

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 2116**

**99TH GENERAL ASSEMBLY**

5706H.02P

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to boat passengers.

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

Section A. Sections 306.100, 306.125, and 306.126, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 306.100, 306.125, and 306.126, to read as follows:

306.100. 1. For the purpose of this section, vessels shall be divided into four classes as follows:

- (1) Class A, less than sixteen feet in length;
- (2) Class 1, at least sixteen and less than twenty-six feet in length;
- (3) Class 2, at least twenty-six and less than forty feet in length;
- (4) Class 3, forty feet and over.

2. All vessels shall display from sunset to sunrise the following lights when under way, and during such time no other lights, continuous spotlights or docking lights, or other nonprescribed lights shall be exhibited:

(1) Vessels of classes A and 1:

(a) A bright white light aft to show all around the horizon;

(b) A combined light in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on their respective sides;

(2) Vessels of classes 2 and 3:

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.

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 (22 1/2  
18 degrees) of the compass, so fixed as to throw the light ten points (11 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 (11 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 (11 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 subsections 7 or 8 of this**  
65 **section is guilty of an infraction and shall be fined not more than twenty-five dollars.**

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

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

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

74           (2) Every class 2 motorboat:

75           (a) Two B1 type fire extinguishers; or

76           (b) One B2 type fire extinguisher; or

77           (c) A fixed fire extinguishing system and one B1 type fire extinguisher; and

78           (3) Every class 3 motorboat:

79           (a) Three B1 type fire extinguishers; or

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

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

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

83           12. All class 1 and 2 motorboats and vessels shall have a sounding device. All class 3  
84 motorboats and vessels shall have at least a sounding device and one bell.

85           13. No person shall operate any watercraft which is not equipped as required by this  
86 section.

87           14. A water patrol division officer may direct the operator of any watercraft being  
88 operated without sufficient personal flotation devices, fire-fighting devices or in an overloaded  
89 or other unsafe condition or manner to take whatever immediate and reasonable steps are  
90 necessary for the safety of those aboard when, in the judgment of the officer, such operation  
91 creates a hazardous condition. The officer may direct the operator to return the watercraft to the  
92 nearest safe mooring and to remain there until the situation creating the hazardous condition is  
93 corrected.

94           15. A water patrol division officer may remove any unmanned or unattended watercraft  
95 from the water when, in the judgment of the officer, the watercraft creates a hazardous condition.

96           16. Nothing in this section shall prohibit the use of additional specialized lighting used  
97 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.**

12           4. **The department of public safety shall promulgate all necessary rules and**  
13 **regulations for the implementation and administration of a no wake cove for class 3 vessels**  
14 **in a cove with its main juncture less than 800 feet, measured from shore to shore, at the**  
15 **main channel. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
16 **is created under the authority delegated in this section shall become effective only if it**  
17 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
18 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
19 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
20 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
21 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**  
22 **shall be invalid and void.**

23           5. Subsection 1 of this section shall not apply to a motorboat or other boat race  
24 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 outboard jet motors 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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