

By: Representatives Kinkade, Hale

To: Marine Resources

HOUSE BILL NO. 1258

1 AN ACT TO AMEND SECTIONS 59-21-9, 59-21-11, 59-21-17 AND
2 59-21-19, MISSISSIPPI CODE OF 1972, TO UPDATE THE REQUIREMENTS FOR
3 THE NUMBERING OF CERTAIN BOATS AND VESSELS FOR THE PURPOSE OF
4 COMPLIANCE WITH FEDERAL REGULATIONS; TO BRING FORWARD SECTIONS
5 59-21-3, 59-21-5, 59-21-7, 59-21-13, 59-21-15, 59-21-21, 59-21-23,
6 59-21-25, 59-21-27, 59-21-29, 59-21-31, 59-21-33, 59-21-41,
7 59-21-51, 59-21-53, 59-21-55, 59-21-81, 59-21-83, 59-21-85,
8 59-21-87, 59-21-89, 59-21-111, 59-21-117, 59-21-119, 59-21-121,
9 59-21-123, 59-21-125, 59-21-127, 59-21-129, 59-21-151, 59-21-153,
10 59-21-155, 59-21-157, 59-21-159, 59-21-161 AND 59-21-163,
11 MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE MISSISSIPPI BOATING
12 LAW OF 1960, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
13 PURPOSES.

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

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

17 59-21-9. (1) The number awarded shall be painted on or
18 attached to each side of the bow of the vessel for which it was
19 issued. The numbers shall be placed on each side of the forward
20 half of the vessel in such position as to provide clear legibility
21 for identification. The numbers shall read from left to right and
22 shall be in block characters of good proportion not less than
23 three (3) inches in height. The numbers shall be of a color which



will contrast with the color of the background and so maintained as to be clearly visible and legible, i.e., dark numbers on a light background, or light numbers on a dark background. No other number shall be carried on the bow of such vessel.

(2) In addition to the requirements for the display of the awarded number for the vessel, the validation decal certifying the awarded number shall be displayed on each side of the vessel within six (6) inches of the awarded number.

SECTION 2. Section 59-21-11, Mississippi Code of 1972, is amended as follows:

59-21-11. The owner of any vessel required to be numbered under this chapter shall apply, within ten (10) days from the date of acquisition of the vessel, to the commission, on forms provided, for a certificate of number. The application for a number shall include the following:

- (a) Name and full address of owner, including zip code.
- (b) Date of birth of owner.
- (c) Social security number or driver's license number of the owner.
- (d) Present citizenship of owner (county, state, country).
- (e) State and county in which the vessel is principally * * * operated.
- (f) Present number (if any).



(g) Hull material (wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas, other).

(h) Type of propulsion (* * * air thrust, manual, propeller, sail, water jet, other).

(i) Type of fuel (gas, diesel, electric, other).

(j) Length of vessel and type (airboat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddle craft, personal watercraft, pontoon boat, rowboat, sail only, other).

(k) Make, model and year built (if known).

(l) Statement as to * * * primary operation (pleasure, livery, dealer, manufacturer, charter-fishing, commercial-passenger, commercial-fishing, commercial-other).

(m) A certification of ownership by the applicant.

(n) Serial number of outboard motor, boat and trailer owned by the applicant.

(o) Signature of owner.

(p) A receipt, sales or otherwise, which shows whether or not a sales or use tax was paid at the time of the purchase of the vessel. If the vessel was purchased outside the State of Mississippi, from and after July 1, 1978, and the tax for the privilege of using or consuming tangible personal property imposed by Section 27-67-5 was not paid at the time the vessel was acquired, then the owner shall be required to pay the tax as



provided by the Mississippi Use Tax Law before a certificate of number can be issued.

(q) Application type (new number, renewal of number, transfer of ownership).

(r) Engine type (inboard, outboard, pod drive, sterndrive, other).

SECTION 3. Section 59-21-17, Mississippi Code of 1972, is amended as follows:

59-21-17. (1) The certificate of number shall include the following:

(a) Name and full address of owner, including zip code.

(b) Date of birth of owner.

(c) Present citizenship of owner (county, state, country).

(d) State and county in which vessel is principally * * * operated.

(e) Present registration number and hull identification number (if any).

(f) Hull material (wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas, other).

(g) Type of propulsion (* * * air thrust, manual, propeller, sail, water jet, other).

(h) Type of fuel (gas, diesel, electric, other).

