

By: Senator(s) Posey

To: Wildlife and Fisheries

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2599

1 AN ACT TO AMEND SECTION 51-1-4, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A PERSON CANNOT USE A MOTORIZED VEHICLE IN THE BED OF  
3 PUBLIC WATERWAYS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 51-1-4, Mississippi Code of 1972, is  
6 amended as follows:

7 51-1-4. Such portions of all natural flowing streams in this  
8 state having a mean annual flow of not less than one hundred (100)  
9 cubic feet per second, as determined and designated on appropriate  
10 maps by the Mississippi Department of Environmental Quality, shall  
11 be public waterways of the state on which the citizens of this  
12 state and other states shall have the right of free transport in  
13 the stream \* \* \* and the right to fish and engage in water sports.  
14 Such persons exercising the rights herein granted shall do so at  
15 their own risk, and such persons shall not be entitled to recover  
16 any damages against any owner of property along such public  
17 waterways or anyone using such property with permission of the  
18 owner for any injury to or death of persons or damage to property  
19 arising out of the exercise of rights herein granted, other than  
20 those damages which may be recovered for intentional or malicious  
21 torts or for gross or willful negligence against the owner of  
22 property, or anyone using such property with permission of the  
23 owner. Nothing herein contained shall authorize anyone utilizing  
24 such public waterways, under the authority granted hereby, to  
25 trespass upon adjacent lands or, to launch or land any commercial  
26 or pleasure craft along or from the shore of such waterways except  
27 at places established by public or private entities for such



28 purposes. Nothing herein contained shall authorize any person  
29 utilizing said public waterways, under the authority granted  
30 hereby, to disturb the banks or beds of such waterways or the  
31 discharge of any object or substance into such waters or upon or  
32 across any lands adjacent thereto or to hunt or fish or go on or  
33 across any adjacent lands under floodwaters beyond the natural  
34 banks of the bed of the public waterway. Floodwater which has  
35 overflowed the banks of a public waterway is not a part of the  
36 public waterway.

37 The right of the public to use public waterways does not  
38 include the use of motorized vehicles on the beds of the stream  
39 without the written permission of the landowner. Any person who  
40 uses a motorized vehicle on the bed of a stream without the  
41 written permission of the landowner is guilty of a Class II  
42 violation and upon conviction may be punished as provided in  
43 Section 49-7-143.

44 Nothing herein contained shall be construed to prohibit the  
45 construction of dams and reservoirs by the State of Mississippi or  
46 any of its agencies or political subdivisions, or riparian owners,  
47 in the manner now or hereafter authorized by law, or in any way to  
48 affect the rights of riparian landowners along such waterways  
49 except as specifically provided hereinabove or to amend or repeal  
50 any law relating to pollution or water conservation, or to affect  
51 in any manner the title to the banks and beds of any such stream  
52 or the title to any minerals thereunder, or to restrict the mining  
53 or extraction of such minerals or the right of ingress and egress  
54 thereto.

55 The provisions of this section limiting the liability of  
56 owners of property along public waterways and persons using such  
57 property with permission of the owners shall not be construed to  
58 limit any rights of claimants for damages under federal statutes  
59 or acts applying to navigable streams or waterways or any other  
60 civil causes of action subject to admiralty or maritime



61 jurisdiction, nor shall said provisions be construed to limit the  
62 rights of any parties involved in litigation founded upon the  
63 commercial or business usage of any navigable streams or  
64 waterways.

65 This section shall apply only to natural flowing streams.

66 SECTION 2. This act shall take effect and be in force from  
67 and after July 1, 2001.

