

SECOND REGULAR SESSION

HOUSE BILL NO. 1892

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DETHROW.

Read 1st time February 28, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5338L.01I

AN ACT

To repeal sections 306.010, 306.100, 306.132, and 306.221, RSMo, and to enact in lieu thereof four new sections relating to watercraft, with penalty provisions.

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

Section A. Sections 306.010, 306.100, 306.132, and 306.221, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 306.010, 306.100, 306.132,
3 and 306.221, to read as follows:

306.010. As used in this chapter the following terms mean:

- 2 (1) "Motorboat", any vessel propelled by machinery, whether or not such machinery is
3 a principal source of propulsion;
- 4 (2) "Operate", to navigate or otherwise use a motorboat or a vessel;
- 5 (3) "Operator", the person who operates or has charge of the navigation or use of a
6 vessel;
- 7 (4) "Owner", a person other than a lienholder, having the property in or title to a
8 motorboat. The term includes a person entitled to the use or possession of a motorboat subject
9 to an interest of another person, reserved or created by agreement and securing payment or
10 performance of an obligation, but the term excludes a lessee under a lease not intended as
11 security;
- 12 (5) "Parasailing", the towing of any person equipped with a parachute or kite equipment
13 by any watercraft operating on the waters of this state;

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.

14 (6) "Personal watercraft", a class of vessel, which is less than sixteen feet in length,
15 propelled by machinery which is designed to be operated by a person sitting, standing or kneeling
16 on the vessel, rather than being operated by a person sitting or standing inside the vessel;

17 (7) "Vessel", every motorboat and every description of motorized watercraft, and any
18 watercraft more than twelve feet in length which is powered by sail alone or by a combination
19 of sail and machinery, used or capable of being used as a means of transportation on water, but
20 not any watercraft having as the only means of propulsion a paddle or oars;

21 (8) "Watercraft", any boat or craft, including a vessel, used or capable of being used as
22 a means of transport on waters;

23 (9) "Waters of this state", any waters **or waterways** within the territorial limits of this
24 state and lakes constructed [or], maintained, **managed, or overseen** by the United States Army
25 Corps of Engineers except bodies of water owned by a person, corporation, association,
26 partnership, municipality or other political subdivision, public water supply impoundments, and
27 except drainage ditches constructed by a drainage district, but the term does include any body
28 of water which has been leased to or owned by the state department of conservation.

306.100. 1. For the purpose of this section, vessels shall be divided into four classes as
2 follows:

- 3 (1) Class A, less than sixteen feet in length;
- 4 (2) Class 1, at least sixteen and less than twenty-six feet in length;
- 5 (3) Class 2, at least twenty-six and less than forty feet in length;
- 6 (4) Class 3, forty feet and over.

7 2. All vessels shall display from sunset to sunrise the following lights when under way,
8 and during such time no other lights which may be mistaken for those prescribed shall be
9 exhibited:

10 (1) Vessels of classes A and 1:

11 (a) A bright white light aft to show all around the horizon;

12 (b) A combined light in the forepart of the vessel and lower than the white light aft,
13 showing green to starboard and red to port, so fixed as to throw the light from right ahead to two
14 points (22 ½ degrees) abaft the beam on their respective sides.

15 (2) Vessels of classes 2 and 3:

16 (a) A bright white light in the forepart of the vessel as near the stem as practicable, so
17 constructed as to show the unbroken light over an arc of the horizon of twenty points (225
18 degrees) of the compass, so fixed as to throw the light ten points (112 ½ degrees) on each side
19 of the vessel; namely, from right ahead to two points (22 ½ degrees) abaft the beam on either
20 side;

21 (b) A bright white light aft to show all around the horizon and higher than the white light
22 forward;

23 (c) On the starboard side a green light so constructed as to show an unbroken light over
24 an arc of the horizon of ten points ($112\frac{1}{2}$ degrees) of the compass, so fixed as to throw the light
25 from right ahead to two points ($22\frac{1}{2}$ degrees) abaft the beam on the starboard side; on the port
26 side a red light so constructed as to show an unbroken light over an arc of the horizon of ten
27 points ($112\frac{1}{2}$ degrees) of the compass, so fixed as to throw the light from right ahead to two
28 points ($22\frac{1}{2}$ degrees) abaft the beam on the portside. The side lights shall be fitted with inboard
29 screens so set as to prevent these lights from being seen across the bow.

30 (3) Vessels of classes A and 1 when propelled by sail alone shall exhibit the combined
31 light prescribed by this section and a twelve point (135 degree) white light aft. Vessels of classes
32 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by
33 this section and a twelve point (135 degree) white light aft.

34 (4) All vessels between the hours of sunset and sunrise that are not under way, moored
35 at permanent dockage or attached to an immovable object on shore so that they do not extend
36 more than fifty feet from the shore shall display one three-hundred-sixty-degree white light
37 visible three hundred sixty degrees around the horizon.

38 (5) Every white light prescribed by this section shall be of such character as to be visible
39 at a distance of at least two miles. Every colored light prescribed by this section shall be of such
40 character as to be visible at a distance of at least one mile. The word "visible" in this subsection,
41 when applied to lights, shall mean visible on a dark night with clear atmosphere.

42 (6) When propelled by sail and machinery every vessel shall carry the lights required by
43 this section for a motorboat propelled by machinery only.

