

SECOND REGULAR SESSION

HOUSE BILL NO. 2358

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZPATRICK.

5576H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 306.010, 306.030, 306.031, and 306.080, RSMo, and to enact in lieu thereof four new sections relating to marine transactions, with penalty provisions and a delayed effective date.

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

Section A. Sections 306.010, 306.030, 306.031, and 306.080, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 306.010, 306.030, 306.031,
3 and 306.080, to read as follows:

306.010. As used in this chapter the following terms mean:

- 2 (1) ["Motorboat", any vessel propelled by machinery, whether or not such machinery
3 is a principal source of propulsion;
- 4 (2) **"Certificate of number", the certificate required under 33 CFR 173.21;**
- 5 (2) **"Hull identification number" or "HIN", the number required under 33 CFR**
6 **181.23;**
- 7 (3) "Operate", [to] **use**, navigate, or [otherwise use a motorboat or a vessel] **employ**;
- 8 [(3)] (4) "Operator", the person who operates or has **control or is in** charge of the
9 navigation or use of a vessel;
- 10 (5) **"Outboard", an engine with a propeller or water jet integrally attached that is**
11 **usually mounted at the stern of a vessel;**
- 12 [(4)] (6) "Owner", a person other than a lienholder, having the property **rights** in or title
13 to a [motorboat] **vessel**. The term includes a person entitled to the use or possession of a
14 motorboat subject to an interest of another person, reserved or created by agreement and securing

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.

15 payment or performance of an obligation, but the term excludes a lessee under a lease not
16 intended as security;

17 [(5)] (7) "Parasailing", the towing of any person equipped with a parachute or kite
18 equipment by any watercraft operating on the waters of this state;

19 [(6)] (8) "Personal watercraft", a [class of] vessel[, which is less than sixteen feet in
20 length,] propelled by **a water-jet pump or other** machinery [which is] **as its primary source**
21 **of motor power and** designed to be operated by a person sitting, standing or kneeling on the
22 vessel, rather than [being operated by a person] sitting or standing [inside the vessel] **within the**
23 **vessel's hull;**

24 [(7)] (9) "Skiing", any activity that involves a person or persons being towed by a vessel,
25 including but not limited to waterskiing, wake boarding, wake surfing, knee boarding, and
26 tubing;

27 (10) "State of principal operation", **the state in whose waters a vessel is or will be**
28 **operated most during a calendar year;**

29 [(8)] (11) "Vessel", every motorboat and [every description of motorized] watercraft[,
30 and any watercraft more than twelve feet in length which is powered by sail alone or by a
31 combination of sail and machinery, used or capable of being used as a means of transportation
32 on water, but not any watercraft having as the only means of propulsion a paddle or oars] **or**
33 **other artificial contrivance used or capable of being used as a means of transport on**
34 **waters;**

35 [(9)] (12) "Water patrol division of the state highway patrol" or "water patrol division",
36 the division responsible for enforcing the provisions of this chapter on the waters of this state.
37 The revisor of statutes is instructed to replace the terms "Missouri state water patrol" or "state
38 water patrol" wherever those terms exist in this chapter with the term "water patrol division";

39 [(10)] (13) "Watercraft", any boat or craft[, including a vessel,] used or capable of being
40 used as a means of transport on waters;

41 [(11)] (14) "Waters of this state", any waters within the territorial limits of this state and
42 lakes constructed or maintained by the United States Army Corps of Engineers except bodies of
43 water owned by a person, corporation, association, partnership, municipality or other political
44 subdivision, public water supply impoundments, and except drainage ditches constructed by a
45 drainage district, but the term does include any body of water which has been leased to or owned
46 by the state department of conservation.

306.030. 1. The owner of each vessel requiring numbering by this state, **or his or her**
2 **designated representative**, shall file an application for number with the department of revenue
3 on forms provided by it. The application shall contain a full description of the vessel, factory
4 number or serial number, together with a statement of the applicant's source of title and of any

