,
11 within thirty days after acquiring the right to possession of
12 the all-terrain vehicle, shall mail or deliver to the county
13 recorder of the transferee's county of residence satisfactory
14 proof of ownership as the county recorder requires, together
15 with an application for a new certificate of title, and the
16 required fee.

17 Sec. 41. Section 321I.35, subsections 1 and 3, Code 2009,
18 are amended to read as follows:

19 1. The department may assign a distinguishing number to an
20 all-terrain vehicle when the serial number on the all-terrain
21 vehicle is destroyed or obliterated and issue to the owner a
22 special ~~plate~~ decal bearing the distinguishing number which
23 shall be affixed to the all-terrain vehicle in a position to be
24 determined by the department. The all-terrain vehicle shall be
25 registered and titled under the distinguishing number in lieu
26 of the former serial number. Every all-terrain vehicle shall
27 have a vehicle identification number assigned and affixed as
28 required by the department.

29 3. A person shall not destroy, remove, alter, cover, or
30 deface the manufacturer's vehicle identification number, the
31 plate or decal bearing it, or any vehicle identification number
32 the department assigns to an all-terrain vehicle without the
33 department's permission.

34 Sec. 42. Section 455A.4, subsection 1, Code Supplement
35 2009, is amended by adding the following new paragraph:

1 NEW PARAGRAPH. *k.* Make and execute agreements, contracts,
2 and other instruments.

3 Sec. 43. Section 455A.13, Code 2009, is amended to read as
4 follows:

5 **455A.13 State nurseries.**

6 1. Notwithstanding section 17A.2, subsection 11,
7 paragraph "g", the department of natural resources shall adopt
8 administrative rules establishing a range of prices of plant
9 material grown at the state forest nurseries to cover all
10 expenses related to the growing of the plants.

11 ~~1.~~ 2. The department shall develop programs to encourage
12 the wise management and preservation of existing woodlands
13 and shall continue its efforts to encourage forestation and
14 reforestation on private and public lands in the state of Iowa
15 and in other states.

16 ~~2.~~ 3. The department shall encourage a cooperative
17 relationship between the state forest nurseries and private
18 nurseries in the state in order to achieve these goals.

19 Sec. 44. NEW SECTION. **455A.14 General contracting**
20 **authority.**

21 1. In addition to other powers and authority conferred on
22 the department, and except as otherwise provided by law and
23 subject to rules adopted by the natural resource commission and
24 the environmental protection commission, the department may
25 apply to and receive moneys from and contract with the federal
26 government, other state governments, political subdivisions of
27 the state, and private persons for the purposes of carrying out
28 the department's obligations under this chapter and chapters
29 321G, 321I, 455B, 455C, 455D, 455E, 455F, 455G, 455H, 455I,
30 455J, 455K, 456A, 456B, 457A, 457B, 458A, 461A, 461B, 461C,
31 462A, 462B, 463C, 464A, 465A, 465B, 466, 466B, 481A, 481B,
32 481C, 482, 483A, 484A, 484B, and 484C.

33 2. In evaluating whether to contract with an entity pursuant
34 to this section, the department may consider all of the
35 following:

1 a. Whether the contracting party is contributing funds
2 or expertise to the project to meet the goals shared between
3 the department and the contracting party in accomplishing the
4 particular subject of the agreement.

5 b. Whether the contracting party is uniquely qualified to
6 receive consideration under the contract due to a geographic
7 connection or unique expertise related to the particular
8 subject of the agreement.

9 Sec. 45. Section 456A.13, Code 2009, is amended to read as
10 follows:

11 **456A.13 Officers and employees — peace officer status.**

12 1. The director shall employ the number of assistants,
13 including a professionally trained state forester, that are
14 necessary to carry out the duties imposed on the commission,
15 ~~and, under the same conditions, the.~~

16 2. The director shall appoint the number of full-time
17 officers and supervisory personnel that are necessary to
18 enforce all laws of the state and rules and regulations of
19 the commission. The full-time officers and their supervisory
20 personnel have the same powers that are conferred by law on
21 peace officers in the enforcement of all laws of the state of
22 Iowa and the apprehension of violators. ~~A person appointed
23 as a full-time officer shall be at least twenty-one years of
24 age on the date of appointment and shall not be employed as a
25 full-time officer after attaining the age of sixty-five.
26 "Full-time officer" means any person appointed by the director
27 to enforce the laws of this state.~~