(i) Length of vessel and type (airboat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat,



paddle craft, personal watercraft, pontoon boat, rowboat, sail
only, other).

(j) Make, model and year built (if known).

(k) Statement as to * * * primary operation (pleasure,
livery, dealer, manufacturer, charter-fishing,
commercial-passenger, commercial-fishing, commercial-other).

(l) A certificate of ownership by the applicant.

(m) Signature of owner.

(n) Number awarded to vessel and hull identification
number.

(o) Expiration date of certificate.

(p) Notice to the owner that he shall report within
fifteen (15) days changes of ownership or address, and destruction
or abandonment of vessel.

(q) Notice to the owner that the operator shall:

(i) Always carry this certificate or a digital
certificate on vessel when in use.

(ii) Report every accident involving injury or
death to persons, or property damage over One Hundred Dollars
(\$100.00).

(iii) Stop and render aid or assistance if
involved in a boating accident.

(r) Engine type (inboard, outboard, pod drive,
sterndrive, other).



121 (2) The commission shall furnish and ensure that the forms
122 required by this section and Section 59-21-13 are stocked at
123 various county offices, boat companies, fishing camps, marinas,
124 with enforcement officers, and at such other places as to make
125 them available to boat owners. The commission shall award
126 certificates of number and shall keep current a consolidated
127 record of all certificates of numbers awarded and renewals of
128 numbers.

129 (3) Upon request, information on ownership and identity of
130 numbered vessels shall be available to federal, state and local
131 officials, as needed, in any enforcement or assistance programs.
132 The records pertaining to the numbering of undocumented vessels
133 pursuant to this chapter are considered to be public records.
134 Information based on such records may be released upon oral or
135 written inquiry, subject only to reasonable restrictions necessary
136 to carry on the business of the office. The commission may permit
137 excerpts to be made or the copying or reproduction thereof by a
138 private individual or concern. The fees and charges for copying,
139 certifying or searching of records for information shall be
140 assessed in accordance with usual fees allowed for such services.

141 **SECTION 4.** Section 59-21-19, Mississippi Code of 1972, is
142 amended as follows:

143 59-21-19. (1) The certificate of number shall be
144 pocket-size, approximately two and one-half inches (2-1/2") by
145 three and one-half inches (3-1/2"), and water resistant.



(2) Pending the issuance of the original certificate of number, the owner of the vessel may be furnished a temporary certificate of number valid for sixty (60) days from the date of issue. This temporary certificate shall be carried on board when the vessel is being operated * * * and shall have the following information:

- (a) Name and full address of owner, including zip code;
- (b) State in which vessel is principally operated;
- (c) Type of propulsion;
- (d) Length of vessel;
- (e) Make of vessel;
- (f) Signature of owner; and
- (g) Date of issuance.

(3) Each applicant for an original or transfer certificate of number, who is entitled to issuance thereof, shall be issued a certificate for a period of three (3) years from the last day of the month of receipt of the original or transfer certificate. This subsection shall not apply to the certificate of number of a livery boat.

(4) The certificate of number of a livery boat shall be plainly marked "livery boat." The description of the motor and type of fuel will be omitted from the certificate of number in any case where the motor is not rented with the boat. Original and renewal certificates of number of a livery boat shall be valid for



a period of three (3) years and shall expire at midnight on June 30.

(5) Numbers and certificates of number awarded boats operated by manufacturers and dealers may be transferred from one (1) boat to another. In lieu of the description, the word "manufacturer" or "dealer," as appropriate, will be plainly marked on each certificate. The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign or signs to be temporarily mounted upon or attached to the boat being demonstrated or tested so long as the display meets the requirements of Section 59-21-9.

SECTION 5. Section 59-21-3, Mississippi Code of 1972, is brought forward as follows:

59-21-3. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Commission" means the Mississippi Commission on Wildlife, Fisheries and Parks.

(b) "Length" means the length of the vessel measured from end to end over the deck excluding sheer.

(c) "Livery boat" means any boat for rent or hire.

(d) "Machinery" means inboard and outboard engines and all other types of motors or mechanical devices.

(e) "Motorboat" means any undocumented vessel propelled by machinery, whether or not such machinery is the principal



source of propulsion. The term motorboat includes personal watercraft.

(f) "Operate" means to navigate or otherwise use a motorboat or vessel.

(g) "Operator" means the person who operates or who has charge of the navigation or use of a motorboat or a vessel.

(h) "Owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(i) "Person" means an individual, partnership, firm, corporation, association or other entity.

