

SECOND REGULAR SESSION

HOUSE BILL NO. 1049

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COOPER (155) Sponsor, LUETKEMEYER, REINHART,
SHOEMAKER, RUESTMAN, HAMPTON, KRATKY, STEVENSON AND KUESSNER (Co-sponsors).

Read 1st time January 13, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2950L.04I

AN ACT

To repeal section 306.030, RSMo, and to enact in lieu thereof three new sections relating to watercraft regulation, with penalty provisions.

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

Section A. Section 306.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 306.030, 306.149, and 306.168, to read as follows:

306.030. 1. The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant's source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his **or her** name, shall thereupon issue an appropriate certificate of title over [his] **the director's** signature and sealed with the seal of [his] **the director's** office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 8 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

16 prescribed by rules and regulations of the division of water safety in order that it may be clearly
 17 visible. The number shall be maintained in legible condition. The certificate of number shall
 18 be pocket size and shall be available at all times for inspection on the vessel for which issued,
 19 whenever the vessel is in operation. The operator of a vessel in which such certificate of number
 20 is not available for inspection by the state water patrol or, if the operator cannot be determined,
 21 the person who is the registered owner of the vessel shall be subject to the penalties provided in
 22 section 306.210. Vessels owned by the state or a political subdivision shall be registered but no
 23 fee shall be assessed for such registration.

24 2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or
 25 within three feet of the transom or stern a factory number or serial number.

26 3. The owner of any vessel already covered by a number in full force and effect which
 27 has been awarded to it pursuant to then operative federal law or a federally approved numbering
 28 system of another state shall record the number prior to operating the vessel on the waters of this
 29 state in excess of the sixty-day reciprocity period provided for in section 306.080. The
 30 recordation and payment of registration fee shall be in the manner and pursuant to the procedure
 31 required for the award of a number under subsection 1 of this section. No additional or substitute
 32 number shall be issued unless the number is a duplicate of an existing Missouri number.

33 4. In the event that an agency of the United States government shall have in force an
 34 overall system of identification numbering for vessels within the United States, the numbering
 35 system employed pursuant to this chapter by the department of revenue shall be in conformity
 36 therewith.

37 5. All records of the department of revenue made and kept pursuant to this section shall
 38 be public records.

39 6. Every certificate of number awarded pursuant to this chapter shall continue in force
 40 and effect for a period of three years unless sooner terminated or discontinued in accordance with
 41 the provisions of this chapter. Certificates of number may be renewed by the owner in the same
 42 manner provided for in the initial securing of the same or in accordance with the provisions of
 43 sections 306.010 to 306.030.

44 7. The department of revenue shall fix the days and months of the year on which
 45 certificates of number due to expire during the calendar year shall lapse and no longer be of any
 46 force and effect unless renewed pursuant to this chapter and may stagger such dates in order to
 47 distribute the workload.

48 8. The fee to accompany each application for a certificate of number is:
 49 For vessels under 16 feet in length [\$10.00] **\$30.00**
 50 For vessels at least 16 feet in
 51 length but less than 26 feet in length [20.00] **60.00**

52 For vessels at least 26 feet in
 53 length but less than 40 feet in length [30.00] **90.00**
 54 For vessels at least 40 feet and over [40.00] **120.00**

55 9. The certificate of title and certificate of number issued by the director of revenue shall
 56 be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit,
 57 duplicate, or forge such certificate without ready detection.

58 **10. Two-thirds of all fees collected pursuant to the provisions of this section shall**
 59 **be deposited in the Missouri state water patrol fund and shall be used exclusively for the**
 60 **Missouri state water patrol.**

2 **306.149. 1. If, pursuant to the rules and regulations of the Missouri state water**
 3 **patrol seventy-five percent or more of the appropriate property owners located on coves,**
 4 **as specified in subsection 2 of this section, have filed with the Missouri state water patrol**
 5 **by application and a petition requesting that a particular cove be designated as an idle**
 6 **speed no wake cove, then such cove shall be an idle speed no wake cove during the days**

7 **2. The provisions of this section shall only apply to:**

8 **(1) Coves on Lake of the Ozarks;**

9 **(2) Vessels with a manufacturer's statement of origin size of twenty-six feet or**
 10 **more; and**

11 **(3) Fridays, Saturdays, Sundays, and holidays beginning with the Friday**
 12 **immediately prior to Memorial Day through Labor Day.**

13 **3. The provisions of this section shall not apply to the vessels of the Missouri state**
 14 **water patrol or any other emergency vessel.**

15 **4. All buoys and signs shall be in accordance with the provisions of this chapter.**

16 **5. The commissioner of the Missouri water patrol is authorized to make and**
 17 **promulgate rules and regulations necessary to carry out the provisions of this section. No**
 18 **rule or portion of a rule promulgated pursuant to the authority of this section shall become**
 19 **effective unless it has been promulgated pursuant to chapter 536, RSMo.**

20 **6. Any person who violates the provisions of this section shall be guilty of a class**
 21 **B misdemeanor.**

2 **306.168. 1. There is hereby created in the state treasury the "Missouri State Water**
 3 **Patrol Fund", which shall consist of money collected pursuant to section 306.030. The state**
 4 **treasurer shall be custodian of the fund and shall approve disbursements from the fund**
 5 **in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the**
 6 **fund shall be used solely for the expenses of the Missouri state water patrol, including but**
 not limited to personnel expense, training expense, and equipment expense and shall not

7 **be used as a substitute for general revenue already appropriated for the operation of the**
8 **Missouri state water patrol.**

9 **2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
10 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
11 **the general revenue fund.**

12 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
13 **funds are invested. Any interest and moneys earned on such investments shall be credited**
14 **to the fund.**