

SECOND REGULAR SESSION

# SENATE BILL NO. 711

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DePASCO,

Pre-filed December 13, 1999, and 1,000 copies ordered printed.

3016S.01I

TERRY L. SPIELER, Secretary.

## AN ACT

To repeal section 306.010, RSMo Supp. 1999, relating to personal watercraft, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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

Section A. Section 306.010, RSMo Supp. 1999, is repealed and two new sections enacted in lieu thereof, to be known as sections 306.010 and 306.095, to read as follows:

306.010. As used in this chapter the following terms mean:

(1) "Motorboat", any vessel propelled by machinery, whether or not such machinery is a principal source of propulsion;

(2) "Operate", to navigate or otherwise use a motorboat or a vessel;

(3) "Operator", the person who operates or has charge of the navigation or use of a vessel;

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

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

(6) "Personal watercraft", a class of vessel, which is less than sixteen feet in length, propelled by machinery which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside the vessel. **"Personal watercraft" includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat;**

(7) "Vessel", every motorboat and every description of motorized watercraft, and any

watercraft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, used or capable of being used as a means of transportation on water, but not any watercraft having as the only means of propulsion a paddle or oars;

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

(9) "Waters of this state", any waters within the territorial limits of this state and lakes constructed or maintained by the United States Army Corps of Engineers except bodies of water owned by a person, corporation, association, partnership, municipality or other political subdivision, public water supply impoundments, and except drainage ditches constructed by a drainage district, but the term does include any body of water which has been leased to or owned by the state department of conservation.

**306.095. 1. Beginning June 1, 2005, recreational uses shall not, with respect to waters of the state, include the operation of a watercraft or personal watercraft propelled by a two-stroke carbureted engine that discharges fuel or oil as a function of its design. This section shall not apply to the operation of watercraft or personal watercraft propelled by a two-stroke engine used for any search, rescue, lifesaving, or other emergency response activity conducted by a public agency or authorized private agency when no other appropriate watercraft is available.**

**2. Any person violating subsection 1 of this section, upon conviction, shall be found guilty of a class C misdemeanor.**

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