(j) "Ships' lifeboats" means lifeboats used solely for lifesaving purposes and does not include dinghies, tenders, speedboats, or other type of craft carried aboard a vessel and used for other than life saving purposes.

(k) "Undocumented vessel" means any vessel which is not required to have, and does not have, a valid marine document issued by the Bureau of Customs.

(l) "Vessel" means every description of watercraft, other than seaplane on the water, used or capable of being used as a means of transportation on water.

(m) "Waters of this state" means any waters within the territorial limits of this state, and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of the state; however, "waters of



this state" does not mean any private pond or lake which is not used for boat rentals or the charging of fees for fishing therein.

SECTION 6. Section 59-21-5, Mississippi Code of 1972, is brought forward as follows:

59-21-5. All sailboats and every undocumented vessel equipped with propulsion machinery, whether or not such machinery is the principal source of propulsion, using the territorial and navigable waters of the State of Mississippi, and every such vessel owned in the State of Mississippi and using the high seas shall be numbered in accordance with this chapter, except:

(1) Foreign vessels temporarily using the navigable waters of the State of Mississippi;

(2) Public vessels of the United States;

(3) State and municipal vessels used solely for official business and displaying proper visual identification on its hull;

(4) Ships' lifeboats;

(5) Vessels designated by the appropriate federal authority;

(6) Undocumented vessels used exclusively for racing;

(7) Undocumented vessels operating under valid temporary certificates of number;

(8) Vessels already covered by a number in full force and effect awarded pursuant to federal law, or a federally approved numbering system of another state, provided that such



vessels shall not have been within this state for a period in excess of sixty (60) days. Nothing in this section shall prohibit the numbering of any undocumented vessel upon the request of the owner.

SECTION 7. Section 59-21-7, Mississippi Code of 1972, is brought forward as follows:

59-21-7. The numbering pattern to be used shall be as follows:

The number shall be divided into three (3) parts. The first part shall consist of the symbol MI; the second part shall consist of a numerical group having a maximum of four (4) digits; the third part shall consist of an alphabetical group having a maximum of two (2) letters. Each part shall be separated by hyphens or equivalent spaces.

Vessels shall be given numerical and alphabetical designations in the second and third groups in the order of their application.

The number awarded to a vessel under the provisions of this chapter shall remain the number for such vessel until the vessel is lost, destroyed, abandoned or registered in another state.

SECTION 8. Section 59-21-13, Mississippi Code of 1972, is brought forward as follows:

59-21-13. An application for renewal of a certificate of number shall be made by the owner on an application which must be received by the commission within the last ninety (90) days before



the expiration date on the certificate of number. The same number will be issued upon renewal. If a certificate of number is lost or destroyed, the owner shall, within fifteen (15) days, notify the commission's office. The notification shall be in writing, shall describe the circumstances of the loss or destruction and shall be accompanied by the fee prescribed in this chapter. The certificate of number issued as a result of such report will replace the certificate so lost or destroyed.

The commission shall mail notice of expiration of numbers, together with an application for renewal of number, to each registered boat owner not less than sixty (60) days prior to the expiration date. The commission shall verify annually an up-to-date list of all numbers in effect and those numbers not renewed.

SECTION 9. Section 59-21-15, Mississippi Code of 1972, is brought forward as follows:

59-21-15. The certified statement of ownership on the application for the award of a number shall constitute prima facie evidence of proof of ownership. Liens of all kinds, including reservations or transfers of title to secure debts or claims, will be disregarded in determining ownership under this chapter. A lienholder who acquires possession and title by virtue of default in the terms of the lien instrument, or any other person who acquires ownership through any such action of a lienholder, may



apply for a number and shall attach to such application a signed statement explaining the facts in detail.

SECTION 10. Section 59-21-21, Mississippi Code of 1972, is brought forward as follows:

59-21-21. (1) When the owner of a numbered vessel removes his residence to another state, or the numbered vessel is not usually moored, docked, housed or garaged within this state, the owner shall, within ninety (90) days thereafter, surrender the certificate of number to the commission.

(2) When the owner of a numbered vessel changes his address from that shown on the certificate of number, he shall notify the commission of his new address within a period not to exceed fifteen (15) days from such change.

(3) When a numbered vessel is lost, destroyed, abandoned or transferred to another person, the certificate of number issued for the vessel shall be surrendered to the commission within a period not to exceed fifteen (15) days after such event. When the vessel is lost, destroyed or abandoned and the certificate of number has been destroyed, the owner shall, within fifteen (15) days, notify the commission by letter or postal card of the change in the status of the vessel.

