

## CHAPTER 124

## REGISTRATION OF MOTORBOATS

S. F. 179

AN ACT relating to the registration of motorboats.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section one hundred six point two (106.2), Code  
2 1966, is hereby amended by adding thereto the following new subsections:  
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4 1. "Nonresident" means every person who is not a resident of this  
5 state."

6 2. "Dealer" means every person engaged in the business of buying, selling, or exchanging boats of a type required to be registered  
7 hereunder and who has an established place of business for such  
8 purpose in this state."

9  
10 3. "Manufacturer" means every person engaged in the business  
11 of constructing or assembling boats of a type required to be registered hereunder and who has an established place of business for  
12 such purpose in this state."

13  
14 4. "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of  
15 his business is transacted."

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17 5. "Writing fee" means the amount paid by the boat owner to the  
18 county recorder for handling the transaction."

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1 SEC. 2. Section one hundred six point five (106.5), Code 1966, is hereby amended as follows:

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3 1. By striking lines one (1) through thirteen (13) of subsection one (1) of such section and inserting in lieu thereof the following:

4 "The owner of each motorboat required to be numbered by this  
5 state shall register it every two (2) years with the county recorder of the county in which the owner resides, or, if the owner is a non-resident, he shall register it in the county in which such motorboat  
6 is principally used. The commission shall have supervisory responsibility over the registration of all motorboats and shall provide each  
7 county recorder with registration forms and certificates and shall allocate identification numbers to each county.  
8

9 "The owner of such motorboat shall file an application for registration with the appropriate county recorder on forms provided by  
10 the commission. The application shall be completed and signed by the owner of the motorboat and shall be accompanied by a fee of four  
11 (4) dollars and a writing fee of fifty (50) cents. Upon receipt of the application in approved form accompanied by the required fees, the  
12 county recorder shall enter the same upon the records of his office and shall issue to the applicant a pocket-size registration certificate.  
13 The certificate shall be executed in triplicate, one (1) copy to be delivered to the owner, one (1) copy to the commission, and one (1)  
14 copy to be retained on file by the county recorder. The registration certificate shall".  
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16 2. By striking subsections two (2), four (4), and five (5) of such  
17 section.  
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27 3. By striking from lines two (2) and three (3) of subsection  
28 seven (7) of such section the words "expire at midnight July 3,  
29 1963" and inserting in lieu thereof the words "become delinquent at  
30 midnight April 30, 1969,".

31 4. By striking from lines five (5) and six (6) of subsection seven  
32 (7) of such section the words "On or after the first day of March"  
33 and inserting in lieu thereof the words "After the first day of Jan-  
34 uary".

35 5. By striking from lines nine (9) and ten (10) of subsection  
36 seven (7) of such section the words "July 4. On or after the first  
37 day of March" and inserting in lieu thereof the words "May 1. After  
38 the first day of January".

39 6. By striking from lines fourteen (14) and fifteen (15) of sub-  
40 section seven (7) of such section the words "dollars. All registra-  
41 tions shall expire" and inserting in lieu thereof the following words  
42 "(2) dollars and a writing fee of fifty (50) cents. All registrations  
43 shall become delinquent".

44 7. By adding to subsection seven (7) of such section the follow-  
45 ing:

46 "If a timely application for renewal is made, the applicant shall  
47 receive the same registration number allocated to him for the pre-  
48 vious registration period. If the application for registration for the  
49 biennium is not made before May 1 of each odd-numbered year, the  
50 applicant shall be charged a penalty of one (1) dollar for each six  
51 (6) months, or any portion thereof, he is delinquent. Provided, how-  
52 ever, that if the registration is not renewed for two (2) consecutive  
53 registration periods, the number of said delinquent registration may  
54 be assigned to another applicant, and upon application for registra-  
55 tion by said delinquent registrant, he shall be assigned a new regis-  
56 tration number and shall not be charged any penalties."

57 8. By striking from line four (4) of subsection eight (8) of such  
58 section the word "commission" and inserting in lieu thereof the  
59 words "county recorder".

60 9. By striking from line nine (9) of subsection eight (8) of such  
61 section the word "commission" and inserting in lieu thereof the  
62 words "county recorder".

