

SECOND REGULAR SESSION

HOUSE BILL NO. 1989

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUTH.

5477H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 306.030 and 306.180, RSMo, and to enact in lieu thereof two new sections relating to the waterways trust fund, with an expiration date for certain sections.

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

Section A. Sections 306.030 and 306.180, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 68.080 and 306.030, to read as follows:

68.080. 1. There is hereby created in the state treasury the "Waterways Trust Fund". The proceeds from the following state taxes and fees shall be collected by the director of the department of revenue, who shall promptly deposit all such proceeds to the credit of the waterways trust fund:

(1) The state sales tax on boats and outboard motors imposed and collected under chapter 144, excluding the proceeds from that portion of the state sales and use tax dedicated by section 144.701 to the school district trust fund and the proceeds from that portion of the state sales and use tax dedicated to other funds under the constitution, reduced only by refunds for overpayments and erroneous payments of such tax as permitted by law and actual costs of collection by the department of revenue, but not to exceed three percent of the amount collected;

(2) The first two million dollars collected annually from the certificate of number fee imposed and collected under section 306.030;

(3) The certificate of title fee and all delinquency penalty fees imposed under section 306.015;

(4) The outboard motor registration and title fees and all delinquency penalty fees imposed under section 306.535; and

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 **(5) The additional processing fees to process boat and outboard motor title and**
19 **registration transactions imposed under subdivisions (1) to (5) of subsection 1 of section**
20 **136.055 and collected by all full-time or temporary offices maintained by the department**
21 **of revenue.**

22 **2. The waterways trust fund may also receive any gifts, contributions, grants, or**
23 **bequests received from federal, private, or other sources.**

24 **3. The waterways trust fund is a revolving trust fund exempt from the provisions**
25 **of section 33.080 relating to the transfer of unexpended balances by the state treasurer to**
26 **the general revenue fund of the state. All interest earned upon the balance in the**
27 **waterways trust fund shall be deposited to the credit of the same fund.**

28 **4. Moneys in the waterways trust fund shall be withdrawn only upon appropriation**
29 **by the general assembly to be administered by the state highways and transportation**
30 **commission and the department of transportation for the purposes in section 68.035 and**
31 **for no other purpose.**

306.030. 1. The owner of each vessel requiring numbering by this state shall file an
2 application for number with the department of revenue on forms provided by it. The application
3 shall contain a full description of the vessel, factory number or serial number, together with a
4 statement of the applicant's source of title and of any liens or encumbrances on the vessel. For
5 good cause shown the director of revenue may extend the period of time for making such
6 application. The director of revenue shall use reasonable diligence in ascertaining whether the
7 facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of
8 such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon
9 issue an appropriate certificate of title over the director's signature and sealed with the seal of the
10 director's office, procured and used for such purpose, and a certificate of number stating the
11 number awarded to the vessel. The application shall include a provision stating that the applicant
12 will consent to any inspection necessary to determine compliance with the provisions of this
13 chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee
14 specified in subsection 10 of this section. The owner shall paint on or attach to each side of the
15 bow of the vessel the identification number in a manner as may be prescribed by rules and
16 regulations of the division of water safety in order that it may be clearly visible. The number
17 shall be maintained in legible condition. The certificate of number shall be pocket size and shall
18 be available at all times for inspection on the vessel for which issued, whenever the vessel is in
19 operation. The operator of a vessel in which such certificate of number is not available for
20 inspection by the water patrol division or, if the operator cannot be determined, the person who
21 is the registered owner of the vessel shall be subject to the penalties provided in section 306.210.

22 Vessels owned by the state or a political subdivision shall be registered but no fee shall be
23 assessed for such registration.

24 2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or
25 within three feet of the transom or stern a factory number or serial number.

