

SECOND REGULAR SESSION

HOUSE BILL NO. 1863

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMAS.

3067H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 306.127 and 306.185, RSMo, and to enact in lieu thereof two new sections relating to boating safety identification cards.

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

Section A. Sections 306.127 and 306.185, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 306.127 and 306.185, to read as follows:

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 water patrol division
4 or its agent which shows that he or she has:

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

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

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

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.

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

21 3. The water patrol division may charge a fee for such card or any replacement card
22 that does not substantially exceed the costs of administrating this section. The water patrol
23 division or its designated agent shall collect such fees. These funds shall be forwarded to
24 ~~[general revenue]~~ **the water patrol division fund to be used solely for statewide boating**
25 **safety initiatives.**

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
29 the state;

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

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

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

36 (6) Is exempted by rule of the water patrol;

37 (7) Is currently serving in any branch of the United States Armed Forces, reserves, or
38 Missouri National Guard, or any spouse of a person currently in such service; or

39 (8) Has previously successfully completed a boating safety education course
40 approved by the National Association of State Boating Law Administrators (NASBLA).

41 5. The water patrol division shall inform other states of the requirements of this
42 section.

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

46 7. Any person or company that rents or sells vessels may issue a temporary boating
47 safety identification card to an individual to operate a rented vessel or a vessel being
48 considered for sale, for a period of up to seven days, provided that the individual meets the
49 minimum age requirements for operating a vessel in this state. In order to qualify for the
50 temporary boating safety identification card, the applicant shall provide a valid driver's
51 license and shall sign an affidavit that he or she has reviewed the Missouri state highway
52 patrol handbook of Missouri boating laws and responsibilities. Any individual holding a
53 valid temporary boating safety identification card shall be deemed in compliance with the
54 requirements of this section. The Missouri state highway patrol shall charge a fee of nine

55 dollars for such temporary boating safety identification card. Individuals shall not be eligible
56 for more than one temporary boating safety identification card. No person or company may
57 issue a temporary boating safety identification card to an individual under the provisions of
58 this subsection unless such person or company is capable of submitting the applicant's
59 temporary boating safety identification card information and payment in an electronic format
60 as prescribed by the Missouri state highway patrol. The business entity issuing a temporary
61 boating safety identification card to an individual under the provisions of this subsection shall
62 transmit the applicant's temporary boating safety identification card information
63 electronically to the Missouri state highway patrol, in a manner and format prescribed by
64 the superintendent, using an electronic online registration process developed and provided by
65 the Missouri state highway patrol. The electronic online process developed and provided by
66 the Missouri state highway patrol shall allow the applicant to pay the temporary boating
67 safety identification card fee by credit card or debit card. Notwithstanding any provision in
68 section 306.185 to the contrary, all fees collected under the authority of this subsection shall
69 be deposited in the water patrol division fund. The Missouri state highway patrol shall
70 promulgate rules for developing the temporary boating safety identification card and any
71 requirements necessary to the issuance, processing, and payment of the temporary boating
72 safety identification card. The Missouri state highway patrol shall, by rule, develop a boating
73 safety checklist for each applicant seeking a temporary boating safety identification card.
74 Nothing in this subsection shall allow a holder of a temporary boating safety identification
75 card to receive a notation on the person's driver's license or nondriver identification under
76 section 302.184. The provisions of this subsection shall expire on December 31, 2032.

306.185. 1. There is hereby created in the state treasury the "Water Patrol Division
2 Fund", which shall consist of money collected under section 306.030 **and section 306.127**.
3 The state treasurer shall be custodian of the fund and shall approve disbursements from the
4 fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund
5 shall be used solely for the expenses of the Missouri state highway patrol, water patrol
6 division, including but not limited to personnel expense, training expense, and equipment
7 expense for the purpose of enforcing the laws of this chapter.

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

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

✓