28 3. An applicant to be a full-time officer in the department
29 shall not be appointed as a full-time officer until the
30 applicant has passed a satisfactory physical and mental
31 examination. In addition, the applicant must be a citizen of
32 the United States, be not less than twenty-two years of age and
33 be eligible to complete training at the law enforcement academy
34 as defined in chapter 80B, or its equivalent as determined
35 in the sole discretion of the director. The applicant must

1 successfully complete training at the law enforcement academy
2 as defined in chapter 80B, or its equivalent as determined
3 by the director, during the period of twelve months after
4 appointment. The mental examination shall be conducted under
5 the direction or supervision of the director and may be oral or
6 written or both. An applicant shall take an oath on becoming
7 a full-time officer of the department, to uphold the laws and
8 Constitution of the United States and Constitution of the State
9 of Iowa. During the period of twelve months after appointment,
10 a full-time officer of the department is subject to dismissal
11 at the will of the director. After the twelve months' service,
12 a full-time officer of the department, who was appointed after
13 having passed the examinations, is not subject to dismissal,
14 suspension, disciplinary demotion, or other disciplinary action
15 resulting in the loss of pay unless charges have been filed
16 with the department of inspections and appeals and a hearing
17 held by the employment appeal board created by section 10A.601,
18 if requested by the full-time officer, at which the full-time
19 officer has an opportunity to present a defense to the charges.
20 The decision of the appeal board is final, subject to the right
21 of judicial review in accordance with the terms of the Iowa
22 administrative procedure Act, chapter 17A. However, these
23 procedures as to dismissal, suspension, demotion, or other
24 discipline do not apply to a full-time officer who is covered
25 by a collective bargaining agreement which provides otherwise.
26 A person shall not be employed as a full-time officer in the
27 department after attaining sixty-five years of age.

28 Sec. 46. Section 461A.25, Code 2009, is amended to read as
29 follows:

30 **461A.25 Leases and easements.**

31 1. The commission may ~~recommend that the executive~~
32 ~~council~~ lease property under the commission's jurisdiction.
33 All leases shall reserve to the public of the state the
34 right to enter upon the property leased for any lawful
35 purpose. ~~The council may, if it approves the recommendation~~

1 ~~and the~~ If a lease to be entered into is for a period
2 of five years or less, upon approval by the commission, the
3 director shall execute the lease in on behalf of the state
4 and commission. ~~If the recommendation is for a lease is~~
5 for a period in excess of five years, with the exception of
6 agricultural lands specifically dealt with in Article I,
7 section 24 of the Constitution of the State of Iowa, the
8 ~~council~~ commission shall advertise for bids. ~~If a bid is~~
9 ~~accepted, the lease shall be let or executed by the council in~~
10 ~~accordance with the most desirable bid.~~ The commission may
11 accept bids and approve leases the commission determines to be
12 in the best interest of the state. ~~The lease~~ A lease shall
13 not be executed for a term longer than fifty years. Any such
14 leasehold interest, including any improvements placed on it,
15 shall be listed on the tax rolls as provided in chapters 428
16 and 443; assessed and valued as provided in chapter 441; taxes
17 shall be levied on it as provided in chapter 444 and collected
18 as provided in chapter 445; and the leasehold interest is
19 subject to tax sale, redemption, and apportionment of taxes
20 as provided in chapters 446, 447, and 448. The lessee shall
21 discharge and pay all taxes.

22 2. The commission shall adopt rules providing for granting
23 easements to political subdivisions and utility companies
24 on state land under the jurisdiction of the department.
25 An applicant for an easement shall provide the director
26 with information setting forth the need for the easement,
27 availability of alternatives, and measures proposed to prevent
28 or minimize adverse impacts on the affected property. An
29 easement shall be executed by the director, approved as to form
30 by the attorney general, and if granted for a term longer than
31 five years, approved by the commission.

32 3. For the purposes of this section, property under the
33 commission's jurisdiction does not include an area of the bed
34 of a lake or river occupied by a dock or other appurtenance or
35 means of access to a dock, including but not limited to boat

1 hoists and boat slips, or occupied by a boat ramp, constructed
2 or installed and maintained under littoral or riparian rights.

