

April 12, 1965



Mr. Thomas C. Gilstrap  
Secretary  
Missouri Boat Commission  
P. O. Box 603  
Jefferson City, Missouri

Dear Mr. Gilstrap:

This letter is in answer to your opinion request of March 29, 1965, regarding the Ski-Craft boat corporation of Seattle, Washington. Enclosed with your opinion request were various letters from one, John C. Stevenson, who is the General Manager of the Rotomotive Industries, Inc., who I assume produces the boat for the Ski-Craft corporation. There was a description of the boat and its uses also enclosed in a brochure. There seems to be two questions presented here: (1) Can this boat be operated on the lakes and rivers in Missouri without a ski mirror? (2) Can this boat be operated without an actual operator in the boat itself?

I feel you are, in effect, asking for a construction of Section 306.120, RSMo 1959. That section says in part:

"No person shall operate a vessel on any waters of this state for towing a person or persons on water skis, . . . unless there is in the vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed, unless such vessel is equipped with a ski mirror \* \* \*".

I examined the letters from the Ski-Craft corporation and also their brochure. It seems they could add a mirror and be in compliance of that part of 306.120. Reading the statute, this would seem somewhat ridiculous, as the purpose of the mirror is for the operator of the boat to observe the skier; and in this instance here the operator of the boat

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is in fact, the skier. There is, however, the additional problem of not having an operator in the vessel. I do not see any way for them to comply with this section of our statute. I do not feel that we can in any way interpret the statute as meaning that the boat and the person operating it, who is being towed along behind on skis, are all one unit. This seems to be a situation where the legislature did not contemplate a vessel of the type offered by the Ski-Craft corporation. I feel that the only way the Ski-Craft corporation can rectify this situation is by the offering of legislation to either amend this section or add a new one that would specifically cover their type of vessel.

We have to, however, base our opinion on the strict construction of the statute and based on that, we do not see how a vessel of this type would, at this time, come under the present boating statutes that we have.

Very truly yours,

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NORMAN H. ANDERSON  
Attorney General

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