The application for number by a new owner of a vessel shall, for the purpose of fee, be regarded as an original application for number, but where the vessel will continue in use in the state, the new number shall be identical with the previous one.



(4) A change of motor is not required to be reported to the commission.

(5) The owner of an undocumented vessel shall not have more than one (1) valid number or valid certificate of number for any one (1) vessel at any time.

SECTION 11. Section 59-21-23, Mississippi Code of 1972, is brought forward as follows:

59-21-23. Certificates of number may be cancelled or voided under the following circumstances:

- (a) Surrender of certificate for cancellation;
- (b) Issuance of a new number for the same vessel;
- (c) Issuance of a marine document by the Bureau of Customs for the same vessel;
- (d) False or fraudulent certification in an application for number;
- (e) Willful mutilation, defacing, or altering of a number.

SECTION 12. Section 59-21-25, Mississippi Code of 1972, is brought forward as follows:

59-21-25. (1) Fees for the award of certificates of number for original, transfer, renewal, livery, dealer and duplicate shall be as follows:

- (a) Less than 16 feet \$ 7.50
- (b) 16 feet but less than 26 feet \$22.50
- (c) 26 feet but less than 40 feet \$45.00



343 (d) 40 feet and over \$45.00

344 (e) Dealer number \$37.50

345 (f) Duplicate \$ 5.00

346 (g) Boat inspection fee \$10.00

347 (2) The fee provided for under subsection (1)(g) of this
348 section shall only be charged when the owner of a boat requests
349 the Department of Wildlife, Fisheries and Parks to perform an
350 inspection of a boat serial number for the purpose of replacing or
351 awarding a damaged or removed serial number.

352 (3) All fees for numbers and renewal of number shall be
353 payable to the Mississippi Department of Wildlife, Fisheries and
354 Parks to be deposited by the department in the State Treasury in a
355 special fund to be designated as the Fisheries and Wildlife Fund,
356 which shall be disbursed upon the recommendation of the department
357 as may be appropriated by the Legislature. The State Treasurer
358 shall release to the department such sums as are required to
359 defray all administrative costs of the boat registration fee
360 division of the department and to improve the law enforcement
361 capability of the department on the inland and marine waters of
362 the State of Mississippi and as may be budgeted by the department
363 for the purpose of paying the cost of the administration of this
364 chapter for education on water safety, improvement of water safety
365 and motorboating facilities in the state, and advertising and
366 promoting the waterways of the state. Any and all revenue over
367 and above the actual administrative cost of implementing this



chapter shall be used to fund salaries of additional conservation officers in all eighty-two (82) counties.

SECTION 13. Section 59-21-27, Mississippi Code of 1972, is brought forward as follows:

59-21-27. An owner of more than one (1) livery boat shall be entitled to be awarded certificates of number for all such vessels on the payment of fees provided in Section 59-21-25. Each vessel shall have a separate and distinct number and shall be issued a separate certificate of number. Certificates of number under this section may be renewed on the payment of a single fee provided in Section 59-21-25.

SECTION 14. Section 59-21-29, Mississippi Code of 1972, is brought forward as follows:

59-21-29. Each person registering a boat or boats under this chapter may at the same time register with the commission the serial numbers of all outboard motors owned by said person.

SECTION 15. Section 59-21-31, Mississippi Code of 1972, is brought forward as follows:

59-21-31. No person shall remove, change or in any manner mutilate or deface any number awarded a vessel, or any motor number or other stamped, cast, or forged numbers or letters or other marks upon any vessel, outboard motor, boat or boat trailer, or assist in so doing, or, having knowledge of such change, fail to report the same to the Department of Wildlife, Fisheries and Parks in which such vessel, motor, boat or boat trailer is usually



moored, docked, housed or garaged. Any person or owner, being in possession of a vessel, outboard motor, boat or boat trailer, shall examine the same and report such changes to the Department of Wildlife, Fisheries and Parks.

No person shall buy, sell or possess a vessel, outboard motor, boat or boat trailer on which any awarded number or identification number has been removed, changed, mutilated or defaced. It shall be the duty of any person buying, or any lienholder financing, a vessel, outboard motor, boat or boat trailer, to inspect the vessel, outboard motor, boat or boat trailer prior to its purchase or creation of a lien thereon, to ensure that it is in compliance with this section.