3 Sec. 47. Section 461C.2, subsection 5, Code 2009, is amended
4 to read as follows:

5 5. "*Recreational purpose*" means the following or any
6 combination thereof: Hunting, trapping, horseback riding,
7 fishing, swimming, boating, camping, picnicking, hiking,
8 pleasure driving, motorcycling, all-terrain vehicle
9 riding, nature study, water skiing, snowmobiling, other
10 summer and winter sports, and viewing or enjoying historical,
11 archaeological, scenic, or scientific sites while going to and
12 from or actually engaged therein.

13 Sec. 48. Section 462A.2, Code 2009, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 43A. "*Watercraft education certificate*"
16 means a certificate, approved by the commission, which is
17 issued to a qualified applicant who is twelve years of age or
18 older but less than eighteen years of age who has successfully
19 completed a watercraft education course approved by the
20 department.

21 Sec. 49. Section 462A.12, subsection 6, Code 2009, is
22 amended to read as follows:

23 6. An owner or operator of a vessel propelled by a motor
24 of more than ten horsepower shall not permit any person
25 under twelve years of age to operate the vessel unless
26 accompanied in or on the same vessel by a responsible person
27 of at least eighteen years of age who is experienced in
28 motorboat operation. A person who is twelve years of age
29 or older but less than eighteen years of age shall not
30 operate any vessel propelled by a motor of more than ten
31 horsepower unless the person has successfully completed a
32 department-approved watercraft safety education course and
33 obtained a watercraft safety education certificate or is
34 accompanied in or on the same vessel by a responsible person
35 of at least eighteen years of age who is experienced in

1 motorboat operation. A person required to have a watercraft
2 ~~safety~~ education certificate shall carry and shall exhibit or
3 make available the certificate upon request of an officer of
4 the department. A violation of this subsection is a simple
5 misdemeanor as provided in section 462A.13. However, a person
6 charged with violating this subsection shall not be convicted
7 if the person produces in court, within a reasonable time, a
8 ~~department-approved~~ watercraft education certificate. The
9 cost of a ~~department~~ watercraft education certificate, or any
10 duplicate, shall not exceed five dollars.

11 Sec. 50. NEW SECTION. 462A.12A Online watercraft education
12 courses.

13 1. The department shall develop requirements and standards
14 for online watercraft education courses. Only vendors who have
15 entered into a memorandum of understanding with the department
16 shall be approved by the department to offer an online
17 watercraft education course that upon successful completion is
18 sufficient to result in the issuance of a watercraft education
19 certificate to the person who completes the course.

20 2. A vendor approved to offer an online watercraft education
21 course as provided in subsection 1 may charge a fee for the
22 course as agreed to in the memorandum of understanding with
23 the department and may also collect the watercraft education
24 certificate fee on behalf of the department as agreed to in the
25 memorandum of understanding.

26 Sec. 51. Section 462A.36, Code 2009, is amended to read as
27 follows:

28 **462A.36 Fee for special certificate — minimum requirements**
29 **for issuance.**

30 1. Any manufacturer or dealer may, upon payment of a fee of
31 fifteen dollars, make application to the commission, upon such
32 forms as the commission prescribes, for a special certificate
33 containing a general distinguishing number and for one or more
34 duplicate special certificates. The applicant shall submit
35 such reasonable proof of the applicant's status as a bona fide

1 manufacturer or dealer as the commission may require.

2 2. The commission may adopt rules consistent with this
3 chapter establishing minimum requirements for a dealer or
4 manufacturer to be issued a special certificate. In adopting
5 such rules the department shall consider the need to protect
6 persons, property, and the environment, and to promote uniform
7 practices relating to the sale and use of vessels. The
8 commission may also adopt rules providing for the suspension or
9 revocation of a dealer's or manufacturer's special certificate
10 issued pursuant to this section.

11 Sec. 52. Section 462A.38, Code 2009, is amended to read as
12 follows:

13 **462A.38 ~~Duplicates~~ Duplicate special certificates.**

14 The commission shall also issue duplicate special
15 certificates as applied for which shall have displayed
16 thereon the general distinguishing number assigned to the
17 applicant. ~~Each duplicate special certificate so issued shall~~
18 ~~contain a number or symbol identifying the same from every~~
19 ~~other duplicate special certificate bearing the same general~~
20 ~~distinguishing number.~~ The fee for each additional duplicate
21 special certificate shall be two dollars.

22 Sec. 53. Section 462A.39, Code 2009, is amended to read as
23 follows:

24 **462A.39 Expiration date.**

25 Each special certificate issued ~~hereunder~~ under this
26 chapter shall be for a period of three years and shall expire
27 at midnight on April 30 of the last calendar year of the
28 registration period, and a new special certificate may be
29 renewed for the ensuing registration another three-year period
30 ~~may be obtained~~ upon application to the commission and payment
31 of the fee provided by law.