26 3. The owner of any vessel already covered by a number in full force and effect which
27 has been awarded to it pursuant to then operative federal law or a federally approved numbering
28 system of another state shall record the number prior to operating the vessel on the waters of this
29 state in excess of the sixty-day reciprocity period provided for in section 306.080. The
30 recordation and payment of registration fee shall be in the manner and pursuant to the procedure
31 required for the award of a number under subsection 1 of this section. No additional or substitute
32 number shall be issued unless the number is a duplicate of an existing Missouri number.

33 4. In the event that an agency of the United States government shall have in force an
34 overall system of identification numbering for vessels within the United States, the numbering
35 system employed pursuant to this chapter by the department of revenue shall be in conformity
36 therewith.

37 5. All records of the department of revenue made and kept pursuant to this section shall
38 be public records.

39 6. Every certificate of number awarded pursuant to this chapter shall continue in force
40 and effect for a period of three years unless sooner terminated or discontinued in accordance with
41 the provisions of this chapter.

42 Certificates of number may be renewed by the owner in the same manner provided for in the
43 initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

44 7. The department of revenue shall fix the days and months of the year on which
45 certificates of number due to expire during the calendar year shall lapse and no longer be of any
46 force and effect unless renewed pursuant to this chapter and may stagger such dates in order to
47 distribute the workload.

48 8. When applying for or renewing a vessel's certificate of number, the owner shall submit
49 a paid personal property tax receipt for the tax year which immediately precedes the year in
50 which the application is made or the year in which the renewal is due and which reflects that the
51 vessel being renewed is listed as personal property and that all personal property taxes, including
52 delinquent taxes from prior years, have been paid, or a statement certified by the county or
53 township in which the owner's property was assessed showing that the state and county tangible
54 personal property taxes for such previous tax year and all delinquent taxes due have been paid
55 by the applicant or that no such taxes were due.

56 9. When applying for or renewing a certificate of registration for a vessel documented
57 with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid

58 personal property tax receipt for the tax year which immediately precedes the year in which the
 59 application is made or the renewal is due and which reflects that the vessel is listed as personal
 60 property and that all personal property taxes, including delinquent taxes from prior years, have
 61 been paid, or a statement certified by the county or township in which the owner's property was
 62 assessed showing that the state and county tangible personal property taxes for such previous tax
 63 year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

64 10. The fee to accompany each application for a certificate of number is:

- 65 For vessels under 16 feet in length.. \$25.00
- 66 For vessels at least 16 feet in length but less than 26 feet in length. \$55.00
- 67 For vessels at least 26 feet in length but less than 40 feet in length. \$100.00
- 68 For vessels at least 40 feet and over.. . . . \$150.00

69 11. The certificate of title and certificate of number issued by the director of revenue
 70 shall be manufactured in a manner to prohibit as nearly as possible the ability to alter,
 71 counterfeit, duplicate, or forge such certificate without ready detection.

72 12. The first two million dollars collected annually under the provisions of this section
 73 shall be deposited into the [state general revenue fund] **waterways trust fund established**
 74 **under section 68.080**. All fees collected under the provisions of this section in excess of two
 75 million dollars annually shall be deposited in the water patrol division fund and shall be used
 76 exclusively for the water patrol division.

77 13. Notwithstanding the provisions of subsection 10 of this section, vessels at least
 78 sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed
 79 out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall
 80 accompany each application for a certification number.

[306.180. All moneys collected and received by the department of
 2 revenue pursuant to this chapter shall be paid into the state treasury and shall, by
 3 the state treasurer, be placed in a separate fund to be known as the "Motorboat
 4 Fund", which is hereby established. No money shall be paid out of this fund
 5 except by appropriation of the general assembly for the purposes of the
 6 construction and maintenance of boating facilities, education and instruction in
 7 boating safety, the enforcement of this chapter, and to reimburse the counties for
 8 expenditures made in the enforcement of this chapter, upon the recommendation
 9 of the water patrol division.]

10 Section B. The provisions of sections 68.080 and 306.030 of section A of this act shall
 2 terminate on August 28, 2026.

