

SECOND REGULAR SESSION

SENATE BILL NO. 913

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 13, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5610S.011

AN ACT

To repeal sections 306.010, 306.030, 306.031, and 306.080, RSMo, and to enact in lieu thereof four new sections relating to watercraft registration, with existing penalty provisions and a delayed effective date.

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

Section A. Sections 306.010, 306.030, 306.031, and 306.080, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 306.010, 306.030, 306.031, and 306.080, to read as follows:

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

2 (1) ["Motorboat", any vessel propelled by machinery, whether or not such
3 machinery is a principal source of propulsion] **"Certificate of number", the
4 certificate required by 33 CFR 173.21;**

5 (2) **"Identification number", a hull identification number as
6 required by 33 CFR 181.23;**

7 [(2)] (3) "Operate", to use, navigate, or [otherwise use a motorboat or a
8 vessel] **employ;**

9 [(3)] (4) "Operator", the person who operates or has **control of or in
10 charge of the navigation or use of a vessel;**

11 (5) **"Outboard", in the context of an engine, an engine with
12 propeller or water jet integrally attached, which is usually mounted at
13 the stern of a vessel;**

14 [(4)] (6) "Owner", a person other than a lienholder, having the property
15 **rights** in or title to a [motorboat] **vessel**. The term includes a person entitled
16 to the use or possession of a [motorboat] **vessel** subject to an interest of another
17 person, reserved or created by agreement and securing payment or performance

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 of an obligation, but the term excludes a lessee under a lease not intended as
19 security;

20 [(5)] (7) "Parasailing", the towing of any person equipped with a
21 parachute or kite equipment by any watercraft operating on the waters of this
22 state;

23 [(6)] (8) "Personal watercraft", a [class of] vessel[, which is less than
24 sixteen feet in length,] propelled by a **water jet pump or other** machinery
25 [which is] **as its primary source of motive power and** designed to be
26 operated by a person sitting, standing or kneeling on the vessel, rather than
27 [being operated by a person] sitting or standing [inside the vessel] **within the**
28 **vessel's hull;**

29 [(7)] (9) "Skiing", any activity that involves a person or persons being
30 towed by a vessel, including but not limited to waterskiing, wake boarding, wake
31 surfing, knee boarding, and tubing;

32 (10) **"State of principal operation", the state in whose waters a**
33 **vessel is or will be operated most during a calendar year;**

34 [(8)] (11) "Vessel", every motorboat and [every description of motorized]
35 watercraft, [and any watercraft more than twelve feet in length which is powered
36 by sail alone or by a combination of sail and machinery, used or capable of being
37 used as a means of transportation on water, but not any watercraft having as the
38 only means of propulsion a paddle or oars] **or artificial contrivance used, or**
39 **capable of being used, as a means of transportation on water;**

40 [(9)] (12) "Water patrol division of the state highway patrol" or "water
41 patrol division", the division responsible for enforcing the provisions of this
42 chapter on the waters of this state. The revisor of statutes is instructed to
43 replace the terms "Missouri state water patrol" or "state water patrol" wherever
44 those terms exist in this chapter with the term "water patrol division";

45 [(10)] (13) "Watercraft", any boat or craft[, including a vessel,] used or
46 capable of being used as a means of transport on waters;

47 [(11)] (14) "Waters of this state", any waters within the territorial limits
48 of this state and lakes constructed or maintained by the United States Army
49 Corps of Engineers except bodies of water owned by a person, corporation,
50 association, partnership, municipality or other political subdivision, public water
51 supply impoundments, and except drainage ditches constructed by a drainage
52 district, but the term does include any body of water which has been leased to or
53 owned by the state department of conservation.

306.030. 1. The owner of each vessel requiring numbering by this state
2 shall file an application for number with the department of revenue on forms
3 provided by it. The application shall contain a full description of the vessel,
4 factory number or serial number, together with a statement of the applicant's
5 source of title and of any liens or encumbrances on the vessel, **the applicant's**
6 **tax identification number if the applicant is filing an application in the**
7 **name of a business, or the applicant's date of birth with the applicant's**
8 **driver license number or nondriver license number, or, if the applicant**
9 **does not possess a driver license or nondriver license, the department**
10 **shall accept the applicant's date of birth and establish and record a**
11 **unique number for the applicant.** For good cause shown the director of
12 revenue may extend the period of time for making such application. The director
13 of revenue shall use reasonable diligence in ascertaining whether the facts stated
14 in such application are true, and, if satisfied that the applicant is the lawful
15 owner of such vessel, or otherwise entitled to have the same registered in his or
16 her name, shall thereupon issue an appropriate certificate of title over the
17 director's signature and sealed with the seal of the director's office, procured and
18 used for such purpose, and a certificate of number stating the number awarded
19 to the vessel. The application shall include a provision stating that the applicant
20 will consent to any inspection necessary to determine compliance with the
21 provisions of this chapter and shall be signed by the owner of the vessel and shall
22 be accompanied by the fee specified in subsection 10 of this section. The owner
23 shall paint on or attach to each side of the bow of the vessel the identification
24 number in a manner as may be prescribed by rules and regulations of the division
25 of water safety in order that it may be clearly visible. The number shall be
26 maintained in legible condition. The certificate of number shall be pocket size
27 and shall be available at all times for inspection on the vessel for which issued,
28 whenever the vessel is in operation. The operator of a vessel in which such
29 certificate of number is not available for inspection by the water patrol division
30 or, if the operator cannot be determined, the person who is the registered owner
31 of the vessel shall be subject to the penalties provided in section 306.210. Vessels
32 owned by the state or a political subdivision shall be registered but no fee shall
33 be assessed for such registration.

