

SECOND REGULAR SESSION

# HOUSE BILL NO. 1889

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE THOMAS.

4584H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 306.127 and 306.185, RSMo, and to enact in lieu thereof two new sections relating to boating safety identification cards.

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

Section A. Sections 306.127 and 306.185, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 306.127 and 306.185, to read as follows:

306.127. 1. Beginning January 1, 2005, every person born after January 1, 1984, or  
2 as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall  
3 possess, on the vessel, a boating safety identification card issued by the water patrol division  
4 or its agent which shows that he or she has:

5 (1) Successfully completed a boating safety course approved by the National  
6 Association of State Boating Law Administrators and certified by the water patrol division.  
7 The boating safety course may include a course sponsored by the United States Coast Guard  
8 Auxiliary or the United States Power Squadron. The water patrol division may appoint  
9 agents to administer a boater education course or course equivalency examination and issue  
10 boater identification cards under guidelines established by the water patrol. The water patrol  
11 division shall maintain a list of approved courses; or

12 (2) Successfully passed an equivalency examination prepared by the water patrol  
13 division and administered by the water patrol division or its agent. The equivalency  
14 examination shall have a degree of difficulty equal to, or greater than, that of the  
15 examinations given at the conclusion of an approved boating safety course; or

16 (3) A valid master's, mate's, or operator's license issued by the United States Coast  
17 Guard.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           2. The water patrol division or its agent shall issue a permanent boating safety  
19 identification card to each person who complies with the requirements of this section which is  
20 valid for life unless invalidated pursuant to law.

21           3. The water patrol division may charge a fee for such card or any replacement card  
22 that does not substantially exceed the costs of administrating this section. The water patrol  
23 division or its designated agent shall collect such fees. These funds shall be forwarded to  
24 ~~[general revenue]~~ **the water patrol division fund to be used solely for statewide boating**  
25 **safety initiatives.**

26           4. The provisions of this section shall not apply to any person who:

27           (1) Is licensed by the United States Coast Guard to serve as master of a vessel;

28           (2) Operates a vessel only on a private lake or pond that is not classified as waters of  
29 the state;

30           (3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or  
31 less;

32           (4) Is participating in an event or regatta approved by the water patrol;

33           (5) Is a nonresident who has proof of a valid boating certificate or license issued by  
34 another state if the boating course is approved by the National Association of State Boating  
35 Law Administrators (NASBLA);

36           (6) Is exempted by rule of the water patrol;

37           (7) Is currently serving in any branch of the United States Armed Forces, reserves, or  
38 Missouri National Guard, or any spouse of a person currently in such service; or

39           (8) Has previously successfully completed a boating safety education course  
40 approved by the National Association of State Boating Law Administrators (NASBLA).

41           5. The water patrol division shall inform other states of the requirements of this  
42 section.

43           6. No individual shall be detained or stopped strictly for the purpose of checking  
44 whether the individual possesses a boating safety identification card or a temporary boater  
45 education permit.

46           7. Any person or company that rents or sells vessels may issue a temporary boating  
47 safety identification card to an individual to operate a rented vessel or a vessel being  
48 considered for sale, for a period of up to seven days, provided that the individual meets the  
49 minimum age requirements for operating a vessel in this state. In order to qualify for the  
50 temporary boating safety identification card, the applicant shall provide a valid driver's  
51 license and shall sign an affidavit that he or she has reviewed the Missouri state highway  
52 patrol handbook of Missouri boating laws and responsibilities. Any individual holding a  
53 valid temporary boating safety identification card shall be deemed in compliance with the  
54 requirements of this section. The Missouri state highway patrol shall charge a fee of nine

55 dollars for such temporary boating safety identification card. Individuals shall not be eligible  
56 for more than one temporary boating safety identification card. No person or company may  
57 issue a temporary boating safety identification card to an individual under the provisions of  
58 this subsection unless such person or company is capable of submitting the applicant's  
59 temporary boating safety identification card information and payment in an electronic format  
60 as prescribed by the Missouri state highway patrol. The business entity issuing a temporary  
61 boating safety identification card to an individual under the provisions of this subsection shall  
62 transmit the applicant's temporary boating safety identification card information  
63 electronically to the Missouri state highway patrol, in a manner and format prescribed by  
64 the superintendent, using an electronic online registration process developed and provided by  
65 the Missouri state highway patrol. The electronic online process developed and provided by  
66 the Missouri state highway patrol shall allow the applicant to pay the temporary boating  
67 safety identification card fee by credit card or debit card. Notwithstanding any provision in  
68 section 306.185 to the contrary, all fees collected under the authority of this subsection shall  
69 be deposited in the water patrol division fund. The Missouri state highway patrol shall  
70 promulgate rules for developing the temporary boating safety identification card and any  
71 requirements necessary to the issuance, processing, and payment of the temporary boating  
72 safety identification card. The Missouri state highway patrol shall, by rule, develop a boating  
73 safety checklist for each applicant seeking a temporary boating safety identification card.  
74 Nothing in this subsection shall allow a holder of a temporary boating safety identification  
75 card to receive a notation on the person's driver's license or nondriver identification under  
76 section 302.184. The provisions of this subsection shall expire on December 31, 2032.

306.185. 1. There is hereby created in the state treasury the "Water Patrol Division  
2 Fund", which shall consist of money collected under section 306.030 **and section 306.127**.  
3 The state treasurer shall be custodian of the fund and shall approve disbursements from the  
4 fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund  
5 shall be used solely for the expenses of the Missouri state highway patrol, water patrol  
6 division, including but not limited to personnel expense, training expense, and equipment  
7 expense for the purpose of enforcing the laws of this chapter.

8 2. Notwithstanding the provisions of section 33.080, any moneys remaining in the  
9 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

10 3. The state treasurer shall invest moneys in the fund in the same manner as other  
11 funds are invested. Any interest and moneys earned on such investments shall be credited to  
12 the fund.

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