

SECOND REGULAR SESSION

# SENATE BILL NO. 1083

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUSSELL.

Read 1st time January 31, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3409S.021

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## AN ACT

To amend chapter 306, RSMo, by adding thereto two new sections relating to watercraft regulation, with penalty provisions.

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

Section A. Chapter 306, RSMo, is amended by adding thereto two new sections, to be known as sections 306.123 and 306.128, to read as follows:

**306.123. 1. Every person born after August 28, 1981, or as required pursuant to section 306.128, who operates a vessel or personal watercraft shall possess, on the vessel or personal watercraft, a boating safety identification card issued by the Missouri state water patrol or its agent which shows that he or she has:**

**(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or**

**(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or**

**(3) A valid master's, mate's or operator's license issued by the United States Coast Guard.**

**2. The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.**

**3. The Missouri state water patrol may charge a fee for such card that does not substantially exceed the costs of administering this section. These funds shall be forwarded to general revenue.**

**4. The provisions of this section shall not apply to any person who:**

**(1) Is licensed by the United States Coast Guard to serve as master of a vessel;**

**(2) Operates a vessel or personal watercraft only on a private lake or pond that is not classified as waters of the state;**

**(3) Until December 31, 2004, is a nonresident who is visiting the state for sixty days or less;**

**(4) Is participating in an event or regatta approved by the water patrol;**

**(5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators;**

**(6) Is exempted by rule of the water patrol; or**

**(7) Any person, age fourteen years or older, that can show evidence of experience in operating a vessel or personal watercraft shall be exempt from taking the boating safety courses required by this section. Evidence shall be shown by a signed affidavit executed by any person eighteen years of age or older with experience in operating a vessel or personal watercraft. Upon the payment of the fee, if a fee is charged, the person shall be issued a safety identification card in accordance with this section.**

**5. The Missouri state water patrol shall inform other states of the requirements of this section.**

**6. Any person who violates the provisions of this section is guilty of a class C misdemeanor and for a second or subsequent offense is guilty of a class B misdemeanor.**

**7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul**

**a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

**306.128. 1. Any person convicted of an offense pursuant to section 306.110, 306.111, 306.112, 306.123, 306.132 or 306.141 shall:**

**(1) Enroll in and successfully complete, at his or her own expense, a boating safety education course that meets minimum standards established by the water patrol by rule;**

**(2) File with the court proof of successful completion of such course and submit a certified copy to the water patrol; and**

**(3) Not operate a vessel until such filing.**

**2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

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