SECTION 16. Section 59-21-33, Mississippi Code of 1972, is brought forward as follows:

59-21-33. All vessels, outboard motors, boats and trailers having awarded numbers or identification numbers or marks which have been removed, changed, mutilated or defaced contrary to this chapter are subject to forfeiture. Any such property shall be seized by any conservation officer or enforcement officer of the Department of Wildlife, Fisheries and Parks, or other officer of the law including any sheriff or deputy sheriff. Upon the seizure of such property, forfeiture proceedings shall be instituted pursuant to Sections 49-7-251 through 49-7-257. Provided, however, that any such property which has previously been registered or titled within the State of Mississippi is not



subject to forfeiture if the application for registration or title contained no false or fraudulent information, or if the property seized has a value less than One Thousand Dollars (\$1,000.00).

SECTION 17. Section 59-21-41, Mississippi Code of 1972, is brought forward as follows:

59-21-41. (1) As used in this section:

(a) "Direct molding process" means any process in which the original manufactured boat hull or component part of a boat is itself used as a plug for the making of the mold, which is then used to manufacture a duplicate item.

(b) "Mold" means a matrix or form in which a substance or material is shaped.

(c) "Plug" means a device or model used to make a mold for the purpose of exact duplication.

(2) It is unlawful for any person to use the direct molding process to duplicate for the purpose of sale any manufactured boat hull or component part of a boat made by another without the written permission of that other person.

(3) The provisions of this section shall apply only to boat hulls or component parts of boats duplicated using a mold made on or after the effective date of this section.

(4) Any person who suffers injury or damage as the result of a violation of the provisions of this section may bring an action in the chancery court for an injunction prohibiting such violations. In addition, such person shall be entitled to actual



damages incurred as a result of such violation, reasonable attorney's fees, and costs.

SECTION 18. Section 59-21-51, Mississippi Code of 1972, is brought forward as follows:

59-21-51. In the case of a boating accident involving collision, accident or other casualty involving a motorboat or vessel subject to this chapter, while operated upon the waters of this state, the operator thereof, if the collision, accident or other casualty results in death to any person, injury causing any person to remain incapacitated for a period in excess of twenty-four (24) hours, or damage to property in excess of One Hundred Dollars (\$100.00), shall file, on forms provided, with the commission an accident report with a full description of the collision, accident or other casualty, including such other information as is required under the provisions of this chapter. The commission shall furnish copies of reports to the appropriate federal agencies and sheriff of the county in which such accident or other casualty takes place.

For the purpose of this chapter, a "boating accident" means a collision, accident or other casualty involving (1) an undocumented motorboat or (2) any other undocumented vessel used for pleasure or recreational purposes. A vessel subject to this chapter is considered to be involved in a "boating accident" whenever the occurrence results in damage by or to the vessel or its equipment; in injury or loss of life to any person, or in the



disappearance of any person from on board under circumstances which indicate the possibility of death or injury. A "boating accident" includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel other than by theft. A report is required whenever a vessel subject to this chapter is involved in a "boating accident" which results in any one or more of the following:

- (1) Loss of life.
- (2) Injury causing any person to remain incapacitated for a period in excess of twenty-four (24) hours.
- (3) Actual physical damage to property (including vessels) in excess of One Hundred Dollars (\$100.00).

SECTION 19. Section 59-21-53, Mississippi Code of 1972, is brought forward as follows:

59-21-53. Whenever death results from a boating accident, a written report shall be submitted within forty-eight (48) hours. For every other reportable boating accident a written report shall be submitted within five (5) days after such accident. The operator(s) of the boat(s) shall prepare and submit the written report(s) to the commission. Every written report shall contain the following information:

- (1) The numbers and/or names of vessels involved.
- (2) The locality where the accident occurred.
- (3) The time and date when the accident occurred.
- (4) Weather and sea conditions at time of accident.



(5) The name, address, age and boat operating experience of the operator of the reporting vessel.

(6) The names and addresses of operators of other vessels involved.

(7) The names and addresses of the owners of vessels or property involved.

(8) The names and addresses of any person or persons injured or killed.

(9) The nature and extent of injury to any person or persons.

(10) A description of damage to property (including vessels) and estimated cost of repairs.

(11) A description of the accident (including opinions as to the causes).

(12) The length, propulsion, horsepower, fuel and construction of the reporting vessel.

(13) Names and addresses of known witnesses.

