

Regular Session, 2010

HOUSE BILL NO. 649

BY REPRESENTATIVE CROMER

BOATS/SHIPS/VESSELS: Authorizes certain parish governing authorities to regulate air boats

1 AN ACT

2 To amend and reenact R.S. 34:851.27(B)(9), relative to regulation of vessels and
3 motorboats; to authorize the regulation of air boats by the governing authority of
4 certain parishes and their municipalities; to provide for terms and conditions; to
5 provide for the enforcement of such regulation; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 34:851.27(B)(9) is hereby amended and reenacted to read as follows:

8 §851.27. Local regulations prohibited; exceptions; speed limits

9 * * *

10 B.

11 * * *

12 (9) Notwithstanding any provision of law to the contrary, the governing
13 authority of Jefferson Parish or of any parish with a population greater than one
14 hundred ninety-one thousand and less than two hundred twenty-five thousand,
15 according to the latest federal census and ~~its~~ their municipalities shall have the
16 authority to regulate the operation of air boats within the parish. This authority shall
17 extend to the establishment of minimum requirements for commercial or recreational
18 use, including equipment, speed limits, issuing air boat permits and inspection,
19 providing for licenses and air boat permit fees, defining violations and assessing
20 penalties, and other requirements. The regulations shall be enforced by the sheriff

1 and local law enforcement officers and may be enforced by state police or
 2 commissioned wildlife agents and those officers who shall have the power to make
 3 arrests for purposes of such enforcement. Any regulations or requirements
 4 established pursuant to this Paragraph shall not be less stringent or impair the
 5 authority of the Department of Wildlife and Fisheries provided for in R.S. 34:851.1
 6 et seq. Any such regulations shall be specifically limited in effect to operation of an
 7 air boat in ~~Jefferson Parish~~ the parish in which the regulation was adopted and shall
 8 not be deemed to affect the validity or invalidity of operation of an air boat in any
 9 other parish.

10 * * *

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)]

Cromer

HB No. 649

Abstract: Authorizes the regulation of air boats in certain parishes and their municipalities.

Present law provides that the state reserve to itself, through the Wildlife and Fisheries Commission, the right to regulate the operation of vessels and motorboats and to establish minimum equipment requirements except as otherwise provided in certain exceptions, all political subdivisions are expressly prohibited from regulating water craft in any respect, including but not limited to their operation, minimum equipment requirements, and registration with or without a fee or inspection.

Present law provides for an exception that the governing authority of Jefferson Parish and its municipalities are granted the authority to regulate the operation of air boats within the parish, including minimum requirements for the commercial or recreational use, equipment, speed, air boat permit, inspection, licenses and air boat permit fees, violations, penalties, and other requirements.

Present law also provides that such requirements shall be enforced by the sheriff and local law enforcement agents and may be enforced by state police and wildlife agents duly authorized to perform such enforcement functions. Present law further provides that such requirements shall be specifically limited in effect to operation of an air boat in Jefferson Parish and shall not be deemed to affect the operation of an air boat in any other parish nor shall any rule or regulation be established which is less stringent or impair the authority of the Dept. of Wildlife & Fisheries to regulate watercraft.

Proposed law retains present law and expands the authority to regulate air boats to parishes with a population greater than 191,000, and less than 255,000, according to the latest federal census and their municipalities.

(Amends R.S. 34:851.27(B)(9))

