
Rules of
Department of Public Safety
Division 80—Missouri State Water Patrol
Chapter 1—General Organization

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 80—Missouri State Water Patrol
Chapter 1—General Organization**

**11 CSR 80-1.010 Organization and
Methods of Operation**

PURPOSE: This rule describes the organization and methods of operation of the Missouri State Water Patrol.

(1) In 1959, the 70th General Assembly enacted legislation which created the Missouri Boat Commission to provide boating safety for the state through the registration and inspection of boats, education of the boating public and the enforcement of laws upon the waters of Missouri. The Omnibus State Reorganization Act of 1974 abolished the Missouri Boat Commission and transferred its powers, duties and functions to the Division of Water Safety within the Department of Public Safety. In 1989, S.B. 135 transferred all powers, duties and functions of the Missouri State Water Patrol by type I transfer within the Department of Public Safety.

(2) The Missouri State Water Patrol is headed by a commissioner appointed by the governor with the advice and consent of the senate. Directly responsible to the director of public safety, the commissioner is charged with the administration and enforcement of Chapter 306, RSMo.

(3) The commissioner of the water patrol, who holds the rank of colonel, delegates authority, by rank, to patrolmen who are held accountable for carrying out the policies of the commissioner. All patrolmen are granted the powers of a peace officer to enforce all laws of this state within the jurisdictions stated in 306.165 and 306.167, RSMo. The Missouri State Water Patrol provides a multitude of services to the public. Among these services are: conducting safety education courses; providing safety exhibits; inspection of safety equipment in boats; investigating boating and water related accidents; investigating criminal activities; patrolling regattas and other organized water related events; administering first aid; authorizing placement of navigational aids and regulatory markers; investigating complaints; providing rescue and recovery assistance; providing a law enforcement presence in flooded areas; and diving for accident and drowning victims, homicide victims and evidence in felony crimes.

(4) Any person desiring information or assistance on any matter falling within the scope of the Missouri State Water Patrol should contact the Commissioner of the Missouri State Water Patrol, P.O. Box 1368, Jefferson City, MO 65102-1368. Telephone (573) 751-3333.

AUTHORITY: sections 306.161, RSMo 1994 and 536.023(3), RSMo Supp. 1999. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Dec. 16, 1999, effective July 30, 2000.*

**Original authority: 306.161, RSMo 1967, amended 1973, 1977, 1989; and 536.023, RSMo 1975, amended 1976, 1997.*

Op. Atty. Gen. No. 124, Wilson, 8-31-79. Water patrolmen may not randomly and arbitrarily stop a watercraft without "reasonable suspicion" in order to inspect that watercraft for compliance with the provisions of Chapter 306, RSMo.

Superseded by opinion 141-85 issued Dec. 27, 1985 because of United States Supreme Court decision addressing vehicle stops for D.W.I. checks and revision of 306.165, RSMo (1978). Also opinion 92-84 referencing boating while intoxicated check points issued July 13, 1984.

Op. Atty. Gen. No. 221, Bond, 6-18-74. Under the provisions of Senate Bill No. 1, 77th General Assembly, First Extraordinary Session, where a division (here, Division of Water Safety) is created by statute and an existing agency is transferred to it by "Type I" transfer, the department head has the power that s/he would if the agency were transferred by "Type I" transfer to the department except s/he may not abolish the division and s/he may assign the function of the previously existing agency to another division in the department.

Op. Atty. Gen. No. 385, Buford, 10-19-71. The Missouri Boat Commission has no authority or enforcement powers on or with respect to Thomas Hill Reservoir.

Statute updated by HB 1374 of 76th General Assembly. Definition of waters of this state changed to include Thomas Hill Reservoir.