

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 558
99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, April 20, 2017, with recommendation that the Senate Committee Substitute do pass.

1253S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 306.126, RSMo, and to enact in lieu thereof three new sections relating to water safety.

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

Section A. Section 306.126, RSMo, is repealed and three new sections
2 enacted in lieu thereof, to be known as sections 306.126, 306.166, and 320.101,
3 to read as follows:

306.126. 1. The operator of a motorboat shall not allow any person to ride
2 or sit on the gunwales, decking over the bow, railing, top of seat back or decking
3 over the back of the motorboat while under way, unless such person is inboard
4 of adequate guards or railing provided on the motorboat to prevent a passenger
5 from being lost overboard. As used in this section, the term "adequate guards or
6 railing" means guards or railings having a height parameter of at least six inches
7 but not more than eighteen inches. Nothing in this section shall be construed to
8 mean that passengers or other persons aboard a motorboat cannot occupy the
9 decking over the bow of the boat to moor it to a mooring buoy or to cast off from
10 such a buoy, or for any other necessary purpose. The provisions of this section
11 shall not apply to vessels propelled by sail, **outboard jet motors, or vessels**
12 **not originally manufactured with adequate guards or railing.**

13 2. Whenever any person leaves any watercraft, other than a personal
14 watercraft, on the waters of the Mississippi River, the waters of the Missouri
15 River or the lakes of this state and enters the water between the hours of 11:00
16 a.m. and sunset, the operator of such watercraft shall display on the watercraft
17 a red or orange flag measuring not less than twelve inches by twelve inches. The
18 provisions of this subsection shall not apply to watercraft that is moored or
19 anchored. The flag required by this subsection shall be visible for three hundred

20 sixty degrees around the horizon when displayed and shall be displayed only
21 when an occupant of the watercraft has left the confines of the watercraft and
22 entered the water. The flag required by this subsection shall not be displayed
23 when the watercraft is engaged in towing any person, but shall be displayed when
24 such person has ceased being towed and has reentered the water.

25 3. No operator shall knowingly operate any watercraft within fifty yards
26 of a flag required by subsection 2 of this section at a speed in excess of a slow-no
27 wake speed.

**306.166. Each primary lake patrol boat operated by the water
2 patrol division of the state highway patrol shall be equipped with an
3 automated external defibrillator and be staffed by at least one
4 individual trained in the use of an automated external
5 defibrillator. Such trained individual shall receive training by the
6 American Red Cross or American Heart Association in cardiopulmonary
7 resuscitation and the use of automated external defibrillators, or an
8 equivalent nationally recognized course in defibrillator use and
9 cardiopulmonary resuscitation. Each patrol officer assigned to the
10 water patrol division shall be trained in rescuing victims of
11 electrocution injuries around marinas and boat docks and the use of
12 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. All property owners with electricity on their docks shall have,
5 at a minimum, a proper electrical grounding and bonding system under
6 the National Electrical Code NFPA 70 Art. 250, and a functioning
7 shoreline to dock ground fault circuit interrupter.**

8 **3. Beginning September 15, 2017, inspections of docks with
9 electricity shall be required as follows:**

10 **(1) For all new construction of docks with electricity;**

11 **(2) For all modifications of existing docks with electricity; and**

12 **(3) For all changes or transfers in ownership of a dock with
13 electricity.**

14 **4. No permit may be issued without written documentation of a
15 satisfactory electrical safety inspection.**

16 **5. Dock inspections shall be performed by a licensed electrical
17 contractor, county permitting authority, or fire protection district**

18 employee and documented in writing. The authority conducting the
19 inspection shall have completed electrical safety training, conducted
20 by a municipal, county, or state entity, and received a certificate of
21 completion before being conferred with the responsibility of conducting
22 dock inspections in the state.

23 6. If the body of water and related docks are subject to a
24 permitting authority, then beginning September 15, 2017, the entity
25 issuing permits for the installation of boat docks on the body of water
26 shall mail to every dock permit holder, once annually, a notice of the
27 requirements stated in this section, specifications to be met for
28 successful completion of a satisfactory electrical safety inspection, and
29 contact information for qualified inspectors. Such notification shall
30 specify the importance of electrical safety and the wear and tear to
31 which docks are subject that may affect the electrical safety of the
32 permitted dock.

33 7. Upon recognition of an immediate safety hazard by the
34 inspecting authority:

35 (1) The dock shall be deenergized by either the inspection
36 authority or dock owner; and

37 (2) The dock owner shall have the repairs completed and shall
38 have completed a subsequent electrical inspection successfully in order
39 for the power to be reconnected.

40 8. Upon a finding of an immediate safety hazard or unsafe
41 condition by any person, the fire protection district or local law
42 enforcement authority shall be notified and respond to the immediate
43 safety hazard or unsafe condition. Upon assessment by the fire
44 protection district or law enforcement authority, if the fire protection
45 district or law enforcement authority finds that the hazard or condition
46 may be life-threatening, they may require the dock owner to deenergize
47 the dock. After the hazard or condition is made safe, the dock owner
48 shall be required to obtain an inspection under subsection 5 before the
49 dock is reenergized. The entity issuing the permit for the installation
50 of the boat dock on the body of water shall be notified that the
51 condition has been made safe and the dock has been reenergized.

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