

FIRST REGULAR SESSION

HOUSE BILL NO. 398

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOWE (44) (Sponsor), MEINERS,
WALSH AND YOUNG (Co-sponsors).

Read 1st time January 31, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0525L.011

AN ACT

To repeal section 306.124, RSMo, and to enact in lieu thereof one new section relating to navigation and regulatory markers.

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

Section A. Section 306.124, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 306.124, to read as follows:

306.124. 1. (1) "Aids to navigation" means buoys, beacons or other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels.

(2) "Regulatory markers" means any anchored or fixed markers in or on the water or signs on the shore or on bridges over the water other than aids to navigation and shall include but not be limited to bathing markers, speed zone markers, information markers, danger zone markers, boat keep-out areas, and mooring buoys.

2. The Missouri state water patrol after a public hearing pursuant to notice thereof published not less than ten days prior thereto in each county to be affected may provide for the uniform marking of the water areas in this state through the placement of aids to navigation and regulatory markers. The Missouri state water patrol shall establish a marking system compatible with the system of aids to navigation prescribed by the United States Coast Guard. No city, county, or person shall mark or obstruct the water of this state in any manner so as to endanger the operation of watercraft or conflict with the marking system prescribed by the state water patrol.

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

16 **3. Beginning on January 1, 2006, each new marker placed on the waters of this**
17 **state as prescribed for in this section shall be equipped with a battery or solar-powered**
18 **flashing yellow light. By January 1, 2007, all existing markers shall be similarly equipped**
19 **with flashing yellow lights. Each lighted marker shall be properly maintained and flashing**
20 **lights that cease to function shall be replaced or repaired to working order within seven**
21 **days of initial malfunction.**

22 **4.** Whenever, due to any actual or imminent man-made or natural disaster, the navigation
23 or use of any waters of this state presents an unreasonable danger to persons or property, the
24 Missouri state water patrol may, with the consent of the director of the department of public
25 safety, close such waters by the placement of regulatory markers.

26 [4.] **5.** The operation of any watercraft within prohibited areas that are marked shall be
27 prima facie evidence of negligent operation.

28 [5.] **6.** It shall be unlawful for any person to operate a watercraft on the waters of this
29 state in a manner other than that prescribed or permitted by regulatory markers.

30 [6.] **7.** No person shall moor or fasten a watercraft to or willfully damage, tamper,
31 remove, obstruct, or interfere with any aid to navigation or regulatory marker established
32 pursuant to sections 306.010 to 306.126.