

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

Reported from the Committee on Transportation, Infrastructure and Public Safety, April 5, 2018, with recommendation that the Senate Committee Substitute do pass.

5706S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to watercraft, with a penalty provision.

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Section A. Sections 306.100, 306.125, and 306.126, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 306.100,
3 306.125, and 306.126, to read as follows:

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, continuous spotlights or
9 docking lights, or other nonprescribed lights 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
23 than 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. All lifesaving devices required by subsections 7 and 8 of this section
71 shall be United States Coast Guard approved, in serviceable condition and so
72 placed as to be readily accessible. **The operator of any watercraft in
73 violation of this subsection or subsections 7 or 8 of this section is guilty
74 of an infraction and shall be fined not more than twenty-five
75 dollars. Notwithstanding any provision of law or court rule to the
76 contrary, no court costs shall be imposed on any person due to a
77 violation of this subsection or subsections 7 or 8 of this section.**

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

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

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

87 (2) Every class 2 motorboat:

88 (a) Two B1 type fire extinguishers; or

89 (b) One B2 type fire extinguisher; or

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

91 and

92 (3) Every class 3 motorboat:

93 (a) Three B1 type fire extinguishers; or

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

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

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

97 12. All class 1 and 2 motorboats and vessels shall have a sounding device.

98 All class 3 motorboats and vessels shall have at least a sounding device and one
99 bell.

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

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

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

113 16. Nothing in this section shall prohibit the use of additional specialized
114 lighting used in the act of sport fishing.

306.125. 1. Every person shall operate a motorboat, vessel or watercraft
2 in a careful and prudent manner and at a rate of speed so as not to endanger the
3 property of another or the life or limb of any person and shall exercise the highest
4 degree of care.

5 2. No person shall operate a motorboat, vessel or watercraft at any time
6 from a half-hour after sunset until an hour before sunrise the following day at a
7 speed exceeding thirty miles per hour.

8 3. Vessels shall not be operated within one hundred feet of any dock, pier,
9 occupied anchored boat or buoyed restricted area on any lake at a speed in excess
10 of slow-no wake speed. **The operator of any watercraft in violation of this**
11 **subsection is guilty of an infraction and shall be fined not more than**
12 **twenty-five dollars; however, if the operator cannot be identified, the**

13 **owner of the watercraft shall be subject to such**
14 **penalty. Notwithstanding any provision of law or court rule to the**
15 **contrary, no court costs shall be imposed on any person due to a**
16 **violation of this subsection.**

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

30 5. Subsection 1 of this section shall not apply to a motorboat or other boat
31 race authorized under section 306.130.

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

14 2. Whenever any person leaves any watercraft, other than a personal
15 watercraft, on the waters of the Mississippi River, the waters of the Missouri
16 River or the lakes of this state and enters the water between the hours of 11:00
17 a.m. and sunset, the operator of such watercraft shall display on the watercraft

18 a red or orange flag measuring not less than twelve inches by twelve inches. The
19 provisions of this subsection shall not apply to watercraft that is moored or
20 anchored. The flag required by this subsection shall be visible for three hundred
21 sixty degrees around the horizon when displayed and shall be displayed only
22 when an occupant of the watercraft has left the confines of the watercraft and
23 entered the water. The flag required by this subsection shall not be displayed
24 when the watercraft is engaged in towing any person, but shall be displayed when
25 such person has ceased being towed and has reentered the water.

26 3. No operator shall knowingly operate any watercraft within fifty yards
27 of a flag required by subsection 2 of this section at a speed in excess of a slow-no
28 wake speed.

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