34 2. Each new vessel sold in this state after January 1, 1970, shall have die
35 stamped on or within three feet of the transom or stern a factory number or serial
36 number.

37 3. The owner of any vessel already covered by a number in full force and
38 effect which has been awarded to it pursuant to then operative federal law or a
39 federally approved numbering system of another state shall record the number
40 prior to operating the vessel on the waters of this state in excess of the sixty-day
41 reciprocity period provided for in section 306.080. The recordation and payment
42 of registration fee shall be in the manner and pursuant to the procedure required
43 for the award of a number under subsection 1 of this section. No additional or
44 substitute number shall be issued unless the number is a duplicate of an existing
45 Missouri number.

46 4. In the event that an agency of the United States government shall have
47 in force an overall system of identification numbering for vessels within the
48 United States, the numbering system employed pursuant to this chapter by the
49 department of revenue shall be in conformity therewith.

50 5. All records of the department of revenue made and kept pursuant to
51 this section shall be public records.

52 6. Every certificate of number awarded pursuant to this chapter shall
53 continue in force and effect for a period of three years unless sooner terminated
54 or discontinued in accordance with the provisions of this chapter. Certificates of
55 number may be renewed by the owner in the same manner provided for in the
56 initial securing of the same or in accordance with the provisions of sections
57 306.010 to 306.030.

58 7. The department of revenue shall fix the days and months of the year
59 on which certificates of number due to expire during the calendar year shall lapse
60 and no longer be of any force and effect unless renewed pursuant to this chapter
61 and may stagger such dates in order to distribute the workload.

62 8. When applying for or renewing a vessel's certificate of number, the
63 owner shall submit a paid personal property tax receipt for the tax year which
64 immediately precedes the year in which the application is made or the year in
65 which the renewal is due and which reflects that the vessel being renewed is
66 listed as personal property and that all personal property taxes, including
67 delinquent taxes from prior years, have been paid, or a statement certified by the
68 county or township in which the owner's property was assessed showing that the
69 state and county tangible personal property taxes for such previous tax year and
70 all delinquent taxes due have been paid by the applicant or that no such taxes
71 were due.

72 9. When applying for or renewing a certificate of registration for a vessel

7 shall be in the form prescribed by the director of revenue.

8 2. The owner or the owner's designee shall securely fasten the
9 identification number plate immediately to the outside of the outboard motor or
10 vessel close to the area where the original or manufacturer's identification
11 number plate would typically be, **and submit the outboard motor or vessel**
12 **for inspection to authorized law enforcement.** After the identification
13 number plate has been secured to the outboard motor or vessel as required, **and**
14 **upon inspection by authorized law enforcement as prescribed by the**
15 **director of revenue,** such number shall be the lawful number of the outboard
16 motor or vessel for the purpose of identification and registration. No person shall
17 destroy, remove, cover, alter or deface such number. Any person who violates the
18 provisions of this subsection is guilty of a class B misdemeanor.

 306.080. A vessel shall not be required to be **titled or** numbered under
2 this chapter if it is:

3 (1) Already covered by a number in full force and effect which has been
4 awarded to it pursuant to federal law or a federally approved numbering system
5 of another state; except that the boat shall not have been within this state for a
6 period in excess of sixty consecutive days;

7 (2) A vessel from a country other than the United States using the waters
8 of this state for not more than sixty consecutive days;

9 (3) A vessel whose owner is the United States;

10 (4) A ship's lifeboat which is used solely for lifesaving purposes;

11 (5) A vessel documented by the United States Coast Guard or any federal
12 successor thereto; [or]

13 (6) A motorboat designed and intended solely for racing while competing
14 in any race previously approved by the water patrol division in accordance with
15 section 306.130. This exemption shall include operation within a
16 twenty-four-hour period prior to such approved race in order to test or tune up
17 the motorboat; **or**

18 **(7) A nonmotorized vessel unless the nonmotorized vessel is a**
19 **sail boat more than twelve feet in length.**

 Section B. The repeal and reenactment of sections 306.010, 306.030,
2 306.031, and 306.080 of this act shall become effective on January 1, 2017.

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