

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 719**  
96TH GENERAL ASSEMBLY  
2012

5618S.07T

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**AN ACT**

To repeal sections 302.173, 306.127, 306.532, and 577.073, RSMo, and to enact in lieu thereof four new sections relating to transportation, with existing penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 302.173, 306.127, 306.532, and 577.073, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 302.173, 306.127, 306.532, and 577.073, to read as follows:

302.173. 1. Any applicant for a license, who does not possess a valid  
2 license issued pursuant to the laws of this state, another state, or a country  
3 which has a reciprocal agreement with the state of Missouri regarding the  
4 exchange of licenses pursuant to section 302.172 shall be examined as herein  
5 provided. Any person who has failed to renew such person's license on or before  
6 the date of its expiration or within six months thereafter must take the complete  
7 examination. Any active member of the armed forces, their adult dependents or  
8 any active member of the peace corps may apply for a renewal license without  
9 examination of any kind, unless otherwise required by sections 302.700 to  
10 302.780, provided the renewal application shows that the previous license had not  
11 been suspended or revoked. Any person honorably discharged from the armed  
12 forces of the United States who held a valid license prior to being inducted may  
13 apply for a renewal license within sixty days after such person's honorable  
14 discharge without submitting to any examination of such person's ability to safely

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 operate a motor vehicle over the highways of this state unless otherwise required  
16 by sections 302.700 to 302.780, other than the vision test provided in section  
17 302.175, unless the facts set out in the renewal application or record of  
18 convictions on the expiring license, or the records of the director show that there  
19 is good cause to authorize the director to require the applicant to submit to the  
20 complete examination. No applicant for a renewal license shall be required to  
21 submit to any examination of his or her ability to safely operate a motor vehicle  
22 over the highways of this state unless otherwise required by sections 302.700 to  
23 302.780 or regulations promulgated thereunder, other than a test of the  
24 applicant's ability to understand highway signs regulating, warning or directing  
25 traffic and the vision test provided in section 302.175, unless the facts set out in  
26 the renewal application or record of convictions on the expiring license, or the  
27 records of the director show that there is good cause to authorize the director to  
28 require the applicant to submit to the complete examination. The examination  
29 shall be made available in each county. Reasonable notice of the time and place  
30 of the examination shall be given the applicant by the person or officer designated  
31 to conduct it. The complete examination shall include a test of the applicant's  
32 natural or corrected vision as prescribed in section 302.175, the applicant's ability  
33 to understand highway signs regulating, warning or directing traffic, the  
34 applicant's practical knowledge of the traffic laws of this state, and an actual  
35 demonstration of ability to exercise due care in the operation of a motor vehicle  
36 of the classification for which the license is sought. When an applicant for a  
37 license has a license from a state which has requirements for issuance of a license  
38 comparable to the Missouri requirements or a license from a country which has  
39 a reciprocal agreement with the state of Missouri regarding the exchange of  
40 licenses pursuant to section 302.172 and such license has not expired more than  
41 six months prior to the date of application for the Missouri license, the director  
42 may waive the test of the applicant's practical knowledge of the traffic laws of  
43 this state, and the requirement of actual demonstration of ability to exercise due  
44 care in the operation of a motor vehicle. If the director has reasonable grounds  
45 to believe that an applicant is suffering from some known physical or mental  
46 ailment which ordinarily would interfere with the applicant's fitness to operate  
47 a motor vehicle safely upon the highways, the director may require that the  
48 examination include a physical or mental examination by a licensed physician of  
49 the applicant's choice, at the applicant's expense, to determine the fact. The  
50 director shall prescribe regulations to ensure uniformity in the examinations and

51 in the grading thereof and shall prescribe and furnish all forms to the members  
52 of the highway patrol and to other persons authorized to conduct examinations  
53 as may be necessary to enable the officer or person to properly conduct the  
54 examination. The records of the examination shall be forwarded to the director  
55 who shall not issue any license hereunder if in the director's opinion the  
56 applicant is not qualified to operate a motor vehicle safely upon the highways of  
57 this state.

58         2. Beginning July 1, 2005, when the examiner has reasonable grounds to  
59 believe that an individual has committed fraud or deception during the  
60 examination process, the license examiner shall immediately forward to the  
61 director all information relevant to any fraud or deception, including, but not  
62 limited to, a statement of the examiner's grounds for belief that the person  
63 committed or attempted to commit fraud or deception in the written, skills, or  
64 vision examination.

