

SECOND REGULAR SESSION

SENATE BILL NO. 941

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 15, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5032S.011

AN ACT

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

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Section A. Sections 306.109, 306.127, and 306.903, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 306.109,
3 306.127, and 306.903, to read as follows:

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

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

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

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

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

306.127. 1. [Beginning January 1, 2005,] Every person born after

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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

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

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

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

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

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

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

38 [(5)] (4) Is a nonresident who has proof of a valid boating certificate or
39 license issued by another state if the boating course is approved by the National
40 Association of State Boating Law Administrators (NASBLA);

41 [(6)] (5) Is exempted by rule of the water patrol;

42 [(7)] (6) Is currently serving in any branch of the United States armed
43 forces, reserves, or Missouri national guard, or any spouse of a person currently
44 in such service; or

45 [(8)] (7) Has previously successfully completed a boating safety education
46 course approved by the National Association of State Boating Law Administrators
47 (NASBLA).

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

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

53 [7. Beginning January 1, 2006,]

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

306.903. 1. Any person who abandons a boat dock and permits it to float
2 freely without being moored upon lakes having at least nine hundred fifty miles
3 of aggregate shoreline is guilty of an infraction, the penalty for which shall be a

4 fine of not less than twenty-five dollars or more than one hundred dollars.

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

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

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

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