

Regular Session, 2011

HOUSE BILL NO. 291

BY REPRESENTATIVE LAMBERT AND SENATOR AMEDEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 14:93.10(2)(introductory paragraph) and 108.1(D)(4) and R.S.  
3 34:851.4 and to repeal R.S. 34:851.5, relative to boating safety; to provide for the  
4 possession of alcoholic beverages on waterways; to provide for definitions; to define  
5 and provide penalties for the careless operation of a watercraft; to provide for  
6 aggravated flight from an officer; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:93.10(2)(introductory paragraph) and 108.1(D)(4) are hereby  
9 amended and reenacted to read as follows:

10 §93.10. Definitions

11 For purposes of R.S. 14:93.10 through 93.14, the following definitions shall  
12 apply:

13 \* \* \*

14 (2) "Public possession" means the possession of any alcoholic beverage for  
15 any reason, including consumption, on any street ~~or~~, highway, or waterway or in any  
16 public place or any place open to the public, including a club which is de facto open  
17 to the public. "Public possession" does not include the following:

18 \* \* \*

19 §108.1. Flight from an officer; aggravated flight from an officer

20 \* \* \*

1 D. Circumstances wherein human life is endangered shall be any situation  
2 where the operator of the fleeing vehicle or watercraft commits at least two of the  
3 following acts:

4 \* \* \*

5 (4) Travels against the flow of traffic or in the case of watercraft, operates  
6 the watercraft in a careless manner in violation of R.S. 34:851.4 or in a reckless  
7 manner in violation of R.S. ~~34:851.5~~ 14:99.

8 \* \* \*

9 Section 2. R.S. 34:851.4 is hereby amended and reenacted to read as follows:

10 §851.4. Careless operation of a watercraft

11 ~~Any person who shall operate any watercraft in a careless or heedless manner~~  
12 ~~so as to be grossly indifferent to the person or property of other persons or at a rate~~  
13 ~~of speed greater than will permit him in the exercise of reasonable care to bring the~~  
14 ~~watercraft to a stop within the assured clear distance ahead shall be guilty of the~~  
15 ~~crime of careless operation, punishable by a fine of not more than three hundred~~  
16 ~~dollars, or by imprisonment of not more than thirty days, or by both.~~

17 A. Careless operation of a watercraft is the operation of a watercraft in a  
18 careless manner so as to endanger the life, limb, or property of any person, when  
19 such operation constitutes a violation of any of the following requirements:

20 (1) Vessels passing head-on shall each keep to their respective right.

21 (2) A vessel overtaking another vessel may do so on either side, but must  
22 grant the right-of-way to the vessel being overtaken.

23 (3) When vessels are on paths that cross, the vessel on the left will yield  
24 right-of-way to vessel on the right.

25 (4) Motorboats shall yield right-of-way to non-motor powered boats, except  
26 when being overtaken by non-powered vessels, for deep draft vessels that have to  
27 remain in narrow channels, or when vessel is towing another vessel.

28 (5) Motorboats must maintain a direct course when passing sailboats.

29 (6) A vessel approaching a landing dock or pier shall yield the right-of-way  
30 to any departing vessel.

1                   (7) A vessel departing shoreline or tributary shall yield right-of-way to  
2                   through traffic and vessels approaching shoreline or tributary.

3                   (8) Vessels will not abruptly change course without first determining that it  
4                   can be safely done without risk of collision with another vessel.

5                   (9) If an operator fails to fully comprehend the course of an approaching  
6                   vessel he must slow down immediately to a speed barely sufficient for steerageway  
7                   until the other vessel has passed.

8                   (10) Vessels yielding right-of-way shall reduce speed, stop, reverse, or alter  
9                   course to avoid collision. Vessel with right-of-way shall hold course and speed. If  
10                  there is danger of collision, all vessels will slow down, stop, or reverse until danger  
11                  is averted.

12                  (11) Vessels will issue warning signals in fog or weather conditions that  
13                  restrict visibility.

14                  (12) No mechanically propelled vessel shall be operated so as to traverse a  
15                  course around any other vessel underway or any person swimming.

16                  (13) In a narrow channel, vessels will keep to the right of mid-channel.

17                  (14) Vessels approaching or passing another vessel shall be operated in such  
18                  manner and at such a rate of speed as will not create a hazardous wash or wake.

19                  (15) A seaplane on the water shall in general keep clear of all vessels and  
20                  avoid impeding the navigation of all vessels.

21                  (16) All vessels shall be operated at reasonable speeds for given conditions  
22                  and situations and must be under the complete control of the operator at all times.

23                  (17) No person shall, under any circumstances, operate a vessel in excess of  
24                  an established speed or wake zone.

25                  (18) No vessel or person shall obstruct or block a navigation channel,  
26                  entrance to channel, mooring slip, landing dock, launching ramp, pier, or tributary.

27                  (19) Vessels shall keep at least 100 feet clearance of displayed diver's flag.

28                  (20) Operator shall maintain a proper lookout.

1                    B. Whoever commits the crime of careless operation of a watercraft shall be  
2                    fined not more than three hundred dollars or imprisoned for not more than thirty  
3                    days, or both.

4                    C. The provisions of this Section shall not apply to vessels engaged in  
5                    commercial activity.

6                    Section 3. R.S. 34:851.5 is hereby repealed in its entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_