

Regular Session, 2011

ACT No. 264

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.

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§93.10. Definitions

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

* * *

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

* * *

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

* * *

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: _____