63 10. By inserting after line ten (10) of subsection eight (8) of such  
64 section the following:

65 "No fee shall be paid to the county recorder for making the afore-  
66 mentioned changes, unless the owner requests a new registration cer-  
67 tificate showing the change, in which case a fee of one (1) dollar plus  
68 a twenty-five (25) cent writing fee shall be paid to the recorder."

69 11. By striking from line fifteen (15) of subsection eight (8) of  
70 such section the word "commission" and inserting in lieu thereof the  
71 words "county recorder".

72 12. By striking from line sixteen (16) of subsection eight (8) of  
73 such section the words "one dollar" and inserting in lieu thereof the  
74 words "one (1) dollar plus a twenty-five (25) cent writing fee".

75 13. By striking from lines sixteen (16) and seventeen (17) of sub-  
76 section eight (8) of such section the word "commission" and insert-  
77 ing in lieu thereof the words "county recorder".

78 14. By striking from line twenty-one (21) of subsection eight (8)

79 of such section the word "commission" and inserting in lieu thereof  
80 the words "county recorder".

81 15. By striking from line twenty-three (23) of subsection eight  
82 (8) of such section the word "commission" and inserting in lieu  
83 thereof the words "county recorder".

84 16. By striking subsection nine (9) of such section and inserting  
85 in lieu thereof the following:

86 "All records of the commission and the county recorder, other than  
87 those declared by law to be confidential for the use of the commission  
88 and the county recorder, shall be open to public inspection during  
89 office hours."

1 SEC. 3. Section one hundred six point seven (106.7), Code 1966,  
2 is hereby amended as follows:

3 1. By striking from lines seven (7) and eight (8) of subsection  
4 two (2) of such section the words "in writing, and containing" and  
5 inserting in lieu thereof the words "which report shall contain".

6 2. By adding thereto the following new subsections:

7 1. "Every law enforcement officer who, in the regular course of  
8 duty, investigates an occurrence which is required to be reported by  
9 this section, shall, after completing such investigation, forward a  
10 report of such occurrence to the commission."

11 2. "All reports shall be in writing, and the written report shall be  
12 without prejudice to the individual so reporting and shall be for the  
13 confidential use of the commission. Provided however, upon the re-  
14 quest of any person involved in an occurrence covered under the  
15 provisions of this section, or the attorney for such person, the com-  
16 mission shall disclose the identity of the person involved in the occur-  
17 rence and his address. A written report filed with the commission  
18 shall not be admissible in or used in evidence in any civil action aris-  
19 ing out of the facts on which the report is based."

1 SEC. 4. Section one hundred six point fourteen (106.14), Code  
2 1966, is hereby amended as follows:

3 1. By striking all of lines twenty-two (22) through twenty-eight  
4 (28) of such section after the word "any" in line twenty-two (22)  
5 and inserting in lieu thereof a period (.).

6 2. By striking lines forty (40) through forty-five (45) of such  
7 section.

1 SEC. 5. Section one hundred six point twenty-three (106.23),  
2 Code 1966, is hereby amended by adding thereto the following new  
3 subsections:

4 1. "The commission is hereby authorized to suspend or revoke the  
5 certificate of registration of a motorboat registered under the pro-  
6 visions of this chapter when:

7 "a. It is satisfied that such registration certificate was fraudulently  
8 or erroneously obtained.

9 "b. It determines that a registered motorboat is unsafe to be oper-  
10 ated on waters of the state under the jurisdiction of the commission.

11 "c. A registered motorboat has been abandoned or wrecked.

12 "d. Identification numbers are knowingly displayed on a motorboat  
13 other than the one (1)\* to which assigned."

\*According to enrolled Act.

14 2. "Upon revocation of any registration certificate, the commission  
15 shall notify the county recorder who issued the same, who shall im-  
16 mediately enter the revocation upon his records."

17 3. "The commission is hereby authorized to suspend or revoke the  
18 special certificate of any manufacturer or dealer when it is satisfied  
19 that:

20 "a. Such special certificate was fraudulently or erroneously ob-  
21 tained.