32 Sec. 54. Section 462A.46, Code 2009, is amended to read as
33 follows:

34 **462A.46 Purchase of registered vessel by dealer.**

35 Whenever a dealer purchases or otherwise acquires a

1 vessel registered in this state, the dealer shall issue a
2 signed receipt to the previous owner, indicating the date of
3 purchase or acquisition, the name and address of such previous
4 owner, and the registration number of the vessel purchased
5 or acquired. ~~The original receipt shall be delivered to the~~
6 ~~previous owner and one copy shall be mailed or delivered by~~
7 ~~the dealer to the county recorder of the county in which the~~
8 ~~vessel is registered, and one copy shall be delivered to the~~
9 ~~commission within forty-eight hours.~~

10 Sec. 55. Section 465C.8, Code 2009, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 13. To make and execute agreements,
13 contracts, and other instruments.

14 Sec. 56. Section 481A.22, Code 2009, is amended to read as
15 follows:

16 **481A.22 Field and retriever meets or trials — permit**
17 **required.**

18 1. All officially sanctioned field meets or trials
19 and retriever meets or trials where the skill of dogs is
20 demonstrated in pointing, retrieving, trailing, or chasing any
21 game bird, game animal, or fur-bearing animal shall require a
22 field meet or trial permit. Except as otherwise provided by
23 law, it shall be unlawful to kill any wildlife in such events.

24 2. Notwithstanding the provisions of section 481A.21 it
25 shall be lawful to hold field meets or trials and retriever
26 meets or trials where dogs are permitted to work in exhibition
27 or contest whereby the skill of dogs is demonstrated by
28 retrieving dead or wounded game birds which have been
29 propagated by licensed game breeders within the state or
30 secured from lawful sources outside the state and lawfully
31 brought into the state. All such birds must be released on
32 the day of the meets or trials on premises where the meets
33 or trials are held.

34 3. ~~Such birds~~ Birds released pursuant to subsection 2 may
35 be shot by official guns after having secured a permit as

1 herein provided by rule.

2 ~~Such permits may be issued by the director of the department~~
3 ~~upon proper application and the payment of a fee of two dollars~~
4 ~~for each trial held.~~

5 4. A representative of the department shall attend all such
6 meets or trials and enforce the laws and regulations governing
7 ~~same~~ the meets or trials.

8 5. The person or persons designated by the committee in
9 charge to do the shooting for such meets or trials shall be
10 known as the official guns, and no other person shall be
11 permitted to kill or attempt to kill any of the birds released
12 for such meets or trials.

13 6. Before any birds are released under this section,
14 they ~~must~~ shall each have attached a tag provided by the
15 department and attached by a representative of the department
16 at a cost of not more than ten cents for each tag. All tags
17 ~~are to~~ shall remain attached to birds until prepared for
18 consumption.

19 7. It is unlawful for any person to hold, conduct, or to
20 participate in a field or retriever meet or trial before the
21 permit required by this section has been secured or for any
22 person to possess or remove from the meet or trial grounds any
23 birds which have not been tagged as herein required.

24 Sec. 57. NEW SECTION. **481A.41 Feeding or baiting of**
25 **wildlife prohibited.**

26 1. As used in this section, unless the context otherwise
27 requires:

28 a. "*Baited area*" means any area where any feed is
29 intentionally placed, deposited, distributed, or scattered
30 so as to lure, attract, or entice wildlife to, on, or over a
31 specific location. An area shall remain a baited area for
32 thirty days following complete removal of all feed, except for
33 salt, minerals, or any other feed that will dissolve and leach
34 into the soil, in which case such area shall be considered a
35 permanently baited area until such time as all contaminated

1 soil is either removed or covered in such a manner that the
2 area no longer serves to artificially attract wildlife.

3 *b. "Feed"* means any grain, fruit, vegetable, nut, hay,
4 salt, mineral, or any other natural food material, commercial
5 products containing natural food materials or by-products of
6 such materials, or other food material that is capable of
7 luring, attracting, or enticing wildlife. Scents or lures used
8 to mask human odor or attract wildlife by the sense of smell
9 are not considered feed.

10 *c. "Wildlife"* means any wild bird or wild animal residing in
11 or migrating through the state of Iowa.

