

By: Representative Clark

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 487

1 AN ACT TO AMEND SECTION 59-21-81, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE EVERY PERSON, REGARDLESS OF AGE, TO WEAR A COAST GUARD
3 APPROVED PERSONAL FLOTATION DEVICE WHILE ON BOARD A MOTORBOAT,
4 SAILBOAT OR VESSEL THAT MEASURES LESS THAN TWENTY-SIX FEET IN
5 LENGTH AND WHICH IS UNDERWAY; TO AMEND SECTION 59-21-153,
6 MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTY FOR VIOLATIONS;
7 AND FOR RELATED PURPOSES.

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

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

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

30 (2) For purposes of this subsection, "personal watercraft"
31 means a vessel which uses an inboard motor powering a water jet
32 pump and which is designed to be operated by a person sitting,
33 standing or kneeling on the vessel, rather than the conventional
34 manner of sitting or standing inside the vessel. A person shall
35 not operate a personal watercraft unless each person on board or
36 being towed behind is wearing a type I, type II or type III,
37 personal flotation device approved by the United States Coast
38 Guard.

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

41 59-21-153. Any person who violates any provision of this
42 chapter is guilty of a misdemeanor, and shall be subject to the
43 following penalties:

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

49 (b) For the violation of any provision of Section
50 59-21-31, by a fine of not less than Two Hundred Fifty Dollars
51 (\$250.00) nor more than Five Hundred Dollars (\$500.00), or by
52 imprisonment in the county jail not to exceed thirty (30) days, or
53 both.

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

57 **SECTION 3.** This act shall take effect and be in force from
58 and after July 1, 2004.