The commission shall ensure that the forms required by this section are stocked at various county offices, boat companies, fishing camps, marinas, law enforcement offices, and at such other places as to make them reasonably available at all times.

The commission shall consolidate such reports and transmit the same to the appropriate agencies. Boating accident reports shall not be a public record nor made available for public distribution, except as otherwise provided by law.



518 The commission may, upon written request of any person
519 involved in a boating accident or upon written request of the
520 representative of his or her estate, his or her surviving spouse,
521 or one or more of his or her surviving next of kin, disclose to
522 such requester or his or her legal counsel or a representative of
523 his insurer any information contained in such report except the
524 parties' version of the accident as set out in the written report
525 filed by such parties.

526 **SECTION 20.** Section 59-21-55, Mississippi Code of 1972, is
527 brought forward as follows:

528 59-21-55. (1) It shall be the duty of the operator of any
529 vessel involved in a boating accident to remain at the scene of
530 such accident until he has rendered all necessary aid and
531 assistance, including the carrying or the making of arrangements
532 for the carrying of any person involved in such accident to a
533 physician, surgeon, or hospital for medical, surgical or hospital
534 treatment, if necessary, or if such carrying is requested by such
535 injured person, and it is the further duty of the operator of any
536 vessel or vessels involved in a boating accident required to be
537 reported under this chapter to report the same as herein provided.

538 (2) Any person who complies with subsection (1) of this
539 section or who gratuitously and in good faith and in the exercise
540 of reasonable care renders assistance at the scene of a vessel
541 collision, accident, or other casualty without objection of any
542 person assisted, shall not be held liable for any civil damages as



a result of the rendering of assistance or for any act committed in good faith and in the exercise of reasonable care or omission in good faith and in the exercise of reasonable care by such person in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonable, prudent man would have acted under the same or similar circumstances.

SECTION 21. Section 59-21-81, Mississippi Code of 1972, is brought forward as follows:

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



to the requirements imposed by this section, all vessels shall comply with all federal regulations applicable to vessels of such classification.

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

SECTION 22. Section 59-21-83, Mississippi Code of 1972, is brought forward as follows:

59-21-83. No vessel shall be operated within this state in a reckless or negligent manner or at a rate of speed greater than is reasonable and prudent under the then existing circumstances or when the operator is so physically or mentally incapacitated as to be incapable of safely operating such vessel, or while the operator is under the influence of intoxicating liquor or narcotics, or when such vessel is overloaded beyond its reasonable carrying capacity. The provisions of this section shall be applicable to all watercraft operating on the waters of this state inclusive of, but not limited to, undocumented or unnumbered vessels and shall specifically include all vessels exempted from



numbering by Section 59-21-5 and surfboards, aquaplanes, airboats, water skis or other watercraft.

SECTION 23. Section 59-21-85, Mississippi Code of 1972, is brought forward as follows:

59-21-85. (1) (a) No motorboat required to be numbered under this chapter shall be operated by any person who is under the age of twelve (12) years, unless he possesses a certificate as required under this section and is also accompanied by a parent, guardian or other person who is at least twenty-one (21) years of age and qualified and capable of operating the same.

(b) A motorboat required to be numbered under this chapter may not be operated by any person born after June 30, 1980, unless the person has completed a course in boating safety conducted or approved by the Department of Wildlife, Fisheries and Parks, and the person has in his immediate possession while operating a motorboat a certificate of satisfactory completion of the boating safety course.

(c) The requirement of possessing a certificate under this subsection shall not apply to any person operating a motorboat that is rented from a person engaged in the business of renting motorboats.

(2) Boating safety courses shall be held by the Department of Wildlife, Fisheries and Parks, or instructors designated and approved by the department. The Department of Wildlife, Fisheries



and Parks shall issue a certificate to each person who satisfactorily completes the boating safety course.

(3) In lieu of any other penalties provided for a violation of this chapter, a violation of this section is punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

SECTION 24. Section 59-21-87, Mississippi Code of 1972, is brought forward as follows:

59-21-87. No person shall operate a motorboat on any waters of this state while towing a person on water skis, or on an aquaplane or similar device, without an observer in the boat in addition to the operator. Such observer shall be above ten years of age.

The provisions of the first paragraph of this section do not apply to a person engaged in a professional exhibition or a person participating in an official regatta, motorboat race, marine parade, tournament or exhibition.

No person shall operate or manipulate any motorboat, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any person thereon to collide or strike against any object or person, except slalom buoys, ski jumps or like objects used normally in competitive or recreational skiing.



