

FIRST REGULAR SESSION

# HOUSE BILL NO. 96

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LUETKEMEYER (Sponsor), COOPER (155) AND REINHART.

Pre-filed December 17, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0627L.011

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### AN ACT

To amend chapter 306, RSMo, by adding thereto two new sections relating to boating safety, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 306, RSMo, is amended by adding thereto two new sections, to be  
2 known as sections 306.123 and 306.128, to read as follows:

**306.123. 1. Every person born after August 28, 1982, or as required pursuant to  
2 section 306.128, who operates a vessel or a personal watercraft on the waters of the state,  
3 but excluding all rivers, shall possess, on the watercraft, a boating safety identification card  
4 issued by the Missouri state water patrol or its agent which shows that he or she has:**

**5 (1) Successfully completed a boating safety course approved by the National  
6 Association of State Boating Law Administrators and certified by the Missouri state water  
7 patrol. The boating safety course may include a course sponsored by the United States  
8 Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water  
9 patrol may appoint agents to administer a boater education course or course equivalency  
10 examination and issue boater identification cards under guidelines established by the water  
11 patrol. The Missouri state water patrol shall maintain a list of approved courses; or**

**12 (2) Successfully passed an equivalency examination prepared by the Missouri state  
13 water patrol and administered by the Missouri state water patrol or its agent. The  
14 equivalency examination shall have a degree of difficulty equal to, or greater than, that of  
15 the examinations given at the conclusion of an approved boating safety course; or**

**16 (3) A valid master's, mate's or operator's license issued by the United States Coast  
17 Guard.**

**18 2. The Missouri state water patrol or its agent shall issue a permanent boating**

19 **safety identification card to each person who complies with the requirements of this section**  
20 **which is valid for life unless invalidated pursuant to law.**

21 **3. The Missouri state water patrol may charge a fee for such card or any**  
22 **replacement card that does not substantially exceed the costs of administrating this section.**  
23 **The Missouri state water patrol or its designated agent shall collect such fees. These funds**  
24 **shall be forwarded to general revenue.**

25 **4. The provisions of this section shall not apply to any person who:**

26 **(1) Is licensed by the United States Coast Guard to serve as master of a vessel;**

27 **(2) Operates a vessel or personal watercraft only on a private lake or pond that is**  
28 **not classified as waters of the state;**

29 **(3) Operates a vessel or personal watercraft on a river within this state;**

30 **(4) Until December 31, 2005, is a nonresident who is visiting the state for sixty days**  
31 **or less;**

32 **(5) Is participating in an event or regatta approved by the water patrol;**

33 **(6) Is a nonresident who has proof of a valid boating certificate or license issued by**  
34 **another state if the boating course is approved by the National Association of State Boating**  
35 **Law Administrators (NASBLA);**

36 **(7) Is exempted by rule of the water patrol; or**

37 **(8) Is currently serving in any branch of the United States armed forces, reserves,**  
38 **or Missouri national guard, or any spouse of a person currently in such service.**

39 **5. The Missouri state water patrol shall inform other states of the requirements of**  
40 **this section.**

41 **6. Any person who violates the provisions of this section is guilty of a class C**  
42 **misdemeanor and for a second or subsequent offense is guilty of a class B misdemeanor.**  
43 **No individual shall be detained or stopped strictly for the purpose of checking for said**  
44 **boating safety identification card.**

45 **7. No rule or portion of a rule promulgated pursuant to the authority of this section**  
46 **shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

**306.128. 1. Any person convicted of an offense pursuant to section 306.110,**  
2 **306.111, 306.112, 306.123, 306.132, or 306.141 shall:**

3 **(1) Enroll in and successfully complete, at his or her own expense, a boating safety**  
4 **education course that meets minimum standards established by the water patrol by rule;**

5 **(2) File with the court proof of successful completion of such course and submit a**  
6 **certified copy to the water patrol;**

7 **(3) Not operate a vessel until such filing;**

8 **(4) The provisions of this section shall not apply to any person who has previously**

9 **successfully completed a boating safety education course approved by the National**  
10 **Association of State Boating Law Administrators (NASBLA).**

11 **2. No rule or portion of a rule promulgated pursuant to the authority of this section**  
12 **shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.**