5 liens or encumbrances on the vessel, **the applicant's tax identification number if the applicant**
6 **is filing an application in the name of a business, or the applicant's date of birth with the**
7 **applicant's driver's license number or nondriver's license number, or, if the applicant does**
8 **not possess a driver's license or nondriver's license, the department shall accept the**
9 **applicant's date of birth and establish and record a unique number for the applicant.**
10 **When an applicant's driver's license number or nondriver's license number is submitted,**
11 **the applicant need not present his or her tangible license.** For good cause shown the director
12 of revenue may extend the period of time for making such application. The director of revenue
13 shall use reasonable diligence in ascertaining whether the facts stated in such application are true,
14 and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have
15 the same registered in his or her name, shall thereupon issue an appropriate certificate of title
16 over the director's signature and sealed with the seal of the director's office, procured and used
17 for such purpose, and a certificate of number stating the number awarded to the vessel. The
18 application shall include a provision stating that the applicant will consent to any inspection
19 necessary to determine compliance with the provisions of this chapter and shall be signed by the
20 owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this
21 section. The owner shall paint on or attach to each side of the bow of the vessel the
22 identification number in a manner as may be prescribed by rules and regulations of the division
23 of water safety in order that it may be clearly visible. The number shall be maintained in legible
24 condition. The certificate of number shall be pocket size and shall be available at all times for
25 inspection on the vessel for which issued, whenever the vessel is in operation. The operator of
26 a vessel in which such certificate of number is not available for inspection by the water patrol
27 division or, if the operator cannot be determined, the person who is the registered owner of the
28 vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state
29 or a political subdivision shall be registered but no fee shall be assessed for such registration.

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

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

39 4. In the event that an agency of the United States government shall have in force an
40 overall system of identification numbering for vessels within the United States, the numbering

41 system employed pursuant to this chapter by the department of revenue shall be in conformity
42 therewith.

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

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

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

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

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

62 9. When applying for or renewing a certificate of registration for a vessel documented
63 with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid
64 personal property tax receipt for the tax year which immediately precedes the year in which the
65 application is made or the renewal is due and which reflects that the vessel is listed as personal
66 property and that all personal property taxes, including delinquent taxes from prior years, have
67 been paid, or a statement certified by the county or township in which the owner's property was
68 assessed showing that the state and county tangible personal property taxes for such previous tax
69 year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

70 10. The fee to accompany each application for a certificate of number is:
71 For vessels under 16 feet in length.. \$25.00
72 For vessels at least 16 feet in length but less than 26 feet in length. \$55.00
73 For vessels at least 26 feet in length but less than 40 feet in length. \$100.00
74 For vessels at least 40 feet and over.. \$150.00

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

78 12. The first two million dollars collected annually under the provisions of this section
79 shall be deposited into the state general revenue fund. All fees collected under the provisions
80 of this section in excess of two million dollars annually shall be deposited in the water patrol
81 division fund and shall be used exclusively for the water patrol division.

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

 306.031. 1. If an original, manufacturer's, or other distinguishing number on any
2 outboard motor or vessel has been destroyed, removed, covered, altered, defaced or is otherwise
3 nonexistent, the director of revenue, upon application, payment of seven dollars and fifty cents,
4 proper inspection, and satisfactory proof of ownership by the owner, shall issue a new or
5 replacement identification number plate to be affixed to the outboard motor or vessel. The
6 number plate shall be in the form prescribed by the director of revenue.

7 2. The owner or the owner's designee shall securely fasten the identification number
8 plate immediately to the outside of the outboard motor or vessel close to the area where the
9 original or manufacturer's identification number plate would typically be, **and submit the**
10 **outboard motor or vessel for inspection to authorized law enforcement.** After the
11 identification number plate has been secured to the outboard motor or vessel as required, **and**
12 **upon inspection by authorized law enforcement as prescribed by the director of revenue,**
13 such number shall be the lawful number of the outboard motor or vessel for the purpose of
14 identification and registration. No person shall destroy, remove, cover, alter or deface such
15 number. Any person who violates the provisions of this subsection is guilty of a class B
16 misdemeanor.

 306.080. A vessel shall not be required to be **titled or** numbered under this chapter if it
2 is:

3 (1) Already covered by a number in full force and effect which has been awarded to it
4 pursuant to federal law or a federally approved numbering system of another state; except that
5 the boat shall not have been within this state for a period in excess of sixty consecutive days;

6 (2) A vessel from a country other than the United States using the waters of this state for
7 not more than sixty consecutive days;

8 (3) A vessel whose owner is the United States;

9 (4) A ship's lifeboat which is used solely for lifesaving purposes;

10 (5) A vessel documented by the United States Coast Guard or any federal successor
11 thereto; [or]

12 (6) A motorboat designed and intended solely for racing while competing in any race
13 previously approved by the water patrol division in accordance with section 306.130. This
14 exemption shall include operation within a twenty-four-hour period prior to such approved race
15 in order to test or tune up the motorboat; **or**

16 (7) **A nonmotorized vessel unless the nonmotorized vessel is a boat powered by sail**
17 **that is more than twelve feet in length.**

Section B. Section A of this act shall be effective on January 1, 2017.

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