

SECOND REGULAR SESSION

SENATE BILL NO. 1036

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time February 9, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4478S.02I

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 the regulation of 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
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 306.010, 306.100, 306.132, 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
3 machinery is 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
6 or use of a vessel;

7 (4) "Owner", a person other than a lienholder, having the property in or
8 title to a motorboat. The term includes a person entitled to the use or possession
9 of a motorboat subject to an interest of another person, reserved or created by
10 agreement and securing payment or performance of an obligation, but the term
11 excludes a lessee under a lease not intended as security;

12 (5) "Parasailing", the towing of any person equipped with a parachute or
13 kite equipment by any watercraft operating on the waters of this state;

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

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

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

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

25 (9) "Waters of this state", any waters **or waterways** within the territorial
26 limits of this state and lakes constructed [or], maintained, **managed, or**
27 **overseen** by the United States Army Corps of Engineers except bodies of water
28 owned by a person, corporation, association, partnership, municipality or other
29 political subdivision, public water supply impoundments, and except drainage
30 ditches constructed by a drainage district, but the term does include any body of
31 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
2 four classes as 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
8 when under way, and during such time no other lights which may be mistaken
9 for those prescribed 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
13 light aft, showing green to starboard and red to port, so fixed as to throw the
14 light from right ahead to two points (22 1/2 degrees) abaft the beam on their
15 respective sides.

16 (2) Vessels of classes 2 and 3:

17 (a) A bright white light in the forepart of the vessel as near the stem as
18 practicable, so constructed as to show the unbroken light over an arc of the
19 horizon of twenty points (225 degrees) of the compass, so fixed as to throw the
20 light ten points (112 1/2 degrees) on each side of the vessel; namely, from right
21 ahead to two points (22 1/2 degrees) abaft the beam on either side;

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

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

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

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

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

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

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

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

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

59 6. Any watercraft used by a person engaged in the act of sport fishing is
60 not required to display any lights required by this section if no other vessel is

61 within the immediate vicinity of the first vessel, the vessel is using an electric
62 trolling motor and the vessel is within fifty feet of the shore.

63 7. [Every vessel, except those in class A, shall have on board at least one
64 wearable personal flotation device of type I, II or III for each person on board and
65 each person being towed who is not wearing one. Every such vessel shall also
66 have on board at least one type IV throwable personal flotation device.

67 8. All class A motorboats and all watercraft traveling on the waters of this
68 state shall have on board at least one type I, II, III or IV personal flotation device
69 for each person on board and each person being towed who is not wearing one.

70 **9.] No vessel shall continuously display spotlights, docking lights,
71 or any other non-prescribed lights that hinder the night vision of other
72 vessel operators between official sunset and sunrise.**

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

77 **9. Every watercraft, except those in class A or kayaks, racing
78 kayaks, sailboards, racing shells, racing canoes, and rowing sculls of any
79 length shall have on board at least one type IV personal flotation device.**

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

83 [10.] 11. Every vessel which is carrying or using flammable or toxic fluid
84 in any enclosure for any purpose, and which is not an entirely open vessel, shall
85 have an efficient natural or mechanical ventilation system which must be capable
86 of removing resulting gases prior to and during the time the vessel is occupied by
87 any person.

88 [11.] 12. Motorboats shall carry on board at least the following United
89 States Coast Guard approved fire extinguishers:

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

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

93 (3) Every class 3 motorboat:

94 (a) Three B1 type fire extinguishers; or

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

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

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

98 [12.] 13. All class 1 and 2 motorboats and vessels shall have a sounding
99 device. All class 3 motorboats and vessels shall have at least a sounding device
100 and one bell.

101 [13.] 14. No person shall operate any watercraft which is not equipped
102 as required by this section.

103 [14.] 15. A Missouri state water patrol officer may direct the operator of
104 any watercraft being operated without sufficient personal flotation devices,
105 fire-fighting devices or in an overloaded or other unsafe condition or manner to
106 take whatever immediate and reasonable steps are necessary for the safety of
107 those aboard when, in the judgment of the officer, such operation creates a
108 hazardous condition. The officer may direct the operator to return the watercraft
109 to the nearest safe mooring and to remain there until the situation creating the
110 hazardous condition is corrected.

111 [15.] 16. A Missouri state water patrol officer may remove any unmanned
112 or unattended watercraft from the water when, in the judgment of the officer, the
113 watercraft creates a hazardous condition.

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

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

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

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

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

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

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Unofficial

Bill

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