12 2. Except as provided in subsection 3, feeding or baiting
13 of wildlife is unlawful. A person shall not place, deposit,
14 distribute, or scatter feed for wildlife on any public or
15 private property, or knowingly allow another person to place,
16 deposit, distribute, or scatter feed for wildlife on private
17 property under the person's ownership or lease in the state.
18 It shall be unlawful to hunt, take, or attempt to take any
19 wildlife on or in a baited area.

20 3. The prohibitions contained in subsection 2 are not
21 applicable to the following:

22 *a.* Feed that is used to attract wildlife for viewing and
23 observation if the feed is placed within fifty yards of a
24 residence, dwelling, or other structure permanently inhabited
25 by a person. However, such an area shall be considered a
26 baited area for the purpose of hunting, taking, or attempting
27 to take wildlife in or on that area.

28 *b.* Feed that is present solely as a result of normal
29 agricultural, forest management, orchard management, wildlife
30 food planting, or other similar land management practices.

31 *c.* Feed that is placed for agricultural or livestock
32 purposes if one or more of the following conditions apply:

33 (1) The feed is placed for domestic livestock that are
34 present and actively consuming the feed on a regular basis.

35 (2) The feed is covered to deter wildlife from gaining

1 access to the feed, or the feed is stored in a manner
2 consistent with normal agricultural practices.

3 *d.* Feed that is placed for purposes such as including
4 but not limited to population control, capture and handling
5 of wildlife, or other specific purposes under written
6 authorization from the director or the director's designee,
7 or as otherwise provided by law. This section shall not
8 be construed to limit employees of agencies of the state,
9 the United States, or local animal control officers in the
10 performance of their official duties related to public health,
11 wildlife management, or wildlife removal.

12 *e.* Feed that is placed for the purpose of luring fur-bearing
13 animals for trapping as permitted by law.

14 *f.* Feed that is placed within the confines of a whitetail
15 deer hunting preserve that is licensed by the department
16 pursuant to chapter 484C.

17 4. A person who violates any provision of this section
18 is guilty of a simple misdemeanor punishable as a scheduled
19 violation under section 805.8B, subsection 3, paragraph "e".

20 5. In addition to any other penalties imposed under this
21 section, a person charged with unlawful feeding or baiting
22 of wildlife shall immediately remove all feed from the
23 baited area. Failure to do so shall constitute an additional
24 violation of this section for each day that the feed remains.

25 Sec. 58. Section 483A.1, subsection 2, paragraph s, Code
26 Supplement 2009, is amended by striking the paragraph.

27 Sec. 59. Section 484A.4, Code 2009, is amended to read as
28 follows:

29 **484A.4 Use of revenue.**

30 1. All revenue generated from the migratory game bird fee
31 shall be used for projects approved by the commission for the
32 purpose of protecting and propagating migratory game birds and
33 for the acquisition, development, restoration, maintenance, or
34 preservation of wetlands, except for that part which is
35 specified by the commission for use in paying administrative

1 expenses as provided in section 456A.17.

2 2. The commission may enter into contracts with nonprofit
3 organizations ~~for the use of fifteen percent of such funds~~
4 ~~outside the United States if the commission finds that such~~
5 ~~contracts are necessary~~ for carrying out the purposes of this
6 chapter. However, contracts authorized under this subsection
7 for projects outside of the United States shall not obligate
8 more than fifteen percent of the funds described in subsection
9 1.

10 Sec. 60. Section 805.8B, subsection 2, paragraphs a and g,
11 Code Supplement 2009, are amended to read as follows:

12 a. For registration or user permit violations under section
13 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
14 fifty dollars.

15 g. For violations of section 321G.20 and for
16 ~~safety~~ education certificate violations under section
17 321G.24, subsection 1, the scheduled fine is fifty dollars.

18 Sec. 61. Section 805.8B, subsection 2A, paragraphs a and g,
19 Code Supplement 2009, are amended to read as follows:

20 a. For registration or user permit violations under section
21 321I.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
22 fifty dollars.

23 g. For violations of section 321I.21 and for
24 ~~safety~~ education certificate violations under section
25 321I.26, subsection 1, the scheduled fine is fifty dollars.

26 Sec. 62. Section 805.8B, subsection 3, paragraph e, Code
27 Supplement 2009, is amended to read as follows:

28 e. For violations of sections 481A.41, 481A.57, 481A.85,
29 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9,
30 482.15, and 483A.42, the scheduled fine is one hundred dollars.

