

By: Representative Clark

To: Judiciary B

HOUSE BILL NO. 303

1 AN ACT TO AMEND SECTION 59-21-81, MISSISSIPPI CODE OF 1972,
 2 TO INCREASE FROM TWELVE TO EIGHTEEN THE MINIMUM AGE FOR A PERSON
 3 WHO IS REQUIRED TO WEAR A COAST GUARD APPROVED PERSONAL FLOTATION
 4 DEVICE WHILE ON BOARD CERTAIN MOTORBOATS, SAILBOATS OR VESSELS; TO
 5 AMEND SECTION 59-21-153, MISSISSIPPI CODE OF 1972, TO INCREASE
 6 FROM \$250.00 TO \$500.00 THE MAXIMUM PENALTY FOR VIOLATIONS OF THE
 7 MISSISSIPPI BOATING LAW; 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 * * * eighteen (18) years or younger
 14 on board a motorboat, sailboat, or vessel which measures less than
 15 twenty-six (26) feet in length shall wear a type I, II, or III
 16 Coast Guard approved personal flotation device while such
 17 motorboat, sailboat, or vessel is underway. For the purpose of
 18 this section "underway" shall mean at all times except when a
 19 motorboat, sailboat, or vessel is anchored, moored, or aground.
 20 Every vessel shall have lights during the hours of darkness, which



21 comply with all federal regulations applicable to vessels of its
22 classification. Such vessel shall not be operated unless in a
23 safe and seaworthy condition; the owner and operator shall employ
24 such safety devices as may be necessary for the safe operation of
25 such vessel, including an efficient natural or mechanical
26 ventilating system when necessary for safe operation. In addition
27 to the requirements imposed by this section, all vessels shall
28 comply 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
48 in the 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, 2018.

