

**Rules of
Department of Public Safety
Division 80—Division of Water Safety
Chapter 1—General Organization**

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 80—Division of Water Safety
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 Division of Water Safety.

(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.

(2) The Division of Water Safety 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 water safety, 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 upon any of its waterways, except for search and seizure. Division of Water Safety activities include: patrolling boating waters; maintaining an alert for potential hazards and emergencies; assisting boaters and providing for water safety by inspecting vessels; issuing warnings and citations to law violators and appearing in court to testify in cases of law violations; operating dragging equipment to recover drowning victims; conducting safety education classes in schools and civic groups; providing first-aid in cases of injury; and patrolling flooded areas to protect property and assist victims.

(4) Any person desiring information or assistance on any matter falling within the scope of the Division of Water Safety should contact the Commissioner of Water Safety, P.O. Box 603, Jefferson City, MO 65102-0603. Telephone (314) 751-3333.

Auth: sections 306.161 and 536.023(3), RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.

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.

Superceded 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 HB1374 of 76th General Assembly. Definition of waters of this state changed to include Thomas Hill Reservoir.