31 Sec. 63. Section 805.8B, subsection 6, paragraph c, Code
32 Supplement 2009, is amended to read as follows:

33 c. For violations of ~~section~~ sections 461A.35, 461A.42,
34 and 461A.44, the scheduled fine is fifty dollars.

35 Sec. 64. REPEAL. Sections 462A.40 and 462A.42, Code 2009,

1 are repealed.

2 Sec. 65. REPEAL. Chapter 568, Code 2009, is repealed.

3 EXPLANATION

4 This bill relates to various conservation and recreation
5 activities under the purview of the department of natural
6 resources, and makes penalties applicable.

7 SNOWMOBILE REGULATION. The bill makes numerous revisions
8 to Code chapter 321G, which provides for the regulation
9 of snowmobiles by the department. The bill specifies that
10 the natural resource commission may adopt rules for the
11 use of snowmobiles on designated snowmobile trails and for
12 maintenance, signing, and operation of the trails. The scope
13 of grant programs and contracts administered by the department
14 is expanded to include the signage of designated snowmobile
15 trails. "Designated snowmobile trail" is defined to mean a
16 snowmobile riding trail on any public land, private land,
17 or ice that is designated by the department, a political
18 subdivision, or a controlling authority for snowmobile use.

19 The bill specifies that the original application for
20 registration of a snowmobile must be filed with the county
21 recorder of the owner's county of residence. If a transfer
22 of ownership occurs by operation of law, the application must
23 be filed in the transferee's county of residence. Duplicate
24 registrations and registration renewals may be accomplished
25 through a county recorder or a license agent and fees collected
26 by a county recorder or license agent are to be remitted
27 directly to the commission.

28 The bill revises the list of exemptions from snowmobile
29 registration requirements by removing snowmobiles owned by
30 another state or a political subdivision of another state
31 and by adding snowmobiles owned by this state or a political
32 subdivision of this state. Current provisions for the
33 issuance of registration certificates and registration decals
34 for snowmobiles owned by the state of Iowa or its political
35 subdivisions is stricken.

1 The bill makes a technical change requiring every snowmobile
2 to be equipped with a headlight and a taillight, rather than a
3 headlamp and a tail lamp.

4 The bill increases the fee for a special registration
5 certificate from \$15 to \$45 for snowmobile manufacturers,
6 distributors, and dealers and extends the registration
7 period from one year to three years. The bill provides
8 for the issuance of a special registration decal along with
9 the special registration certificate. The decal is to be
10 displayed on a snowmobile when it is being operated for
11 purposes of transporting, testing, demonstrating, or selling
12 the snowmobile. Duplicate registration certificates and decals
13 may be issued for a fee of \$5.

14 Pursuant to current law, a safety certificate is required
15 for operation of a snowmobile by a person under 16 years of
16 age, and a person 12 to 15 years of age must be under the direct
17 supervision of a parent, guardian, or another adult authorized
18 by the parent or guardian when operating a snowmobile. The
19 bill makes a terminology change by replacing the existing
20 "safety certificate" with an "education certificate" throughout
21 Code chapter 321G. In addition, the bill defines "direct
22 supervision" to mean providing supervision of another person
23 while maintaining visual and verbal contact at all times.

24 The bill authorizes the department to develop requirements
25 and standards for the provision of online education resulting
26 in the issuance of education certificates. A vendor must
27 enter into a memorandum of understanding with the department
28 to conduct such a course. Pursuant to the memorandum of
29 understanding, a vendor may charge a fee for the online course
30 and collect the education certificate fee on behalf of the
31 department.

32 The bill provides that when a serial number on a snowmobile
33 is destroyed or obliterated and the department assigns a
34 distinguishing number to the snowmobile, the department may
35 issue a special decal, rather than a plate, to be affixed to

1 the snowmobile and bearing the distinguishing number.

2 ALL-TERRAIN VEHICLE REGULATION. The bill makes numerous
3 revisions to Code chapter 321I, which provides for the
4 regulation of all-terrain vehicles by the department. The bill
5 specifies that the original application for registration of an
6 all-terrain vehicle must be filed with the county recorder of
7 the county of residence. If a transfer of ownership occurs
8 by operation of law, the application must be filed in the
9 transferee's county of residence. Duplicate registrations and
10 registration renewals may be accomplished through a county
11 recorder or a license agent, and fees collected by a county
12 recorder or license agent are to be remitted directly to the
13 commission. The bill revises the list of exemptions from
14 registration requirements by removing all-terrain vehicles
15 owned by another state or a political subdivision of another
16 state and by adding all-terrain vehicles owned by this state
17 or a political subdivision of this state. Current provisions
18 for the issuance of registration certificates and registration
19 decals for all-terrain vehicles owned by the state of Iowa or
20 its political subdivisions is stricken.

