

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 752

## AN ACT

To repeal section 306.126, RSMo, and to enact in lieu thereof one new section relating to boat passengers.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Section 306.126, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 306.126,  
3 to read as follows:

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

1 motors or propellers operating on a stretch of waterway not  
2 created or widened by impoundment.

3       2. Whenever any person leaves any watercraft, other than a  
4 personal watercraft, on the waters of the Mississippi River, the  
5 waters of the Missouri River or the lakes of this state and  
6 enters the water between the hours of 11:00 a.m. and sunset, the  
7 operator of such watercraft shall display on the watercraft a red  
8 or orange flag measuring not less than twelve inches by twelve  
9 inches. The provisions of this subsection shall not apply to  
10 watercraft that is moored or anchored. The flag required by this  
11 subsection shall be visible for three hundred sixty degrees  
12 around the horizon when displayed and shall be displayed only  
13 when an occupant of the watercraft has left the confines of the  
14 watercraft and entered the water. The flag required by this  
15 subsection shall not be displayed when the watercraft is engaged  
16 in towing any person, but shall be displayed when such person has  
17 ceased being towed and has reentered the water.

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