

House File 828 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 640)
(SUCCESSOR TO HF 149)

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

A BILL FOR

1 An Act relating to aquatic regulations and activities, including
2 aquatic invasive species, the regulation and registration of
3 certain vessels, the operation of certain vessels by minors,
4 inspections of certain vessels, the operation of vessels for
5 hire or commercial vessels, providing for penalties, and
6 appropriating the moneys collected from certain registration
7 fee increases to the state fish and game protection fund.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 HF 828
10 av/es/25

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1 1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
1 2 2005, is amended by striking the paragraph.
1 3 Sec. 2. Section 456A.37, subsection 1, paragraph c, Code
1 4 2005, is amended to read as follows:
1 5 c. "Aquatic invasive species" means a species that is not
1 6 native to an ecosystem and whose introduction causes or is
1 7 likely to cause economic or environmental harm or harm to
1 8 human health including but not limited to habitat alteration
1 9 and degradation, and loss of biodiversity. For the purposes
1 10 of this section, "aquatic invasive species" are limited to
1 11 Eurasian water milfoil, purple loosestrife, ~~and~~ zebra mussels,
1 12 ~~except as provided in subsection 4 and those species~~
1 13 ~~identified as "aquatic invasive species" by the commission by~~
1 14 ~~rule.~~
1 15 Sec. 3. Section 456A.37, subsection 4, unnumbered
1 16 paragraph 2, Code 2005, is amended to read as follows:
1 17 c. If the commission determines that an additional species
1 18 should be defined as an "aquatic invasive species", the
1 19 species ~~may shall~~ be defined by the commission by rule as an
1 20 "aquatic invasive species" ~~subject to enactment of the~~
1 21 ~~definition by the general assembly at the next regular session~~
1 22 ~~of the general assembly. Failure of the general assembly to~~
1 23 ~~enact the definition pursuant to this paragraph constitutes a~~
1 24 ~~nullification of the definition effective upon adjournment of~~
1 25 ~~that next regular session of the general assembly.~~
1 26 Sec. 4. Section 462A.5, subsection 1, unnumbered paragraph
1 27 1, Code 2005, is amended to read as follows:
1 28 The owner of each vessel required to be numbered by this
1 29 state shall register it every ~~two~~ three years with the county
1 30 recorder of the county in which the owner resides, or, if the
1 31 owner is a nonresident, the owner shall register it in the
1 32 county in which such vessel is principally used. The
1 33 commission shall have supervisory responsibility over the
1 34 registration of all vessels and shall provide each county
1 35 recorder with registration forms and certificates and shall
2 1 allocate identification numbers to each county.
2 2 Sec. 5. Section 462A.5, subsection 1, Code 2005, is
2 3 amended by adding the following unnumbered paragraph after
2 4 unnumbered paragraph 2:
2 5 NEW UNNUMBERED PARAGRAPH. A vessel that has an expired
2 6 registration certificate from another state may be registered
2 7 in this state upon proper application, payment of all
2 8 applicable registration and writing fees, and payment of a
2 9 penalty of five dollars.
2 10 Sec. 6. Section 462A.5, subsection 3, Code 2005, is
2 11 amended to read as follows:
2 12 3. The registration fees for vessels subject to this
2 13 chapter are as follows:

2 14 a. For vessels of any length without motor or sail, five
2 15 ~~twelve~~ dollars.

2 16 b. For motorboats or sailboats less than ~~twelve sixteen~~
2 17 feet in length, ~~eight twenty=two dollars and fifty cents.~~

2 18 c. For motorboats or sailboats ~~twelve sixteen~~ feet or
2 19 more, but less than ~~fifteen twenty=six~~ feet in length, ~~ten~~
2 20 ~~thirty~~ dollars.

2 21 d. For motorboats or sailboats fifteen feet or more, but
2 22 ~~less than eighteen feet in length, twelve dollars.~~

2 23 e. For motorboats or sailboats ~~eighteen feet or more, but~~
2 24 ~~less than twenty-five feet in length, eighteen dollars.~~

2 25 f. ~~d.~~ For motorboats or sailboats ~~twenty-five twenty=six~~
2 26 feet in length or more, ~~twenty-eight but less than forty feet~~
2 27 in length, sixty dollars.

2 28 e. For motorboats or sailboats forty feet in length or
2 29 more, one hundred twelve dollars and fifty cents.

2 30 f. For all personal watercraft, forty-five dollars.

