

House File 2485 - Introduced

HOUSE FILE 2485
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 647)

(COMPANION TO SF 2292 BY
COMMITTEE ON COMMERCE)

A BILL FOR

1 An Act relating to regulation of watercraft and equipment on
2 public lakes by common interest communities and certain
3 nonprofit corporations, and including effective date
4 provisions.

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

1 Section 1. NEW SECTION. 462A.17A Common interest
2 communities — regulation of watercraft on public lakes.

3 1. As used in this section:

4 a. "Bylaws" means the same as defined in section 499C.1.

5 b. "Common interest community" means the same as defined in
6 section 499C.1.

7 c. "Public lake" means any lake located within the
8 boundaries of this state that is a navigable body of water and
9 that is lawfully accessible by the general public.

10 d. "Rule" means the same as defined in section 499C.1.

11 e. "Unit" means the same as defined in section 499C.1.

12 f. "Unit owner" means the same as defined in section 499C.1.

13 2. Notwithstanding any law to the contrary, a common
14 interest community with one thousand or more units that is
15 adjacent to or abutting in part a public lake may establish
16 policies in the common interest community's bylaws or rules
17 regarding the operation of watercraft, including but not
18 limited to equipment specifications, upon the public lake by
19 unit owners and unit owners' guests.

20 3. Notwithstanding section 462A.32, a common interest
21 community may communicate the common interest community's
22 policies established under subsection 2 through the use of
23 private buoys and other safety-related installations until
24 the date the commission adopts rules regulating buoys and
25 other safety-related installations for the public lake that is
26 adjacent to or abuts the common interest community described in
27 subsection 2.

28 4. The natural resource commission shall adopt rules
29 pursuant to chapter 17A to administer this section.

30 Sec. 2. NEW SECTION. 462A.17B Nonprofit corporations —
31 regulation of watercraft on public lakes.

32 1. As used in this section:

33 a. "Association" means a nonprofit corporation incorporated
34 under chapter 504, named as an association, and that manages a
35 community with one thousand or more units that is located on a

1 subdivision that is adjacent to or abuts a public lake.

2 *b. "Bylaws"* means the same as defined in section 504.141.

3 *c. "Member"* means a person who on more than one occasion,
4 pursuant to the provisions of an association's articles or
5 bylaws, has a right to vote for the election of a director or
6 directors of the association, irrespective of how the member
7 is defined in the articles or bylaws of the association, and
8 who is a record lot owner of the association. A person is not
9 a member because of any of the following:

10 (1) The person's rights as a delegate.

11 (2) The person's rights to designate a director.

12 (3) The person's rights as a director.

13 *d. "Public lake"* means any lake located within the
14 boundaries of this state that is a navigable body of water and
15 that is lawfully accessible by the general public.

16 *e. "Rules and regulations"* means the rules and regulations
17 adopted by the association's board of directors as authorized
18 by the bylaws of the association.

19 *f. "Unit"* means a portion of an association designated for
20 separate ownership or occupancy or as otherwise defined in the
21 statute under which the association is organized.

22 2. Notwithstanding any law to the contrary, an association
23 may establish policies in the association's rules and
24 regulations regarding the operation of watercraft, including
25 but not limited to equipment specifications, upon a public lake
26 by the association's members and the association's members'
27 guests.

28 3. Notwithstanding section 462A.32, an association may
29 communicate the association's policies established under
30 subsection 2 through the use of private buoys and other
31 safety-related installations until the date the commission
32 adopts rules regulating buoys and other safety-related
33 installations for the public lake that is adjacent to or abuts
34 the association.

35 4. The natural resource commission shall adopt rules

1 pursuant to chapter 17A to administer this section.

2 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
3 importance, takes effect upon enactment.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to the regulation of watercraft and
8 equipment on public lakes. Notwithstanding any law to
9 the contrary, the bill allows a common interest community
10 with 1,000 units or more that is adjacent to or abutting a
11 public lake to establish policies for the common interest
12 community's owners, and the owners' guests, regarding the
13 operation of watercraft, including but not limited to equipment
14 specifications, upon the public lake. The bill allows the
15 common interest community to utilize private buoys and other
16 safety-related installations to communicate the relevant
17 policies until the natural resource commission adopts rules
18 regulating buoys and other safety-related installations for the
19 public lake that is adjacent to or abuts the common interest
20 community.

21 Notwithstanding any law to the contrary, the bill
22 provides that an association may establish policies for the
23 association's members, and the members' guests, regarding the
24 operation of watercraft, including but not limited to equipment
25 specifications, upon the public lake. The bill also allows an
26 association to utilize private buoys and other safety-related
27 installations to communicate the relevant policies until the
28 natural resource commission adopts rules regulating buoys and
29 other safety-related installations for the public lake that
30 is adjacent to or abuts the association. The bill defines
31 "association" as a nonprofit corporation incorporated under
32 Code chapter 504, named as an association, and that manages
33 a community with 1,000 units or more that is located on a
34 subdivision that is adjacent to or abuts a public lake.

35 The bill also defines "public lake" to mean any lake located

1 within the boundaries of this state that is a navigable body of
2 water and that is lawfully accessible by the general public.
3 The terms "common interest community", "member", "rule",
4 "bylaws", "rules and regulations", "unit", and "unit owner" are
5 also defined in the bill.