

SECOND REGULAR SESSION

# HOUSE BILL NO. 1744

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAY (Sponsor), KUESSNER, BROWN (149), SMITH (150), WETER, NANCE, WALLACE, CASEY, SCHIEFFER, PACE, SANDER, QUINN, GRISAMORE, NOLTE, ATKINS, MEADOWS, COOPER AND SCHARNHORST (Co-sponsors).

4283L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 306.109, 306.127, and 306.903, RSMo, and to enact in lieu thereof three new sections relating to boating, with penalty provisions.

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

Section A. Sections 306.109, 306.127, and 306.903, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 306.109, 306.127, and 306.903, to read as follows:

306.109. 1. No person shall possess or use beer bongs [or other drinking devices used to consume similar amounts of alcohol] on the rivers of this state. As used in this section, the term "beer bong" includes any device that is [intended and] designed for the rapid consumption or intake of an alcoholic beverage, including but not limited to funnels, tubes, hoses, and modified containers with additional vents.

2. No person shall possess or use any large volume alcohol containers that hold more than four gallons of an alcoholic beverage on the rivers of this state.

3. No person shall possess expanded [polypropylene] **polystyrene** coolers on or within fifty feet of any river of this state, except in developed campgrounds, picnic areas, landings, roads and parking lots [located within fifty feet of such rivers]. This subsection shall not apply to high density bait containers used solely for such purpose.

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

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           5. The provisions of this section shall not apply to persons on the Mississippi River,  
15 Missouri River, or Osage River.

          306.127. 1. [Beginning January 1, 2005,] Every person born after January 1, 1984, or  
2 as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall  
3 possess, on the vessel, a boating safety identification card issued by the Missouri state water  
4 patrol or its agent, **or a Missouri driver's license or nondriver's license with an endorsement,**  
5 which shows that he or she has:

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

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

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

19           2. The Missouri state water patrol or its agent shall issue a permanent boating safety  
20 identification card to each person who complies with the requirements of this section which is  
21 valid for life unless invalidated pursuant to law.

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

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

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

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

30           (3) [Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

31           (4)] Is participating in an event or regatta approved by the water patrol;

32           [(5)] (4) Is a nonresident who has proof of a valid boating certificate or license issued  
33 by another state if the boating course is approved by the National Association of State Boating  
34 Law Administrators (NASBLA);

35        [(6)] (5) Is exempted by rule of the water patrol;  
36        [(7)] (6) Is currently serving in any branch of the United States armed forces, reserves,  
37 or Missouri national guard, or any spouse of a person currently in such service; or  
38        [(8)] (7) Has previously successfully completed a boating safety education course  
39 approved by the National Association of State Boating Law Administrators (NASBLA).

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

42        6.] No individual shall be detained or stopped strictly for the purpose of checking  
43 whether the individual possesses a boating safety identification card or a temporary boater  
44 education permit.

45        [7. Beginning January 1, 2006,] 6. Any nonresident born after January 1, 1984, desiring  
46 to operate a rental vessel on the lakes of this state[,] may obtain a temporary boater education  
47 permit by completing and passing a written examination developed by the Missouri state water  
48 patrol, provided the person meets the minimum age requirements for operating a vessel in this  
49 state. The Missouri state water patrol is authorized to promulgate rules for developing the  
50 examination and any requirements necessary for issuance of the temporary boater education  
51 permit. The temporary boater education permit shall expire when the nonresident obtains a  
52 permanent identification card pursuant to subsection 2 of this section or thirty days after  
53 issuance, whichever occurs first. The Missouri state water patrol may charge a fee not to exceed  
54 ten dollars for such temporary permit. Upon successful completion of an examination and prior  
55 to renting a vessel, the business entity responsible for giving the examination shall collect such  
56 fee and forward all collected fees to the Missouri state water patrol on a monthly basis for  
57 deposit in the state general revenue fund. Such business entity shall incur no additional liability  
58 in accepting the responsibility for administering the examination. This subsection shall terminate  
59 on December 31, 2010.

      306.903. 1. Any person who abandons a boat dock and permits it to float freely without  
2 being moored upon lakes having at least nine hundred fifty miles of aggregate shoreline is guilty  
3 of an infraction, the penalty for which shall be a fine of not less than twenty-five dollars or more  
4 than one hundred dollars.

5        2. Any person who abandons a boat dock shall be responsible for the retrieval and  
6 disposal of such boat dock. Any person who violates subsection 1 of this section and who does  
7 not properly retrieve and dispose of such abandoned boat dock shall, upon a plea of guilty or a  
8 finding of guilt for such an offense, be ordered to reimburse the appropriate law enforcement  
9 agency, including the state water patrol, for the costs associated with the retrieval and disposal  
10 of the abandoned boat dock. The law enforcement agency may establish a schedule of such  
11 costs. However, the court may reduce the costs if it determines that the costs are excessive.

12           3. The state water patrol may accept gifts, grants, in-kind services and appropriations,  
13 and may enter into contracts with private or public entities for the enforcement and  
14 administration of this section.

15           4. [Beginning January 1, 2010,] Any person owning a boat dock on lakes having at least  
16 nine hundred fifty miles of shoreline [and] **or** lakes constructed or maintained by the United  
17 States Army Corps of Engineers except bodies of water owned by a person, corporation,  
18 association, partnership, municipality or other political subdivision, public water supply  
19 impoundments, and except drainage ditches [construction] **constructed** by a drainage district,  
20 but not to include any body of water which has been leased to or owned by the state department  
21 of conservation shall display identifying information on the dock, including but not limited to,  
22 a permit number issued to the owner by an entity having authority to issue such identification or  
23 permit number and the appropriate 911 address or in the absence of a 911 system, the physical  
24 address nearest to the dock by land. **The permit number and appropriate 911 address or**  
25 **nearest physical address shall be posted on the lake side of the dock in a location most**  
26 **visible from the channel or cove. The permit number and address shall, at a minimum, be**  
27 **legible, not less than three inches in height, and shall have a contrasting color to the dock.**  
28 **Signs posted prior to August 28, 2010, shall be exempt from the three-inch height**  
29 **requirement of this subsection.** Any person owning a boat dock [on lakes having at least nine  
30 hundred fifty miles of aggregate shoreline] who violates this subsection may be guilty of an  
31 infraction, the penalty for which shall not exceed twenty-five dollars.

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