641 **SECTION 25.** Section 59-21-89, Mississippi Code of 1972, is
642 brought forward as follows:

643 59-21-89. (1) It is unlawful for any person, other than a
644 law enforcement officer on duty, to use or display oscillating or
645 rotating blue lights on a vessel operating on the public waters of
646 this state. Upon the approach of an authorized law enforcement
647 vessel operating a strobe, rotating or oscillating blue light or
648 giving audible signal by siren or both, the operator of a vessel
649 shall yield the right-of-way and shall stop and remain in position
650 until the authorized law enforcement vessel has passed, except
651 when otherwise directed by a law enforcement officer.

652 (2) A person violating this section is guilty of a
653 misdemeanor and, upon conviction, shall be punished by a fine of
654 not less than One Hundred Dollars (\$100.00) nor more than Five
655 Hundred Dollars (\$500.00).

656 **SECTION 26.** Section 59-21-111, Mississippi Code of 1972, is
657 brought forward as follows:

658 59-21-111. (1) The Mississippi Commission on Wildlife,
659 Fisheries and Parks shall be the Mississippi Boat and Water Safety
660 Commission, and shall exercise the duties and responsibilities of
661 the Mississippi Boat and Water Safety Commission through the
662 Mississippi Department of Wildlife, Fisheries and Parks, insofar
663 as practicable under the provisions of Chapter 4 of Title 49,
664 Mississippi Code of 1972; except on marine waters under the
665 jurisdiction of the Commission on Marine Resources.



(2) The Commission on Marine Resources shall exercise the duties and responsibilities of the Mississippi Boat and Water Safety Commission through the Mississippi Department of Marine Resources on the marine waters of the state. The Commission on Marine Resources shall not exercise any powers related to numbering of undocumented vessels. Those powers are vested exclusively in the Commission on Wildlife, Fisheries and Parks.

SECTION 27. Section 59-21-117, Mississippi Code of 1972, is brought forward as follows:

59-21-117. (1) The commission shall adopt and promulgate rules and regulations for the administration and enforcement of the provisions of this chapter, and to advertise and promote the fresh waterways of the state.

(2) The Commission on Marine Resources shall adopt and promulgate rules and regulations for the administration and enforcement of Sections 59-21-111 through 59-21-129. The Commission on Marine Resources shall adopt rules and regulations in accordance with subsections (4) and (5).

(3) The provisions of Sections 59-21-117 through 59-21-127 shall be applicable to all waters of this state that are under the jurisdiction of the State of Mississippi.

(4) Before any rules and regulations are adopted, the proposed rules and regulations shall be reduced to writing and a public hearing shall be held after at least thirty (30) days' notice of the hearing. The notice shall be published at least one



(1) time in a newspaper of general circulation in this state. A copy of the proposed rules and regulations shall be furnished to the sheriff of each county affected at least thirty (30) days prior to the hearing. The hearing shall be held at a place convenient to the largest number of owners of vessels affected by the proposed rules and regulations or, if of general statewide application, shall be held in the City of Jackson, Mississippi.

(5) A copy of the regulations adopted pursuant to this section, and amendments thereto, shall be filed in the office of the commission adopting the regulations and in the office of the sheriff of each county affected where the same shall be maintained as a public record. The rules and regulations shall be published in a convenient form and shall be given to each recipient of an original, renewed, transferred or a recorded certificate of number.

SECTION 28. Section 59-21-119, Mississippi Code of 1972, is brought forward as follows:

59-21-119. The commission is hereby authorized to purchase, operate and maintain such motor vehicles, boats, trailers, motors and other equipment as may be deemed necessary and proper for the administration of this chapter. The commission may purchase property damage insurance on its motor vehicles, boats, trailers, motors and other equipment, and may expend funds from any available source for the purpose of obtaining such insurance.



SECTION 29. Section 59-21-121, Mississippi Code of 1972, is brought forward as follows:

59-21-121. Any person or organization sponsoring a regatta, motorboat or other boat race, marine parade, tournament or exhibition shall be responsible for providing adequate protection from marine traffic interference and hazards. The commission may adopt and may from time to time amend regulations governing the same.

SECTION 30. Section 59-21-123, Mississippi Code of 1972, is brought forward as follows:

59-21-123. The executive director with the approval of the commission may employ and fix the duties of such clerical assistants, enforcement officers and other agents as may be deemed necessary to carry out the provisions of this chapter, and to fix their tenure of employment and compensation therefor; provided, however, that enforcement officers shall meet the same requirements and qualifications as required for conservation officers in Section 49-1-15(1) and (2).