21 The bill makes a technical change requiring every
22 all-terrain vehicle to be equipped with a headlight and a
23 taillight, rather than a headlamp and a tail lamp.

24 The bill provides for the inclusion of motorcycles and
25 off-road utility vehicles in special events and strikes a
26 requirement for the crediting of motorcycle entrance fees for
27 such events. Also, the requirement that the department furnish
28 a copy of the rules for a special event to an applicant for the
29 event is stricken in the bill.

30 The bill makes technical changes to clarify language
31 relating to a person who violates a stop signal from a peace
32 officer.

33 The bill increases the fee for a special registration
34 certificate from \$15 to \$45 for all-terrain vehicle
35 manufacturers, distributors, and dealers and extends the

1 registration period from one year to three years. The bill
2 provides for the issuance of a special registration decal
3 along with the special registration certificate. The decal
4 is to be displayed on an all-terrain vehicle when it is being
5 operated for purposes of transporting, testing, demonstrating,
6 or selling the vehicle. Duplicate registration certificates
7 and decals may be issued for a fee of \$5.

8 Pursuant to current law, a safety certificate is required
9 for operation of an all-terrain vehicle on public land or ice
10 by a person between 12 and 18 years of age. The bill replaces
11 the "safety certificate" with an "education certificate"
12 throughout Code chapter 321I. The bill authorizes the
13 department to develop requirements and standards for the
14 provision of online education resulting in the issuance of
15 education certificates. A vendor must enter into a memorandum
16 of understanding with the department to conduct such a course.
17 Pursuant to the memorandum of understanding, a vendor may
18 charge a fee for the online course and collect the education
19 certificate fee on behalf of the department.

20 The bill provides that when a serial number on an all-terrain
21 vehicle is destroyed or obliterated and the department assigns
22 a distinguishing number to the all-terrain vehicle, the
23 department may issue a special decal, rather than a plate,
24 to be affixed to the all-terrain vehicle and bearing the
25 distinguishing number.

26 DEPARTMENT OF NATURAL RESOURCES — POWERS AND DUTIES TO
27 CONTRACT. Code section 455A.4(1) is amended to specify that
28 the director of the department has a general power and duty to
29 make and execute agreements, contracts, and other instruments.

30 New Code section 455A.14 authorizes the department to apply
31 to and receive moneys from and contract with the federal
32 government, other state governments, political subdivisions of
33 the state, and private persons for the purpose of carrying out
34 the department's statutory duties.

35 STATE NURSERIES. Code section 455A.13 is amended to require

1 the department to continue to develop programs to encourage
2 the wise management and preservation of existing woodlands and
3 reforestation on private and public land both in Iowa and other
4 states.

5 FULL-TIME OFFICERS OF THE DEPARTMENT. Code section
6 456A.13 is amended to require that applicants to be full-time
7 officers with the department must meet similar requirements as
8 applicants with the department of public safety. Full-time
9 officers and supervisory personnel with the department of
10 natural resources have the same powers that are conferred by
11 law on peace officers in the enforcement of all Iowa laws
12 and the apprehension of violators. An applicant cannot be
13 appointed as a full-time officer until the person has passed
14 physical and mental examinations and taken an oath. There is a
15 12-month probation period after appointment during which the
16 full-time officer must successfully complete training at the
17 law enforcement academy but can be dismissed for any reason.
18 After the probation period, the officer is only subject to
19 dismissal or disciplinary action after a hearing, subject to
20 judicial review. A coordinating amendment is made in Code
21 section 80B.3(3).

22 LEASES OF PUBLIC PROPERTY. Code section 461A.25 is amended
23 to provide that the natural resource commission instead of the
24 executive council may approve leases of public property that
25 are in the best interest of the state. Leases that are for
26 a period in excess of five years must be advertised for bids
27 before approval by the commission.

28 PUBLIC USE OF PRIVATE LANDS AND WATERS. Code section
29 461C.2(5) is amended to include all-terrain vehicle riding
30 among the public recreational purposes to be encouraged on
31 private land in the state.

