

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2116**  
**99TH GENERAL ASSEMBLY**

5706H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 306.126, RSMo, and to enact in lieu thereof one new section relating to boat passengers.

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

Section A. Section 306.126, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 306.126, to read as follows:

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

2. Whenever any person leaves any watercraft, other than a personal watercraft, on the waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall display on the watercraft a red or orange flag measuring not less than twelve inches by twelve inches. The provisions of this subsection shall not apply to watercraft that is moored or anchored. The flag required by this subsection shall be visible for three hundred sixty degrees around the horizon when displayed and shall be displayed only when an occupant of the

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.

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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