

Senate Study Bill 3153 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON BROWN)

A BILL FOR

1 An Act relating to regulation of vessels and equipment on
2 public lakes by common interest communities and certain
3 nonprofit corporations.
4 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 vessels 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 owner" means the same as defined in section 499C.1.

12 2. Notwithstanding any law to the contrary, a common
13 interest community adjacent to or abutting in part a public
14 lake may establish policies in the common interest community's
15 bylaws or rules regarding the operation of vessels, including
16 but not limited to equipment specifications, upon the public
17 lake by unit owners and unit owners' guests.

18 3. Notwithstanding section 462A.32, a common interest
19 community may communicate the common interest community's
20 policies established under subsection 2 through the use of
21 private buoys and other safety-related installations if the use
22 of private buoys and other safety-related installations is not
23 inconsistent with this chapter, or with rules adopted by the
24 commission.

25 Sec. 2. NEW SECTION. 462A.17B Nonprofit corporations —
26 regulation of vessels on public lakes.

27 1. As used in this section:

28 a. "Association" means a nonprofit corporation incorporated
29 under chapter 504, named as an association, and that manages a
30 community located on a subdivision that is adjacent to or abuts
31 a public lake.

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

33 c. "Member" means a person who on more than one occasion,
34 pursuant to the provisions of an association's articles or
35 bylaws, has a right to vote for the election of a director or

1 directors of the association, irrespective of how the member
2 is defined in the articles or bylaws of the association, and
3 who is a record lot owner of the association. A person is not
4 a member because of any of the following:

- 5 (1) The person's rights as a delegate.
- 6 (2) The person's rights to designate a director.
- 7 (3) The person's rights as a director.

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

11 *e. "Rules and regulations"* means the rules and regulations
12 adopted by the association's board of directors as authorized
13 by the bylaws of the association.

14 2. Notwithstanding any law to the contrary, an association
15 may establish policies in the association's rules and
16 regulations regarding the operation of vessels, including but
17 not limited to equipment specifications, upon a public lake
18 by the association's members and the association's members'
19 guests.

20 3. Notwithstanding section 462A.32, an association may
21 communicate the association's policies established under
22 subsection 2 through the use of private buoys and other
23 safety-related installations if the use of private buoys and
24 other safety-related installations is not inconsistent with
25 this chapter, or with rules adopted by the commission.

26 EXPLANATION

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

29 This bill relates to the regulation of vessels and equipment
30 on public lakes. Notwithstanding existing laws to the
31 contrary, the bill allows a common interest community that is
32 adjacent to or abutting a public lake to establish policies
33 for the common interest community's owners, and the owners'
34 guests, regarding the operation of vessels, including but not
35 limited to equipment specification, upon the public lake. The

1 bill allows the common interest community to utilize private
2 buoys and other safety-related installations to communicate
3 the relevant policies if the use is not inconsistent with Code
4 chapter 462A (water navigation regulations) or rules adopted by
5 the natural resource commission.

6 Notwithstanding existing laws to the contrary, the bill
7 provides that an association may establish policies for the
8 association's members, and the members' guests, regarding
9 the operation of vessels, including but not limited to
10 equipment specification, upon the public lake. The bill also
11 allows an association to utilize private buoys and other
12 safety-related installations to communicate the relevant
13 policies if the use is not inconsistent with Code chapter 462A
14 (water navigation regulations) or rules adopted by the natural
15 resource commission. The bill defines "association" as a
16 nonprofit corporation incorporated under chapter 504, named
17 as an association, and that manages a community located on a
18 subdivision that is adjacent to or abuts a public lake.

19 The bill also defines "public lake" to mean any lake located
20 within the boundaries of this state that is a navigable body of
21 water and that is lawfully accessible by the general public.
22 The terms "common interest community", "member", "rule",
23 "bylaws", "rules and regulations", and "unit owner" are also
24 defined in the bill.