32 WATERCRAFT EDUCATION COURSES AND CERTIFICATES. Code section
33 462A.2 is amended to include a definition of "watercraft
34 education certificate" that is issued to a qualified applicant
35 12 to 17 years of age. Code section 462A.12(6) is amended to

1 change the nomenclature for the requirements that must be met
2 by a 12 to 17 year old to operate certain watercraft without an
3 adult in the watercraft. Such a person is required to complete
4 a department-approved watercraft education, instead of safety,
5 course and obtain a watercraft education, instead of safety,
6 certificate.

7 New Code section 462A.12A requires the department to
8 develop requirements and standards for vendors to offer online
9 watercraft education courses. Approved vendors may charge a
10 fee for the course as provided in a memorandum of understanding
11 with the department and must also collect the watercraft
12 education certificate fee on behalf of the department if the
13 course is offered independently of a required field day or
14 other curriculum requirements.

15 SPECIAL CERTIFICATES FOR WATERCRAFT DEALERS AND
16 MANUFACTURERS. Code section 462A.36 is amended to require the
17 natural resource commission to adopt rules establishing minimum
18 requirements for special certificates to be issued, suspended,
19 or revoked for vessel dealers or manufacturers, instead
20 of registrations, considering the need to protect persons,
21 property, and the environment, and to promote uniform practices
22 relating to the sale and use of vessels.

23 Code section 462A.38 is amended to delete a requirement that
24 duplicate special certificates issued contain unique numbers
25 or symbols.

26 Code section 462A.39 is amended to provide that each special
27 certificate is issued for three years, expires on April 30 of
28 the last calendar year of the registration period, and may be
29 renewed for another three-year period upon application and
30 payment of a fee.

31 Code section 462A.40, requiring manufacturers or dealers
32 to keep written records of the vessels upon which special
33 certificates are used, and Code section 462A.42, requiring
34 dealers to furnish a list to the commission each year of all
35 used vessels held by them and for which registration has not

1 been paid, are repealed.

2 STATE PRESERVES. Code section 465C.8 is amended to give the
3 state advisory board for preserves the authority to make and
4 execute agreements, contracts, and other instruments.

5 WILDLIFE CONSERVATION. Code section 481A.22 is amended to
6 provide that permits allowing birds released at an officially
7 sanctioned field or retriever meet or trial to be shot by
8 designated persons, be issued as provided by rule.

9 New Code section 481A.41 prohibits the feeding or baiting
10 of wild birds or animals by intentionally placing, depositing,
11 distributing, or scattering feed to lure or attract such
12 wildlife to a specific location. The provision also prohibits
13 hunting, taking, or attempting to take wildlife in such
14 an area. There are a number of specific exceptions to the
15 prohibition against feeding or baiting wildlife. A violation
16 of the Code section is a simple misdemeanor and is punishable
17 with a scheduled fine of \$100 under Code section 805.8B(3)(e).
18 A person charged with a violation of the Code section is
19 required to immediately remove all feed from the baited area.
20 Each day that the feed remains in that area constitutes an
21 additional violation.

22 FALCONRY LICENSE. Code section 483A.1(2)(s) allowing for
23 the sale of falconry licenses to nonresidents, is stricken.

24 MIGRATORY GAME BIRDS. Code section 484A.4 makes a technical
25 correction specifying that the natural resource commission may
26 contract with nonprofit organizations using revenue generated
27 from the migratory game bird fee for the purpose of protecting
28 and propagating migratory game birds and acquiring and managing
29 wetlands, except that not more than 15 percent of that revenue
30 may be used for projects outside the United States.

31 ISLANDS AND ABANDONED RIVER CHANNELS. Code chapter 568
32 concerning the sale and disposal of abandoned channels of
33 navigable streams and unsurveyed or unplatted bars or islands
34 in the channels of navigable streams in Iowa, is repealed.

35 PUBLIC LANDS AND WATERS — PENALTIES. Code section

1 805.8B(6)(c) is amended to provide that a violation of Code
2 section 461A.35 prohibiting destructive acts on public lands
3 and waters, and Code section 461A.42 prohibiting the use of
4 firearms, explosives, weapons, and fireworks in state parks and
5 preserves with some exceptions, is punishable as a scheduled
6 violation with a fine of \$50. Currently, a person who violates
7 one of these Code sections is guilty of a simple misdemeanor.