44 3. Any watercraft not defined as a vessel shall, from sunset to sunrise, carry, ready at
45 hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to
46 avert collision.

47 4. Any vessel may carry and exhibit the lights required by the federal regulations for
48 preventing collisions at sea, in lieu of the lights required by subsection 2 of this section.

49 5. All other watercraft over sixty-five feet in length and those propelled solely by wind
50 effect on the sail shall display lights prescribed by federal regulations.

51 6. Any watercraft used by a person engaged in the act of sport fishing is not required to
52 display any lights required by this section if no other vessel is within the immediate vicinity of
53 the first vessel, the vessel is using an electric trolling motor and the vessel is within fifty feet of
54 the shore.

55 7. [Every vessel, except those in class A, shall have on board at least one wearable
56 personal flotation device of type I, II or III for each person on board and each person being towed

57 who is not wearing one. Every such vessel shall also have on board at least one type IV
58 throwable personal flotation device.

59 8. All class A motorboats and all watercraft traveling on the waters of this state shall
60 have on board at least one type I, II, III or IV personal flotation device for each person on board
61 and each person being towed who is not wearing one] **No vessel shall continuously display**
62 **spotlights, docking lights, or any other nonprescribed lights, which hinder the night vision**
63 **of other vessel operators between official sunset and sunrise.**

64 8. Every watercraft shall have on board at least one wearable personal flotation
65 device of type I, II, III, or V, provided the type V device is being used in accordance with
66 any requirements on the label or in the owner's manual, for each person on board and each
67 person being towed.

68 9. Every watercraft, except those in Class A or kayaks, racing kayaks, sailboards,
69 racing shells, racing canoes, and rowing sculls of any length shall have on board at least
70 one type IV personal flotation device.

71 10. All lifesaving devices required by this subsection shall be United States Coast
72 Guard approved, in serviceable condition, and so placed as to be readily accessible.

73 [9.] 11. All lifesaving devices required by subsections 7 and 8 of this section shall be
74 United States Coast Guard approved, in serviceable condition and so placed as to be readily
75 accessible.

76 [10.] 12. Every vessel which is carrying or using flammable or toxic fluid in any
77 enclosure for any purpose, and which is not an entirely open vessel, shall have an efficient
78 natural or mechanical ventilation system which must be capable of removing resulting gases
79 prior to and during the time the vessel is occupied by any person.

80 [11.] 13. Motorboats shall carry on board at least the following United States Coast
81 Guard approved fire extinguishers:

82 (1) Every class A and every class 1 motorboat carrying or using gasoline or any other
83 flammable or toxic fluid, one B1 type fire extinguisher;

84 (2) Every class 2 motorboat, one B2 or two B1 type fire extinguishers;

85 (3) Every class 3 motorboat:

86 (a) Three B1 type fire extinguishers; or

87 (b) One B2 type and one B1 type fire extinguisher; or

88 (c) A fixed fire extinguishing system and one B2 type fire extinguisher; or

89 (d) A fixed fire extinguishing system and two B1 type fire extinguishers.

90 [12.] 14. All class 1 and 2 motorboats and vessels shall have a sounding device. All
91 class 3 motorboats and vessels shall have at least a sounding device and one bell.

92 [13.] 15. No person shall operate any watercraft which is not equipped as required by this
93 section.

94 [14.] 16. A Missouri state water patrol officer may direct the operator of any watercraft
95 being operated without sufficient personal flotation devices, fire-fighting devices or in an
96 overloaded or other unsafe condition or manner to take whatever immediate and reasonable steps
97 are necessary for the safety of those aboard when, in the judgment of the officer, such operation
98 creates a hazardous condition. The officer may direct the operator to return the watercraft to the
99 nearest safe mooring and to remain there until the situation creating the hazardous condition is
100 corrected.

101 [15.] 17. A Missouri state water patrol officer may remove any unmanned or unattended
102 watercraft from the water when, in the judgment of the officer, the watercraft creates a hazardous
103 condition.

306.132. 1. Any person operating a watercraft on the waters of this state shall stop such
2 watercraft upon a signal of any member of the Missouri state water patrol and obey any other
3 reasonable signal or direction of such member of the Missouri state water patrol given in
4 directing the movement of traffic on the waters of this state.

5 2. Any person operating a watercraft upon the waters of this state shall immediately stop
6 or position such watercraft in such a way as to give the right-of-way on the water to any
7 emergency watercraft, as established by the Missouri state water patrol, when such emergency
8 watercraft gives an audible signal by siren or gives a visible signal by having at least one lighted
9 lamp exhibiting a red or blue light visible under normal atmospheric conditions from a distance
10 of five hundred feet to the front of such emergency watercraft.

11 3. **Vessels shall not be operated at a speed in excess of slow no-wake speed within**
12 **one hundred feet of any emergency vessel that has red and/or blue emergency lighting**
13 **displayed.**

14 4. Any person who violates the provisions of this section is guilty of a class C
15 misdemeanor.

306.221. 1. No person shall operate or otherwise position a vessel or other object or any
2 person in such manner as to obstruct or impede the normal flow of traffic on the [lakes] **waters**
3 of this state.

4 2. Any person who violates subsection 1 of this section is guilty upon the first conviction
5 of a class C misdemeanor and upon the second and any subsequent conviction of a class B
6 misdemeanor.

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