22 "b. Such special certificate is being used in violation of the pro-  
23 visions of this chapter or the rules and regulations of the commis-  
24 sion.

25 "c. Such manufacturer or dealer is violating any of the provisions  
26 of this chapter or the rules and regulations of the commission."

1 SEC. 6. Chapter one hundred six (106), Code 1966, is hereby  
2 amended by adding thereto the following new sections:

3 1. "A manufacturer or dealer owning any motorboat required to be  
4 registered under the provisions of this Act may operate the same for  
5 purposes of transporting, testing, demonstrating, or selling the same  
6 without registering each such motorboat, provided that any such  
7 motorboat displays thereon a special certificate issued to such owner  
8 as provided in this chapter. This special certificate may not be used  
9 for any motorboat offered for hire or for any work or service motor-  
10 boats owned by a manufacturer or dealer."

11 2. "Any manufacturer or dealer may, upon payment of a fee of  
12 fifteen (15) dollars, make application to the commission, upon such  
13 forms as the commission prescribes, for a special certificate contain-  
14 ing a general distinguishing number and for one (1) or more dupli-  
15 cate special certificates. The applicant shall submit such reasonable  
16 proof of his status as a bona fide manufacturer or dealer as the com-  
17 mission may require."

18 3. "The commission, upon granting any such application, shall  
19 issue to the applicant a special certificate containing the applicant's  
20 name and address, the general distinguishing number assigned to the  
21 applicant, the word 'manufacturer' or 'dealer', and such other infor-  
22 mation as the commission may prescribe. The manufacturer or dealer  
23 shall have the number so awarded printed upon or attached to a  
24 removable sign or signs to be temporarily but firmly mounted upon  
25 or attached to the vessel being used, and the display must meet the  
26 requirements of this chapter and the rules and regulations of the  
27 commission."

28 4. "The commission shall also issue duplicate special certificates as  
29 applied for which shall have displayed thereon the general distin-  
30 guishing number assigned to the applicant. Each duplicate special  
31 certificate so issued shall contain a number or symbol identifying the  
32 same from every other duplicate special certificate bearing the same  
33 general distinguishing number. The fee for each additional duplicate  
34 special certificate shall be two (2) dollars."

35 5. "Each special certificate issued hereunder shall expire at mid-  
36 night on April 30 of each odd-numbered year, and a new special cer-  
37 tificate for the ensuing biennium may be obtained upon application  
38 to the commission and payment of the fee provided by law."

39 6. "Every manufacturer or dealer shall keep a written record of

40 the motorboats upon which such special certificates are used, which  
41 record shall be open to inspection by any law enforcement officer or  
42 any officer or employee of the commission."

43 7. "If a manufacturer or dealer has an established place of busi-  
44 ness in more than one (1) city or town, he shall secure a separate and  
45 distinct special certificate and general distinguishing number for  
46 each such place of business."

47 8. "Dealers using special certificates under the provisions of this  
48 chapter shall, before May 5 of each year, furnish the commission  
49 with a list of all used motorboats held by them for sale or trade, and  
50 upon which the registration fee for the current year has not been  
51 paid, giving the previous registration number, name of previous  
52 owner at the time such motorboat was transferred to the dealer, and  
53 such other information as the commission may require."

54 9. "Upon the transfer of ownership of any motorboat, the owner,  
55 except as otherwise provided by this chapter, shall complete the form  
56 on the back of the registration certificate and shall deliver it to the  
57 purchaser or transferee at the time of delivering the motorboat."

58 10. "The purchaser or transferee shall, except as otherwise pro-  
59 vided by this chapter, within five (5) days file a new application  
60 form with the county recorder with a fee of one (1) dollar and the  
61 appropriate writing fee, and a transfer of number shall be awarded  
62 in the same manner as provided for in an original registration."

63 11. "When the purchaser or transferee of a motorboat is a dealer  
64 who holds the same for resale and operates the motorboat only for  
65 purposes incident to a resale and displays thereon his special dealers  
66 certificate, or does not operate such motorboat or permit it to be  
67 operated, such transferee shall not be required to obtain a new regis-  
68 tration certificate but upon transferring his title or interest to an-  
69 other person he shall sign the reverse side of the registration cer-  
70 tificate of such motorboat indicating the name and address of the new  
71 purchaser."

