

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 1

92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 3, 2003, with recommendation that the Senate Committee Substitute No. 2 do pass and be placed on the Consent Calendar.

Senate Committee Substitute No. 2 adopted March 17, 2003.

Taken up March 17, 2003. Read 3rd time and placed upon its final passage; bill passed.

0202S.05P

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 306, RSMo, by adding thereto three new sections relating to boating safety.

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

Section A. Chapter 306, RSMo, is amended by adding thereto three new sections, to be known as sections 306.127, 306.128, and 306.129, to read as follows:

306.127. 1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the Mississippi River, Missouri River, or the lakes of this state shall possess, on the vessel, 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 only on a private lake or pond that is not classified as waters of the state;

(3) Operates a vessel on a river other than the Mississippi or Missouri;

(4) Until January 1, 2006, 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;

(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; or

(9) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

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

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

306.128. Beginning January 1, 2005, any person convicted of an offense pursuant to section 306.110, 306.111, 306.112, 306.127, 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.

306.129. 1. The Missouri state water patrol is authorized to promulgate such rules as are necessary to effectuate the provisions of sections 306.127 and 306.128.

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.

Unofficial

Bill

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