2 31 Every registration certificate and number issued becomes
2 32 delinquent at midnight April 30 of ~~odd-numbered years the last~~
2 33 ~~calendar year of the registration period unless terminated or~~
2 34 discontinued in accordance with this chapter. After January 1
2 35 ~~in odd-numbered years, 2007~~, an unregistered vessel and a
3 1 renewal of registration may be registered for the ~~two-year~~
3 2 ~~three-year~~ registration period beginning May 1 of that year.
3 3 ~~After January 1 in even-numbered years When unregistered~~
3 4 vessels are registered after May 1 of the second year of the
3 5 ~~three-year~~ registration period, such unregistered vessels may
3 6 be registered for the remainder of the current registration
3 7 period at ~~fifty sixty=six~~ percent of the appropriate
3 8 registration fee. ~~When unregistered vessels are registered~~
3 9 ~~after May 1 of the third year of the three-year registration~~
3 10 ~~period, such unregistered vessels may be registered for the~~
3 11 ~~remainder of the current registration period at thirty=three~~
3 12 ~~percent of the appropriate registration fee.~~

3 13 If a timely application for renewal is made, the applicant
3 14 shall receive the same registration number allocated to the
3 15 applicant for the previous registration period. If the
3 16 application for registration for the ~~biennium three-year~~
3 17 ~~registration period~~ is not made before May 1 of ~~each odd=~~
3 18 ~~numbered the last calendar year of the registration period,~~
3 19 the applicant shall be charged a penalty of five dollars.

3 20 Sec. 7. Section 462A.5, subsection 6, Code 2005, is
3 21 amended to read as follows:

3 22 6. The owner of each vessel which has a valid marine
3 23 document issued by the bureau of customs of the United States
3 24 government or any federal agency successor thereto shall
3 25 register it every ~~two three~~ years with the county recorder in
3 26 the same manner prescribed for undocumented vessels and shall
3 27 cause the registration validation decal to be placed on the
3 28 vessel in the manner prescribed by the rules of the
3 29 commission. When the vessel bears the identification required
3 30 in the documentation, it is exempt from the placement of the
3 31 identification numbers as required on undocumented vessels.
3 32 The fee for such registration is twenty=five dollars plus a
3 33 writing fee.

3 34 Sec. 8. Section 462A.12, subsection 6, Code 2005, is
3 35 amended to read as follows:

4 1 6. An owner or operator ~~of a vessel propelled by a motor~~
4 2 ~~of more than ten horsepower~~ shall not permit any person under
4 3 twelve years of age to operate the ~~personal watercraft vessel~~
4 4 unless accompanied in or on the same ~~personal watercraft~~
4 5 ~~vessel~~ by a responsible person of at least eighteen years of
4 6 age ~~who is experienced in motorboat operation. Commencing~~
4 7 ~~January 1, 2003, a~~ A person who is twelve years of age or
4 8 older but less than eighteen years of age shall not operate
4 9 any ~~personal watercraft vessel propelled by a motor of more~~
4 10 ~~than ten horsepower~~ unless the person has successfully
4 11 completed a department-approved watercraft safety course ~~and~~
4 12 ~~obtained a watercraft safety certificate or is accompanied in~~
4 13 ~~or on the same vessel by a responsible person of at least~~
4 14 ~~eighteen years of age who is experienced in motorboat~~
4 15 ~~operation.~~ A person required to have a watercraft safety
4 16 certificate shall carry and shall exhibit or make available
4 17 the certificate upon request of an officer of the department.
4 18 A violation of this subsection is a simple misdemeanor as
4 19 provided in section 462A.13. However, a person charged with
4 20 violating this subsection shall not be convicted if the person
4 21 produces in court, within a reasonable time, a department=
4 22 approved certificate. The cost of a department certificate,
4 23 or any duplicate, shall not exceed five dollars.

4 24 Sec. 9. Section 462A.20, Code 2005, is amended to read as

4 25 follows:

4 26 462A.20 BOAT INSPECTION.

