

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2116
99TH GENERAL ASSEMBLY

5706S.03T

2018

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Section A. Sections 306.100, 306.125, and 306.126, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 306.100, 306.125, and 306.126, to read as follows: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

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.

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

15 (2) Vessels of classes 2 and 3:

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 subsection 7 or 8 of this**
65 **section is guilty of an infraction and shall be fined not more than twenty-five dollars.**
66 **Notwithstanding any provision of law or court rule to the contrary, no court costs shall be**
67 **imposed on any person due to a violation of this subsection or subsection 7 or 8 of this**
68 **section.**

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

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

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

77 (2) Every class 2 motorboat:

78 (a) Two B1 type fire extinguishers; or

79 (b) One B2 type fire extinguisher; or

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

81 (3) Every class 3 motorboat:

82 (a) Three B1 type fire extinguishers; or

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

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

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

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

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

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

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

99 16. Nothing in this section shall prohibit the use of additional specialized lighting used
100 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. Notwithstanding**
12 **any provision of law or court rule to the contrary, no court costs shall be imposed on any**
13 **person due to a violation of this subsection.**

14 4. **The department of public safety shall promulgate all necessary rules and**
15 **regulations for the implementation and administration of a no wake cove for class 3 vessels**
16 **in a cove with its main juncture less than 800 feet, measured from shore to shore, at the**
17 **main channel. Any rule or portion of a rule, as that term is defined in section 536.010, that**
18 **is created under the authority delegated in this section shall become effective only if it**

19 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
20 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
21 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
22 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
23 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**
24 **shall be invalid and void.**

25 **5.** Subsection 1 of this section shall not apply to a motorboat or other boat race
26 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 jet motors or propellers 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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