65         3. The director of revenue shall delegate the power to conduct the  
66 examinations required for a license or permit to any member of the highway  
67 patrol or any person employed by the highway patrol. The powers delegated to  
68 any examiner may be revoked at any time by the director of revenue upon notice.

69         4. Notwithstanding the requirements of subsections 1 and 3 of this  
70 section, the successful completion of a motorcycle rider training course approved  
71 pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration  
72 of the person's ability to exercise due care in the operation of a motorcycle or  
73 motortricycle, and no further driving test shall be required to obtain a motorcycle  
74 or motortricycle license or endorsement.

75         **5. Notwithstanding the requirements of subsections 1 and 3 of**  
76 **this section, the successful completion of a military motorcycle rider**  
77 **training course that meets or exceeds the Motorcycle Safety Foundation**  
78 **curriculum standards by an applicant who is an active member of the**  
79 **U.S. armed forces, shall constitute an actual demonstration of the**  
80 **person's ability to exercise due care in the operation of a motorcycle or**  
81 **motortricycle, and no further driving test shall be required to obtain**  
82 **a motorcycle or motortricycle license or endorsement. The director of**  
83 **revenue is authorized to promulgate rules and regulations for the**  
84 **administration and implementation of this subsection including rules**  
85 **governing the presentment of motorcycle training course completion**

86 cards from a military motorcycle rider training course or other  
87 documentation showing that the applicant has successfully completed  
88 a course in basic motorcycle safety instruction that meets or exceeds  
89 curriculum standards established by the Motorcycle Safety Foundation  
90 or other national organization whose purpose is to improve the safety  
91 of motorcyclists on the nation's streets and highways. Any rule or  
92 portion of a rule, as that term is defined in section 536.010 that is  
93 created under the authority delegated in this section shall become  
94 effective only if it complies with and is subject to all of the provisions  
95 of chapter 536, and, if applicable, section 536.028. This section and  
96 chapter 536 are nonseverable and if any of the powers vested with the  
97 general assembly pursuant to chapter 536, to review, to delay the  
98 effective date, or to disapprove and annul a rule are subsequently held  
99 unconstitutional, then the grant of rulemaking authority and any rule  
100 proposed or adopted after August 28, 2012, shall be invalid and void.

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

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

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

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

21           2. The Missouri state water patrol or its agent shall issue a permanent  
22 boating safety identification card to each person who complies with the  
23 requirements of this section which is valid for life unless invalidated pursuant to  
24 law.

25           3. The Missouri state water patrol may charge a fee for such card or any  
26 replacement card that does not substantially exceed the costs of administrating  
27 this section. The Missouri state water patrol or its designated agent shall collect  
28 such fees. These funds shall be forwarded to general revenue.

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

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

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

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

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

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

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

41           (7) Is currently serving in any branch of the United States armed forces,  
42 reserves, or Missouri national guard, or any spouse of a person currently in such  
43 service; or

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

47           5. The Missouri state water patrol shall inform other states of the  
48 requirements of this section.

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

52           7. [Beginning January 1, 2006, any nonresident born after January 1,  
53 1984, desiring to operate a rental vessel on the lakes of this state, may obtain a  
54 temporary boater education permit by completing and passing a written  
55 examination developed by the Missouri state water patrol, provided the person

