

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1591

99TH GENERAL ASSEMBLY

5347H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 306.030, 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof four new sections relating to watercraft operation, with penalty provisions.

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

Section A. Sections 306.030, 306.100, 306.125, and 306.126, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 306.030, 306.100, 306.125,
3 and 306.126, to read as follows:

306.030. 1. The owner of each vessel requiring numbering by this state shall file an
2 application for number with the department of revenue on forms provided by it. The application
3 shall contain a full description of the vessel, factory number or serial number, together with a
4 statement of the applicant's source of title and of any liens or encumbrances on the vessel. For
5 good cause shown the director of revenue may extend the period of time for making such
6 application. The director of revenue shall use reasonable diligence in ascertaining whether the
7 facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of
8 such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon
9 issue an appropriate certificate of title over the director's signature and sealed with the seal of the
10 director's office, procured and used for such purpose, and a certificate of number stating the
11 number awarded to the vessel. The application shall include a provision stating that the applicant
12 will consent to any inspection necessary to determine compliance with the provisions of this
13 chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee
14 specified in subsection 10 of this section. The owner shall paint on or attach to each side of the
15 bow of the vessel the identification number in a manner as may be prescribed by rules and
16 regulations of the division of water safety in order that it may be clearly visible. The number

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.

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

42 Certificates of number may be renewed by the owner in the same manner provided for in the
43 initial securing of the same or in accordance with the provisions of 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. When applying for or renewing a vessel's certificate of number, the owner shall submit
49 a paid personal property tax receipt for the tax year which immediately precedes the year in
50 which the application is made or the year in which the renewal is due and which reflects that the
51 vessel being renewed is listed as personal property and that all personal property taxes, including
52 delinquent taxes from prior years, have been paid, or a statement certified by the county or

53 township in which the owner's property was assessed showing that the state and county tangible
54 personal property taxes for such previous tax year and all delinquent taxes due have been paid
55 by the applicant or that no such taxes were due.

56 9. When applying for or renewing a certificate of registration for a vessel documented
57 with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid
58 personal property tax receipt for the tax year which immediately precedes the year in which the
59 application is made or the renewal is due and which reflects that the vessel is listed as personal
60 property and that all personal property taxes, including delinquent taxes from prior years, have
61 been paid, or a statement certified by the county or township in which the owner's property was
62 assessed showing that the state and county tangible personal property taxes for such previous tax
63 year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

64 10. The fee to accompany each application for a certificate of number is:
65 For vessels under 16 feet in length.. \$25.00
66 For vessels at least 16 feet in length but less than 26 feet in length. \$55.00
67 For vessels at least 26 feet in length but less than 40 feet in length. \$100.00
68 For vessels at least 40 feet and over.. \$150.00

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

72 12. **For fiscal years ending before July 1, 2019**, the first two million dollars collected
73 annually under the provisions of this section shall be deposited into the state general revenue
74 fund. All fees collected under the provisions of this section in excess of two million dollars
75 annually shall be deposited in the water patrol division fund and shall be used exclusively for the
76 water patrol division.

77 13. **Beginning July 1, 2019, the first one million dollars collected annually under**
78 **the provisions of this section shall be deposited into the state general revenue fund. All fees**
79 **collected under the provisions of this section in excess of one million dollars annually shall**
80 **be deposited in the water patrol division fund and shall be used exclusively for the water**
81 **patrol division.**

82 14. Notwithstanding the provisions of subsection 10 of this section, vessels at least
83 sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed
84 out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall
85 accompany each application for a certification number.

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, continuous spotlights or docking lights, or other
9 nonprescribed lights shall be 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 1/2 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 1/2 degrees) on each side
19 of the vessel; namely, from right ahead to two points (22 1/2 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 1/2 degrees) of the compass, so fixed as to throw the light
25 from right ahead to two points (22 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 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two
28 points (22 1/2 degrees) abaft the beam on the portside. The side lights shall be fitted with
29 inboard 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.

62 9. All lifesaving devices required by subsections 7 and 8 of this section shall be United
63 States Coast Guard approved, in serviceable condition and so placed as to be readily accessible.
64 **The operator of any watercraft in violation of this subsection or subsection 7 or 8 of this**
65 **section is guilty of an infraction and shall be fined not more than twenty-five dollars. All**
66 **other provisions of law and court rules notwithstanding, no court costs shall be imposed**
67 **on any person due to a violation of this subsection or subsection 7 or 8 of this section.**

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

72 11. Motorboats shall carry on board at least the following United States Coast Guard
73 approved fire extinguishers:

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

- 76 (2) Every class 2 motorboat:
77 (a) Two B1 type fire extinguishers; or
78 (b) One B2 type fire extinguisher; or
79 (c) A fixed fire extinguishing system and one B1 type fire extinguisher; and
80 (3) Every class 3 motorboat:
81 (a) Three B1 type fire extinguishers; or
82 (b) One B2 type and one B1 type fire extinguisher; or
83 (c) A fixed fire extinguishing system and one B2 type fire extinguisher; or
84 (d) A fixed fire extinguishing system and two B1 type fire extinguishers.
- 85 12. All class 1 and 2 motorboats and vessels shall have a sounding device. All class 3
86 motorboats and vessels shall have at least a sounding device and one bell.
- 87 13. No person shall operate any watercraft which is not equipped as required by this
88 section.
- 89 14. A water patrol division officer may direct the operator of any watercraft being
90 operated without sufficient personal flotation devices, fire-fighting devices or in an overloaded
91 or other unsafe condition or manner to take whatever immediate and reasonable steps are
92 necessary for the safety of those aboard when, in the judgment of the officer, such operation
93 creates a hazardous condition. The officer may direct the operator to return the watercraft to the
94 nearest safe mooring and to remain there until the situation creating the hazardous condition is
95 corrected.
- 96 15. A water patrol division officer may remove any unmanned or unattended watercraft
97 from the water when, in the judgment of the officer, the watercraft creates a hazardous condition.
- 98 16. Nothing in this section shall prohibit the use of additional specialized lighting used
99 in the act of sport fishing.
- 306.125. 1. Every person shall operate a motorboat, vessel or watercraft in a careful and
2 prudent manner and at a rate of speed so as not to endanger the property of another or the life or
3 limb of any person and shall exercise the highest degree of care.
- 4 2. No person shall operate a motorboat, vessel or watercraft at any time from a half-hour
5 after sunset until an hour before sunrise the following day at a speed exceeding thirty miles per
6 hour.
- 7 3. Vessels shall not be operated within one hundred feet of any dock, pier, occupied
8 anchored boat or buoyed restricted area on any lake at a speed in excess of slow-no wake speed.
9 **The operator of any watercraft in violation of this subsection is guilty of an infraction and**
10 **shall be fined not more than twenty-five dollars; however, if the operator cannot be**
11 **identified, the owner of the watercraft shall be subject to such penalty. All other provisions**

12 **of law and court rules notwithstanding, no court costs shall be imposed on any person due**
13 **to a violation of this subsection.**

14 **4. The department of public safety shall promulgate all necessary rules and**
15 **regulations for the implementation and administration of a no wake cove for class 3 vessels**
16 **in a cove with its main juncture less than eight hundred feet, measured from shore to**
17 **shore, at the main channel. Any rule or portion of a rule, as that term is defined in section**
18 **536.010, that is created under the authority delegated in this section shall become effective**
19 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
20 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
21 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
22 **the effective date, or to disapprove and annul a rule are subsequently held**
23 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
24 **after August 28, 2018, shall be invalid and void.**

25 **5.** Subsection 1 of this section shall not apply to a motorboat or other boat race
26 authorized under section 306.130.

306.126. 1. The operator of a motorboat shall not allow any person to ride or sit on the
2 gunwales, decking over the bow, railing, top of seat back or decking over the back of the
3 motorboat while under way, unless such person is inboard of adequate guards or railing provided
4 on the motorboat to prevent a passenger from being lost overboard. As used in this section, the
5 term "adequate guards or railing" means guards or railings having a height parameter of at least
6 six inches but not more than eighteen inches. Nothing in this section shall be construed to mean
7 that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of
8 the boat to moor it to a mooring buoy or to cast off from such a buoy, or for any other necessary
9 purpose. The provisions of this section shall not apply to vessels propelled by sail **or vessels**
10 **propelled by jet motors or propellers operating on a stretch of waterway not created or**
11 **widened by impoundment.**

12 **2.** Whenever any person leaves any watercraft, other than a personal watercraft, on the
13 waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and
14 enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall
15 display on the watercraft a red or orange flag measuring not less than twelve inches by twelve
16 inches. The provisions of this subsection shall not apply to watercraft that is moored or
17 anchored. The flag required by this subsection shall be visible for three hundred sixty degrees
18 around the horizon when displayed and shall be displayed only when an occupant of the
19 watercraft has left the confines of the watercraft and entered the water. The flag required by this
20 subsection shall not be displayed when the watercraft is engaged in towing any person, but shall
21 be displayed when such person has ceased being towed and has reentered the water.

22 3. No operator shall knowingly operate any watercraft within fifty yards of a flag
23 required by subsection 2 of this section at a speed in excess of a slow-no wake speed.

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