

FIRST REGULAR SESSION

# SENATE BILL NO. 1

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUSSELL.

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Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0202S.011

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## AN ACT

To amend chapter 306, RSMo, by adding thereto two new sections relating to boating safety, 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, 1982, or as required pursuant to section 306.128, who operates a vessel or a personal watercraft on the waters of the state, but excluding all rivers, shall possess, on the 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 or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. 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) Operates a vessel or personal watercraft on a river within this state;

(4) Until December 31, 2005, is a nonresident who is visiting the state for sixty days or less;

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

(6) 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 (NASBLA);

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

(8) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service.

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. No individual shall be detained or stopped strictly for the purpose of checking for said boating safety identification card.

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, 2003, 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;

(3) Not operate a vessel until such filing;

(4) The provisions of this section shall not apply to any person who has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

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, 2003, shall be invalid and void.