

JAN 14 2005  
NATURAL RESOURCES

HOUSE FILE 63  
BY RAECKER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the operation of a vessel while a person is in  
2 the water and making a penalty applicable.

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

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HF 63

1 Section 1. Section 462A.12, subsection 11, Code 2005, is  
2 amended to read as follows:

3 11. A person shall not operate a vessel within fifty feet  
4 of a diver's flag placed in accordance with the rules of the  
5 commission adopted under chapter 17A, or within fifty feet of  
6 a flag displayed when a person is in the water pursuant to  
7 section 462A.15, subsection 2.

8 Sec. 2. Section 462A.15, Code 2005, is amended to read as  
9 follows:

10 462A.15 WATER SKIS AND SURFBOARDS -- WARNING FLAG.

11 1. ~~No~~ A person shall not operate a vessel on any waters of  
12 this state under the jurisdiction of the commission for towing  
13 a person or persons on water skis, surfboard, or similar  
14 device unless there is in such vessel a responsible person, in  
15 addition to the operator, in a position to observe the  
16 progress of the person or persons being towed.

17 2. ~~This section~~ subsection does not apply to a performer  
18 engaged in a professional exhibition or a person or persons  
19 engaged in a professional exhibition or a person or persons  
20 engaged in an activity authorized under section 462A.16.

21 2. A person operating a vessel, other than a personal  
22 watercraft, on any waters of this state under the jurisdiction  
23 of the commission shall display a red or orange flag measuring  
24 at least twelve by twelve inches whenever a person who has  
25 left the vessel is in the water. The flag shall not be  
26 displayed when the person is being towed, but shall be  
27 displayed when the person enters or reenters the water. The  
28 flag shall be visible for three hundred sixty degrees around  
29 the vessel when displayed. This subsection does not apply to  
30 a vessel when it is moored or anchored.

31 Sec. 3. Section 805.8B, subsection 1, paragraph c, Code  
32 2005, is amended to read as follows:

33 c. For operating violations under sections 462A.12,  
34 462A.15, ~~subsection 17-~~sections 462A.24, and 462A.34, the  
35 scheduled fine is twenty-five dollars. However, a violation

1 of section 462A.12, subsection 2, is not a scheduled  
2 violation.

3 EXPLANATION

4 This bill requires that a person operating a vessel on  
5 public waters must display a red or orange flag when a person  
6 has left the boat and is in the water. The flag shall not be  
7 displayed when the person is being towed, but must be  
8 displayed when the person reenters the water. The flag must  
9 be at least 12 inches by 12 inches and visible for 360 degrees  
10 around the vessel. The requirement does not apply to a vessel  
11 that is moored or anchored or to a personal watercraft.

12 The bill provides that a person operating a vessel shall  
13 not bring the vessel within 50 feet of a flag displayed to  
14 signal that a person is in the water.

15 A violation of the provisions in the bill is punishable as  
16 a scheduled violation subject to a \$25 fine.

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