

SECOND REGULAR SESSION

SENATE BILL NO. 902

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUSSELL

Read 1st time February 11, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

L3503.011

AN ACT

To amend chapter 306, RSMo, by adding thereto five new sections relating to the regulation of vessels, with penalty provisions and an emergency clause.

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

Section A. Chapter 306, RSMo, is amended by adding thereto five new sections, to be known as sections 306.230, 306.232, 306.234, 306.236 and 306.238, to read as follows:

306.230. As used in sections 306.230 to 306.238, the following words shall have the meanings given:

(1) "Lake", any lake included in the definition of waters of the state in section 306.010;

(2) "Raft", to anchor, moor, tie, bind or otherwise combine in any way so as to create a single unit; and it shall mean a combination of vessels which has been created as described in this subdivision; but it shall not include any vessel moored at a permanent, permitted dock;

(3) "Vessel", every motorboat and every description of motorized watercraft, excluding any watercraft powered by sail or a combination of sail and machinery.

306.232. 1. No person or persons shall raft together more than twenty vessels on any lake in this state.

2. No raft of vessels shall be located less than three hundred feet from another raft of vessels.

3. Each operator of a vessel in violation of this section is guilty of a class B misdemeanor. If a vessel is unoccupied or otherwise unclaimed by any operator, the owner of the vessel shall be in violation of this section, whether present or not.

4. Any person who violates this section and has previously been found in violation of this section shall be guilty of a class A misdemeanor.

306.234. 1. No person upon a lake shall commit any of the following acts:

(1) Exposure of such person's genitals under circumstances where a reasonable person would believe that such conduct would likely cause affront or alarm; or

(2) Have sexual contact in the presence of a third person or persons under circumstances where a reasonable person would believe that such conduct would likely cause affront or alarm.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor. A person who violates this section and has been found to have committed a previous violation is guilty of a class A misdemeanor.

3. A violation of this section shall not be considered a sexual offense.

4. A water patrol officer may arrest a person on sight for a violation of this section or section 566.093, RSMo.

306.236. 1. The state water patrol shall have the authority to disperse any raft of vessels where the officer has reason to believe a state law has been violated. Any person failing to disperse within a reasonable period of time shall be guilty of a class C misdemeanor.

2. The state water patrol may request and receive the assistance of a county sheriff or the state highway patrol in enforcing the provisions of sections 306.230 to 306.238.

3. The sheriff of any county bordering a lake shall have the authority to enforce the provisions of chapter 306, relating to the safe operation of vessels, the provisions of chapter 195, RSMo, relating to controlled substances, and the provisions of the criminal code upon the lake.

306.238. Any vessel used by or with the permission of its owner in the commission of a felony, or as a site for the commission of a felony, under chapter 195, RSMo, shall be subject to forfeiture under the provisions of sections 513.600 to 513.645, RSMo.

Section B. Because of the need for safety, public decency and the protection of shoreline upon the lakes of this state, the provisions of this act are hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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