

By: Representative Clark

To: Game and Fish

HOUSE BILL NO. 242

1 AN ACT TO AMEND SECTION 59-21-81, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY PERSONS ON BOARD A WATERCRAFT WHO MUST WEAR LIFE
3 JACKETS; TO AMEND SECTION 59-21-153, MISSISSIPPI CODE OF 1972, TO
4 REVISE PENALTIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 59-21-81, Mississippi Code of 1972, is
7 amended as follows:

8 59-21-81. (1) Every vessel shall have on board a Coast
9 Guard approved personal flotation device for each person aboard
10 such vessel, and every person * * * on board a motorboat,
11 sailboat, or vessel which measures less than twenty-six (26) feet
12 in length shall wear a type I, II, or III Coast Guard approved
13 personal flotation device while such motorboat, sailboat, or
14 vessel is underway. For the purpose of this section "underway"
15 shall mean at all times except when a motorboat, sailboat, or
16 vessel is anchored, moored, or aground. Every vessel shall have
17 lights during the hours of darkness, which comply with all federal
18 regulations applicable to vessels of its classification. Such
19 vessel shall not be operated unless in a safe and seaworthy
20 condition; the owner and operator shall employ such safety devices
21 as may be necessary for the safe operation of such vessel,
22 including an efficient natural or mechanical ventilating system
23 when necessary for safe operation. In addition to the
24 requirements imposed by this section, all vessels shall comply
25 with all federal regulations applicable to vessels of such
26 classification.

27 (2) For purposes of this subsection, "personal watercraft"
28 means a vessel which uses an inboard motor powering a water jet



29 pump and which is designed to be operated by a person sitting,
30 standing or kneeling on the vessel, rather than the conventional
31 manner of sitting or standing inside the vessel. A person shall
32 not operate a personal watercraft unless each person on board or
33 being towed behind is wearing a type I, type II or type III,
34 personal flotation device approved by the United States Coast
35 Guard.

36 **SECTION 2.** Section 59-21-153, Mississippi Code of 1972, is
37 amended as follows:

38 59-21-153. Any person who violates any provision of this
39 chapter is guilty of a misdemeanor, and shall be subject to the
40 following penalties:

41 (a) For a violation of any of the provisions of
42 Sections 59-21-23(d), 59-21-29, 59-21-33, 59-21-55, 59-21-81
43 through 59-21-87, and 59-21-111 through 59-21-129, by a fine not
44 to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the
45 county jail not to exceed thirty (30) days, or both.

46 (b) For the violation of any provision of Section
47 59-21-31, by a fine of not less than Two Hundred Fifty Dollars
48 (\$250.00) nor more than Five Hundred Dollars (\$500.00), or by
49 imprisonment in the county jail not to exceed thirty (30) days, or
50 both.

51 (c) For the violation of any other provision of this
52 chapter, by a fine of not less than Twenty-five Dollars (\$25.00)
53 nor more than Two Hundred Fifty Dollars (\$250.00).

54 **SECTION 3.** This act shall take effect and be in force from
55 and after July 1, 2002.

