

By: Representative Martinson

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 40

1 AN ACT TO AMEND SECTION 59-21-81, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE USE OF A COAST GUARD APPROVED PERSONAL FLOTATION DEVICE
3 FOR EACH PERSON ABOARD CERTAIN SIZE VESSELS, REGARDLESS OF THE AGE
4 OF THE PERSON; 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.** This act shall take effect and be in force from
37 and after July 1, 2006.