

FIRST REGULAR SESSION

SENATE BILL NO. 65

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0251S.011

AN ACT

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

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

Section A. Section 306.126, RSMo, is repealed and one new section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

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

13 2. Whenever any person leaves any watercraft, other than a personal
14 watercraft, on the waters of the Mississippi River, the waters of the Missouri
15 River or the lakes of this state and enters the water between the hours of 11:00
16 a.m. and sunset, the operator of such watercraft shall display on the watercraft
17 a red or orange flag measuring not less than twelve inches by twelve inches. The
18 provisions of this subsection shall not apply to watercraft that is moored or
19 anchored. The flag required by this subsection shall be visible for three hundred
20 sixty degrees around the horizon when displayed and shall be displayed only

21 when an occupant of the watercraft has left the confines of the watercraft and
22 entered the water. The flag required by this subsection shall not be displayed
23 when the watercraft is engaged in towing any person, but shall be displayed when
24 such person has ceased being towed and has reentered the water.

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

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