~~4 27 Any person having, A vessel either for hire or offered for
4 28 hire upon any waters of this state under the jurisdiction of
4 29 the commission, any vessel, either for hire or offered for
4 30 hire, must have such vessel and all its appurtenances annually
4 31 may be inspected at any time by representatives of the
4 32 commission or by any peace officer who is trained in
4 33 enforcing, and who in the regular course of duty enforces,
4 34 boating and navigation laws.~~

~~4 35 Every such owner shall file in the office of the
5 1 commission, an application for inspection of such vessels on a
5 2 blank furnished by the commission for that purpose.~~

5 3 Officers appointed by the commission or any peace officer
5 4 who is trained in enforcing, and who in the regular course of
5 5 duty enforces, boating and navigation laws shall have the
5 6 power and authority to determine whether such vessel is safe
5 7 for the transportation of passengers or cargo and upon what
5 8 waters it may be used. They may determine and designate the
5 9 number of passengers or cargo, including crew, that may be
5 10 carried and determine whether the machinery, equipment and all
5 11 appurtenances are such as to make ~~said vessels~~ the vessel
5 12 seaworthy, where used, and such other matters as are
5 13 pertinent.

~~5 14 After such vessels have been inspected as provided herein,
5 15 a current inspection seal or tag shall be issued by the
5 16 commission and shall be kept posted in a conspicuous place
5 17 upon or in such vessel. Any inspection seal or tag shall be
5 18 in effect only for the calendar year for which the inspection
5 19 seal or tag is issued.~~

5 20 Private vessels may also be inspected to determine their
5 21 seaworthiness at any time by representatives of the commission
5 22 or by any peace officer who is trained in enforcing, and who
5 23 in the regular course of duty enforces, boating and navigation
5 24 laws.

5 25 Sec. 10. Section 462A.23, subsection 1, Code 2005, is
5 26 amended to read as follows:

5 27 1. Any officer appointed by the commission may, for cause,
5 28 temporarily suspend the registration certificate of any vessel
5 29 ~~and the license of a pilot or engineer,~~ that has been issued
5 30 under this chapter, and the commission, after a due hearing on
5 31 the matter at its next session, shall make final determination
5 32 in the matter.

5 33 Sec. 11. Section 462A.23, subsection 2, unnumbered
5 34 paragraph 1, Code 2005, is amended to read as follows:

5 35 The commission shall forthwith revoke the registration
6 1 certificate of any vessel and the ~~pilot's or engineer's~~
6 2 ~~license of the operator of such vessel~~ owner's or operator's
6 3 privilege to operate a vessel for hire or commercial vessel,
6 4 upon receiving a record of such owner or operator's conviction
6 5 of any of the following offenses, when such conviction has
6 6 become final:

6 7 Sec. 12. Section 462A.23, subsection 3, Code 2005, is
6 8 amended to read as follows:

6 9 3. The commission is hereby authorized to suspend the
6 10 registration certificate of any vessel and the ~~pilot's or~~
6 11 ~~engineer's license of an operator~~ owner's or operator's
6 12 privilege to operate a vessel for hire or commercial vessel
6 13 upon a showing by its records that the owner or operator:
6 14 a. Has committed an offense for which mandatory revocation
6 15 of ~~the~~ registration certificate or ~~pilot's or engineer's~~
6 16 ~~license of the privilege to operate a vessel for hire or~~
6 17 ~~commercial vessel~~ is required upon conviction.

6 18 b. Is a habitual reckless or negligent operator of a
6 19 vessel for hire or commercial vessel.

6 20 c. Is incompetent to operate a vessel for hire or
6 21 commercial vessel.

6 22 d. Has permitted an unlawful or fraudulent use of such
6 23 registration certificate ~~or pilot's or engineer's license.~~

6 24 Sec. 13. Section 462A.25, Code 2005, is amended by
6 25 striking the section and inserting in lieu thereof the
6 26 following:

6 27 462A.25 PENALTY.

6 28 If an owner or operator of a vessel for hire or commercial
6 29 vessel operated upon the waters of this state under the
6 30 jurisdiction of the commission permits such vessel to be
6 31 occupied by more passengers and crew than the registration
6 32 capacity allows or if a person continues to operate a vessel
6 33 for hire or commercial vessel after the person's privilege to
6 34 operate the vessel has been revoked, the person shall be
6 35 guilty of a serious misdemeanor. The provisions of this

7 1 section shall not apply to vessels registered or numbered by
7 2 authority of the United States.

7 3 Sec. 14. Section 462A.39, Code 2005, is amended to read as
7 4 follows:

7 5 462A.39 EXPIRATION DATE.

7 6 Each special certificate issued hereunder shall expire at
7 7 midnight on April 30 of ~~each odd-numbered the last calendar~~
7 8 ~~year of the registration period,~~ and a new special certificate
7 9 for the ensuing ~~biennium registration period~~ may be obtained
7 10 upon application to the commission and payment of the fee
7 11 provided by law.

7 12 Sec. 15. Section 462A.52, Code 2005, is amended to read as
7 13 follows:

7 14 462A.52 FEES REMITTED TO COMMISSION.

