

FIRST REGULAR SESSION

# HOUSE BILL NO. 1328

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES.

2687L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapters 306 and 320, RSMo, by adding thereto two new sections relating to electric shock drowning prevention, with penalty provisions.

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

Section A. Chapters 306 and 320, RSMo, are amended by adding thereto two new sections, to be known as sections 306.166 and 320.101, to read as follows:

**306.166. Each vessel operated by the state water patrol shall be equipped with an automated external defibrillator and be staffed by at least one individual trained in the use of an automated external defibrillator. Such trained individual shall receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation. Each patrol officer assigned to the water patrol division shall be trained in rescuing victims of electrocution injuries around marinas and boat docks and the use of automated external defibrillators on such victims.**

**320.101. 1. This section and section 306.166 shall be known and may be cited as the "Alexandra and Brayden Anderson Electric Shock Drowning Prevention Act".**

**2. Beginning July 1, 2016, any individual or entity that owns any body of water in this state upon which any boat dock or marina that is equipped with electrical power is located shall ensure that each such boat dock or marina is in compliance with the National Fire Protection Association's 2011 edition of the Fire Protection Standard for Marinas and Boatyards (NFPA 303), and with Articles 250 (Grounding and Bonding), 553 (Floating**

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.

8 **Buildings), and 555 (Marinas and Boatyards) of the 2011 edition of the National Electrical**  
9 **Code (NFPA 70: National Electrical Code (NEC), 2011 Edition).**

10 **3. All individuals and entities subject to this section shall annually submit a**  
11 **statement that the boat dock or marina has passed a compliance inspection to the**  
12 **department of public safety containing all information required by the department.**

13 **4. Each individual or entity subject to this section shall establish a policy**  
14 **prohibiting swimming in or around any boat docks or marina subject to this section, and**  
15 **shall post conspicuous signs located close to the boat dock or marina stating the swimming**  
16 **policy.**

17 **5. Violations of this section shall be subject to the following fines and penalties:**

18 **(1) For failure to ensure the compliance of boat docks and marinas as provided in**  
19 **subsection 2 of this section, a fine of two thousand five hundred dollars and the closure of**  
20 **such boat dock or marina, or the disconnection of electrical service to the boat dock or**  
21 **marina within ninety days of the date the boat dock or marina is not in compliance, or**  
22 **both;**

23 **(2) For any injury caused by the failure to ensure the compliance of boat docks and**  
24 **marinas as provided in subsection 2 of this section, in addition to any other penalty**  
25 **provided by law, a fine of five thousand dollars and a term of imprisonment not to exceed**  
26 **six months;**

27 **(3) For any death caused by the failure to ensure the compliance of boat docks and**  
28 **marinas as provided in subsection 2 of this section, in addition to any other penalty**  
29 **provided by law, a fine of fifty thousand dollars and a term of imprisonment not to exceed**  
30 **one year;**

31 **(4) For the failure to timely submit any statement of inspection required under**  
32 **subsection 3 of this section, a fine of five hundred dollars and the closure of such boat dock**  
33 **or marina, or the disconnection of electrical service to the boat dock or marina within**  
34 **ninety days of the date of the failure to submit the inspection statement as required by the**  
35 **department of public safety, or both.**

36 **6. Nothing in this section shall be construed as a limit on any liability arising from**  
37 **any such individual's or entity's failure to comply with any provision of this section.**

38 **7. The department of public safety may promulgate rules to implement the**  
39 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
40 **536.010, that is created under the authority delegated in this section shall become effective**  
41 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**  
42 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
43 **the powers vested with the general assembly under chapter 536 to review, to delay the**

44 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
45 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**  
46 **2015, shall be invalid and void.**

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