

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.

WATERWAYS: Provides for boating safety

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
5 provide for operation of a watercraft; to provide for aggravated flight from an
6 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

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 operating a watercraft shall do~~
16 so in a careful and prudent manner, so as not to endanger the life, limb, or property
17 of any person. Failure to operate in such a manner shall constitute careless
18 operation. Whoever commits the crime of careless operation of a watercraft shall be
19 fined not more than three hundred dollars, or ~~by imprisonment of imprisoned for not~~
20 more than thirty days, or ~~by~~ both.

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 R.S. 34:851.5 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Lambert

HB No. 291

Abstract: Prohibits possession of any alcoholic beverage by any person under 21 years of age on a waterway and prohibits careless operation of a watercraft.

Present law prohibits any person under 21 years of age to purchase or to have public possession of any alcoholic beverage.

Present law defines "public possession" as the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club which is de facto open to the public.

Present law excludes from the definition of "public possession" the following:

- (1) The possession or consumption of any alcoholic beverage for an established religious purpose; when a person under 21 years of age is accompanied by a parent, spouse, or legal guardian 21 years of age or older; for medical purposes; or in private residences.
- (2) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful ownership of an establishment or to lawful employment of a person under 21 years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

Proposed law retains present law except adds waterways into the definition of public possession.

Present law provides for careless and reckless operation of a watercraft as an aggravating circumstance as an element to the crime of aggravated flight from an officer.

Proposed law retains present law.

Present law provides that the crime of careless operation of a watercraft is the operation of any watercraft in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead.

Proposed law requires that any person operating a watercraft shall operate in a careful and prudent manner, so as not to endanger the life, limb, or property of any person and failure to do so shall constitute careless operation.

Present law provides that the punishment for careless operation shall be a fine of not more than \$300 or imprisonment of not more than 30 days, or both. Proposed law retains present law.

Present law provides for the crime of reckless operation of a watercraft in Title 34 and reckless operation of a vehicle, which included reckless operation of a vessel in Title 14.

Proposed law repeals reckless operation of a watercraft in Title 34.

(Amends R.S. 14:93.10(2)(intro. para.) and 108.1(D)(4) and R.S. 34:851.4; Repeals R.S. 34:851.5)