7 15 1. Within ten days after the end of each month, a county
7 16 recorder shall remit to the commission all fees collected by
7 17 the recorder during the previous month. Before May 10 in ~~odd-~~
7 18 ~~numbered years of the registration period beginning May 1 of~~
7 19 ~~that year,~~ a county recorder shall remit to the commission all
7 20 unused license blanks for the previous ~~biennium registration~~
7 21 ~~period.~~ All fees collected for the registration of vessels
7 22 shall be forwarded by the commission to the treasurer of the
7 23 state, who shall place the money in a ~~special conservation the~~
7 24 ~~state fish and game protection fund.~~ The money so collected
7 25 is appropriated to the commission solely for the
7 26 administration and enforcement of navigation laws and water
7 27 safety.

7 28 2. Notwithstanding subsection 1, any increase in revenues
7 29 received on or after July 1, 2007, but on or before June 30,
7 30 2013, pursuant to this section as a result of fee increases
7 31 pursuant to this Act, shall be used by the commission only for
7 32 the administration and enforcement of programs to control
7 33 aquatic invasive species and for the administration and
7 34 enforcement of navigation laws and water safety upon the
7 35 inland waters of this state and shall be used in addition to
8 1 funds already being expended by the commission each year for
8 2 these purposes. The commission shall not reduce the amount of
8 3 other funds being expended on an annual basis for these
8 4 purposes as of the effective date of this Act, during the
8 5 period of the appropriation provided for in this subsection.

8 6 3. The commission shall submit a written report to the
8 7 general assembly by December 31, 2007, and by December 31 of
8 8 each year thereafter through December 31, 2013, summarizing
8 9 the activities of the department in administering and
8 10 enforcing programs to control aquatic invasive species and
8 11 administering and enforcing navigation laws and water safety
8 12 upon the inland waters of the state. The report shall include
8 13 information concerning the amount of revenues collected
8 14 pursuant to this section as a result of fee increases pursuant
8 15 to this Act and how the revenues were expended. The report
8 16 shall also include information concerning the amount and
8 17 source of all other funds expended by the commission during
8 18 the year for the purposes of administering and enforcing
8 19 programs to control aquatic invasive species and administering
8 20 and enforcing navigation laws and water safety upon the inland
8 21 waters of the state and how the funds were expended.

8 22 Sec. 16. Section 462A.53, Code 2005, is amended to read as
8 23 follows:

8 24 462A.53 AMOUNT OF WRITING FEES.

8 25 A writing fee of one dollar and ~~twenty=~~five cents for each
8 26 transaction shall be collected by the county recorder. If two
8 27 or more functions are transacted for the same vessel at one
8 28 time, the writing fee is limited to one dollar and ~~twenty=~~
8 29 ~~five cents.~~

8 30 Sec. 17. Section 462A.66, Code 2005, is amended to read as
8 31 follows:

8 32 462A.66 INSPECTION AUTHORITY.

8 33 An officer of the commission or ~~any peace officer who is~~
8 34 ~~trained in enforcing, and who in the regular course of duty~~
8 35 ~~enforces, boating and navigation laws~~ may stop and inspect a
9 1 vessel being launched, being operated, or being moored on the
9 2 waters of this state under the jurisdiction of the commission
9 3 to determine whether the vessel is properly registered,
9 4 numbered, and equipped as provided under this chapter and
9 5 rules of the commission. An officer may board a vessel in the
9 6 course of an inspection if the operator is unable to supply
9 7 visual evidence that the vessel is properly registered and
9 8 equipped as required by this chapter and rules of the
9 9 commission. The inspection shall not include an inspection of
9 10 an area that is not essential to determine compliance with the
9 11 provisions of this chapter and rules of the commission.

9 12 Sec. 18. Section 462A.77, subsection 1, Code 2005, is
9 13 amended to read as follows:

9 14 1. Except as provided in subsection 3, an owner of a
9 15 vessel seventeen feet or longer in length principally used on
9 16 the waters of the state and to be numbered pursuant to section
9 17 462A.4 shall apply to the county recorder of the county in
9 18 which the owner resides for a certificate of title for the
9 19 vessel. The requirement of a certificate of title does not
9 20 apply to canoes, kayaks, or inflatable vessels regardless of
9 21 length.

9 22 Sec. 19. Sections 462A.21 and 462A.22, Code 2005, are
9 23 repealed.

9 24 HF 828

9 25 av:nh/es/25