72 12. "Whenever a dealer purchases or otherwise acquires a motor-  
73 boat registered in this state, he shall issue a signed receipt to the  
74 previous owner, indicating the date of purchase or acquisition, the  
75 name and address of such previous owner, and the registration num-  
76 ber of the motorboat purchased or acquired. The original receipt  
77 shall be delivered to the previous owner and one (1) copy shall be  
78 mailed or delivered by the dealer to the county recorder of the county  
79 in which the motorboat is registered, and one (1) copy shall be de-  
80 livered to the commission within forty-eight (48) hours."

81 13. "Nothing in this section shall prohibit a dealer from obtaining  
82 a new registration and transfer of registration in the same manner  
83 as other purchasers."

84 14. "Upon the sale of a motorboat by a manufacturer or dealer,  
85 the purchaser shall within five (5) days make application for regis-  
86 tration and he may operate the motorboat without its individual  
87 identification number thereon for a period of not more than ten (10)  
88 days after the purchase date, provided that during such period the  
89 motorboat shall have attached thereto, in accordance with the pro-  
90 visions of this chapter, a pasteboard card bearing the words 'regis-  
91 tration applied for' and the special certificate number of the dealer  
92 from whom the motorboat was purchased together with the date of

93 purchase plainly stamped or stenciled thereon."

94 15. "No manufacturer or dealer shall permit the use of such card  
95 unless an application for a registration certificate has been made."

96 16. "The commission shall, upon the application of any manufac-  
97 turer or dealer, furnish 'registration applied for' cards free of charge.  
98 No cards shall be used except those furnished by the commission."

99 17. "The county recorder shall be responsible for all fees and  
100 penalties for the issuance of motorboat registrations. All unused  
101 registration certificates shall be surrendered to the commission upon  
102 demand."

103 18. "Within ten (10) days after the end of each month, each  
104 county recorder shall remit to the commission all fees collected by him  
105 during the previous month. Before May 10 in odd-numbered years,  
106 each county recorder shall remit to the commission all unused license  
107 blanks for the previous biennium. Before May 10 of each year, each  
108 county recorder shall make a final accounting for all registration fees  
109 and penalties received during the previous year. All fees collected  
110 for the registration of vessels shall be forwarded by the commission  
111 to the treasurer of the state, who shall place such money in a special  
112 conservation fund. The money so collected is hereby appropriated to  
113 the commission solely for the administration and enforcement of  
114 navigation laws and water safety."

115 19. "In addition to the other fees provided by this chapter, the  
116 county recorder shall collect from the boat owner, at the time of the  
117 transaction, the following writing fees:

118 "1. For a new registration, fifty (50) cents.

119 "2. For renewal of a registration, fifty (50) cents.

120 "3. For a duplicate registration, twenty-five (25) cents.

121 "4. For a new registration upon a change of address or a change of  
122 name, but only if the owner requests a new registration be issued to  
123 him, twenty-five (25) cents."

124 20. "The writing fees collected by the county recorder shall be paid  
125 to the county treasurer by the county recorder as other such fees are  
126 paid to the county treasurer by him."

127 21. "No motorboat shall be registered by the county recorder until  
128 there has been presented to the recorder receipts, bills of sale, or  
129 other satisfactory evidence that the sales or use tax has been paid  
130 for the purchase of said boat, provided however, that no evidence  
131 need be presented as to any motorboat licensed with the commission  
132 prior to January 1, 1968. If the owner of the motorboat is unable to  
133 present satisfactory evidence that the sales or use tax has been paid,  
134 the county recorder shall collect said tax. On or before the tenth  
135 (10th) day of each month, the county recorder shall remit to the tax  
136 commission the amount of the taxes so collected during the preceding  
137 month, together with an itemized statement on forms furnished by  
138 the tax commission showing the name of each taxpayer, the make and  
139 purchase price of each motorboat and motor, the amount of tax paid,  
140 and such other information as the tax commission shall require."

1 SEC. 7. This Act shall take effect and be in force on January 1,  
2 1968.

Approved May 25, 1967.