

FIRST REGULAR SESSION

SENATE BILL NO. 297

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUMMEL.

Read 1st time January 12, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0483S.01I

AN ACT

To amend chapters 306 and 320, RSMo, by adding thereto two new sections relating to electric shock drowning prevention, with penalty provisions.

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

Section A. Chapters 306 and 320, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 306.166 and 320.101, to read as follows:

**306.166. Each vessel operated by the water patrol division of the
2 state highway patrol shall be equipped with an automated external
3 defibrillator and be staffed by at least one individual trained in the use
4 of an automated external defibrillator. Such trained individual shall
5 receive training by the American Red Cross or American Heart
6 Association in cardiopulmonary resuscitation and the use of automated
7 external defibrillators, or an equivalent nationally recognized course
8 in defibrillator use and cardiopulmonary resuscitation. Each patrol
9 officer assigned to the water patrol division shall be trained in
10 rescuing victims of electrocution injuries around marinas and boat
11 docks and the use of automated external defibrillators on such victims.**

**320.101. 1. This section and section 306.166 shall be known and
2 may be cited as the "Alexandra and Brayden Anderson Electric Shock
3 Drowning Prevention Act".**

**4 2. Beginning July 1, 2019, any individual or entity that owns any
5 body of water in this state upon which any boat dock or marina that is
6 equipped with electrical power is located shall ensure that each such
7 boat dock or marina is in compliance with the National Fire Protection
8 Association's 2011 edition of the Fire Protection Standard for Marinas
9 and Boatyards (NFPA 303), and with Articles 250 (Grounding and
10 Bonding), 553 (Floating Buildings), and 555 (Marinas and Boatyards) of**

11 the 2011 edition of the National Electrical Code (NFPA 70: National
12 Electrical Code (NEC), 2011 Edition).

13 3. All individuals and entities subject to this section shall
14 annually submit a statement that the boat dock or marina has passed
15 a compliance inspection to the department of public safety containing
16 all information required by the department.

17 4. Each individual or entity subject to this section shall establish
18 a policy prohibiting swimming in or around any boat docks or marina
19 subject to this section and shall post conspicuous signs located close to
20 the boat dock or marina stating the swimming policy.

21 5. Violations of this section shall be subject to the following fines
22 and penalties:

23 (1) For failure to ensure the compliance of boat docks and
24 marinas as provided in subsection 2 of this section, a fine of two
25 thousand five hundred dollars and the closure of such boat dock or
26 marina, or the disconnection of electrical service to the boat dock or
27 marina within ninety days of the date the boat dock or marina is not in
28 compliance, or both;

29 (2) For any injury caused by the failure to ensure the compliance
30 of boat docks and marinas as provided in subsection 2 of this section,
31 in addition to any other penalty provided by law, a fine of five
32 thousand dollars and a term of imprisonment not to exceed six months;

33 (3) For any death caused by the failure to ensure the compliance
34 of boat docks and marinas as provided in subsection 2 of this section,
35 in addition to any other penalty provided by law, a fine of fifty
36 thousand dollars and a term of imprisonment not to exceed one year;

37 (4) For the failure to timely submit any statement of inspection
38 required under subsection 3 of this section, a fine of five hundred
39 dollars and the closure of such boat dock or marina, or the
40 disconnection of electrical service to the boat dock or marina within
41 ninety days of the date of the failure to submit the inspection statement
42 as required by the department of public safety, or both.

43 6. Nothing in this section shall be construed as a limitation on
44 liability arising from any such individual's or entity's failure to comply
45 with any provision of this section.

46 7. The department of public safety may promulgate rules to
47 implement the provisions of this section. Any rule or portion of a rule,

48 as that term is defined in section 536.010, that is created under the
49 authority delegated in this section shall become effective only if it
50 complies with and is subject to all of the provisions of chapter 536 and,
51 if applicable, section 536.028. This section and chapter 536 are
52 nonseverable, and if any of the powers vested with the general
53 assembly pursuant to chapter 536 to review, to delay the effective date,
54 or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule
56 proposed or adopted after August 28, 2017, shall be invalid and void.

Unofficial ✓

Bill

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