56 meets the minimum age requirements for operating a vessel in this state. The  
57 Missouri state water patrol is authorized to promulgate rules for developing the  
58 examination and any requirements necessary for issuance of the temporary boater  
59 education permit. The temporary boater education permit shall expire when the  
60 nonresident obtains a permanent identification card pursuant to subsection 2 of  
61 this section or thirty days after issuance, whichever occurs first. The Missouri  
62 state water patrol may charge a fee not to exceed ten dollars for such temporary  
63 permit. Upon successful completion of an examination and prior to renting a  
64 vessel, the business entity responsible for giving the examination shall collect  
65 such fee and forward all collected fees to the Missouri state water patrol on a  
66 monthly basis for deposit in the state general revenue fund. Such business entity  
67 shall incur no additional liability in accepting the responsibility for administering  
68 the examination. This subsection shall terminate on December 31, 2010.] **Any**  
69 **person or company that rents or sells vessels may issue a temporary**  
70 **boating safety identification card to a nonresident of the state to**  
71 **operate a rented vessel or a vessel being considered for sale, for a**  
72 **period of up to seven days, provided that the individual meets the**  
73 **minimum age requirements for operating a vessel in this state. In**  
74 **order to qualify for the temporary boating safety identification card,**  
75 **the applicant shall provide a valid driver's license establishing that the**  
76 **applicant is a nonresident and shall sign an affidavit that he or she has**  
77 **reviewed the Missouri State Highway Patrol Handbook of Missouri**  
78 **Boating Laws and Responsibilities. Any nonresident holding a valid**  
79 **temporary boating safety identification card shall be deemed in**  
80 **compliance with the requirements of this section. The Missouri state**  
81 **highway patrol shall charge a fee of nine dollars for such temporary**  
82 **boating safety identification card. Nonresidents shall not be eligible**  
83 **for more than one temporary boating safety identification card. No**  
84 **person or company may issue a temporary boating safety identification**  
85 **card to a nonresident under the provisions of this subsection unless**  
86 **such person or company is capable of submitting the applicant's**  
87 **temporary boating safety identification card information and payment**  
88 **in an electronic format as prescribed by the Missouri state highway**  
89 **patrol. The business entity issuing a temporary boating safety**  
90 **identification card to a nonresident under the provisions of this**

91 subsection shall transmit the applicant's temporary boating safety  
92 identification card information electronically to the Missouri state  
93 highway patrol, in a manner and format prescribed by the  
94 superintendent, using an electronic online registration process  
95 developed and provided by the Missouri state highway patrol. The  
96 electronic online process developed and provided by the Missouri state  
97 highway patrol shall allow the applicant to pay the temporary boating  
98 safety identification card fee by credit card or debit  
99 card. Notwithstanding any provision in section 306.185 to the contrary,  
100 all fees collected under the authority of this subsection shall be  
101 deposited in the water patrol division fund. The Missouri state  
102 highway patrol shall promulgate rules for developing the temporary  
103 boating safety identification card and any requirements necessary to  
104 the issuance, processing, and payment of the temporary boating safety  
105 identification card. The Missouri state highway patrol shall, by rule,  
106 develop a boating safety checklist for each applicant seeking a  
107 temporary boating safety identification card. The provisions of this  
108 subsection shall expire on December 31, 2022.

306.532. Effective [January 1, 2011] **August 28, 2012**, the certificate of  
2 title for a new outboard motor shall designate the year the outboard motor was  
3 manufactured as the "Year Manufactured" and shall further designate the year  
4 the dealer received the new outboard motor from the manufacturer as the "Model  
5 Year-NEW". **Any outboard motor manufactured on or after July first of  
6 any year shall be labeled "Year Manufactured" with the calender year  
7 immediately following the year manufactured, unless the manufacturer  
8 indicates a specific model or program year.**

577.073. 1. It is unlawful for any person to throw waste paper, tin cans,  
2 bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or  
3 stream within a state park, nor shall any person other than authorized personnel  
4 of the department of natural resources cut, prune, pick or deface or injure in any  
5 manner the flowers, trees, shrub or any other flora growing on the land or in the  
6 water of any state park.

2. No person shall be permitted to offer or advertise merchandise or other  
8 goods for sale or hire, or to maintain any concession, or use any park facilities,  
9 buildings, trails, roads or other state park property for commercial use except by

10 written permission or concession contract with the department of natural  
11 resources; **except that, the provisions of this subsection shall not apply**  
12 **to the normal and customary use of public roads by commercial and**  
13 **noncommercial organizations for the purpose of transporting persons**  
14 **or vehicles, including but not limited to, canoes.**

15 3. No object of archaeological or historical value or interest within a state  
16 park may be removed, injured, disfigured, defaced or destroyed except by  
17 authorized personnel.

18 4. Any person violating any of the provisions of this section shall be  
19 deemed guilty of a misdemeanor.

Section B. Because of the need to protect tourism in this state and ensure  
2 that out-of-state residents are knowledgeable in the safe operation of vessels, the  
3 repeal and reenactment of sections 306.127 and 577.073 of this act is deemed  
4 necessary for the immediate preservation of the public health, welfare, peace and  
5 safety, and is hereby declared to be an emergency act within the meaning of the  
6 constitution, and the repeal and reenactment of sections 306.127 and 577.073 of  
7 this act shall be in full force and effect upon its passage and approval.

Bill ✓

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