The salaries of such paid employees shall be paid out of any funds which may be received by the commission for the administration of this chapter. All salaries and positions are to conform with the requirements of the State Classification Commission Law of 1970. In addition to their salaries, the enforcement officers may be paid in accordance with the provisions of Section 25-3-41, Mississippi Code of 1972, for their necessary



travel when performed by private conveyance and will be reimbursed for their actual expenses not to exceed Eighteen Dollars (\$18.00) per day while actually engaged in the performance of their duties, to be allowed only on expense account itemized and filed by them with, and approved by, the executive director and the commission.

SECTION 31. Section 59-21-125, Mississippi Code of 1972, is brought forward as follows:

59-21-125. Each enforcement officer shall execute and file with the State Treasurer a good and sufficient surety bond in the sum of Two Thousand Dollars (\$2,000.00), conditioned on the faithful performance of his respective duties. Each enforcement officer shall be reimbursed by the commission for the premiums on his bond.

SECTION 32. Section 59-21-127, Mississippi Code of 1972, is brought forward as follows:

59-21-127. It shall be the duty of all enforcement officers to enforce, and to obey and carry out all instructions, directions, rules and regulations of the commission with respect to the enforcement of the provisions of this chapter. Each enforcement officer shall account for and pay over, pursuant to law, all monies received by him under this chapter.

Such enforcement officers shall have the power, and it shall be their duty, to execute all warrants for violations of the rules and regulations of the commission and the provisions of this chapter; to serve subpoenas issued for the examination and



765 investigation or trial of such violations; to board and examine,
766 without warrant, any vessel required to be numbered under this
767 chapter, to ascertain whether any of the provisions of this
768 chapter or any rule or regulation of the commission has been or is
769 being violated, and to use such force as may be necessary for the
770 purpose of such examination and inspection; to arrest, without
771 warrant, any person committing a violation of this chapter or the
772 rules and regulations of the commission in the presence of the
773 enforcement officers, and to take such person before a magistrate
774 or court having jurisdiction for trial or hearing; and to exercise
775 such other powers of peace officers in the enforcement of this
776 chapter and the rules and regulations of the commission or of a
777 judgment for the violation thereof, as are not herein specifically
778 provided. No enforcement officers shall compromise or settle out
779 of court any violation of the provisions of this chapter or any
780 rule or regulation promulgated by the commission.

781 **SECTION 33.** Section 59-21-129, Mississippi Code of 1972, is
782 brought forward as follows:

783 59-21-129. (1) Any agency or political subdivision of this
784 state may make application to the commission for special rules and
785 regulations with reference to the operation, equipment or safety
786 of vessels on any waters of this state within its territorial
787 limits or authorized jurisdiction and shall set forth therein the
788 reasons which make special rules or regulations necessary or
789 appropriate. The commission is hereby authorized, after notice



and a public hearing as provided in Section 59-21-117, to make special rules and regulations with reference to the operation, equipment or safety of vessels or motorboats on any waters of the state.

(2) The several counties and municipalities bordering the Mississippi Sound or the other coastal or tidal waters of this state are authorized and empowered to adopt ordinances setting out special rules and regulations with reference to the operation, equipment, or safety of vessels or motorboats on the Mississippi Sound or the other coastal or tidal waters of the state within their territorial limits, and shall set forth therein the reasons which make special rules and regulations necessary or appropriate. No ordinance shall conflict with the provisions of this chapter or with the regulations of any federal agency having jurisdiction over those waters. Notice shall be given of the proposed ordinance and a hearing shall be held thereon before the Commission on Marine Resources as provided in Section 59-21-117, and as a condition precedent, the Commission on Marine Resources shall recommend the adoption of the ordinance.

(3) It is the intent of this chapter that uniform regulations of general application to all the waters of this state shall be adopted and promulgated wherever practicable, and any special regulation or local ordinance, as authorized herein, shall be limited to the exigencies of local conditions which cannot be



corrected by a regulation generally applicable to all the waters of the state.

SECTION 34. Section 59-21-151, Mississippi Code of 1972, is brought forward as follows:

59-21-151. All peace officers and other law enforcement officials are hereby authorized, empowered and enjoined to enforce the provisions of this chapter within their respective jurisdictions.

It shall be the duty of each district attorney in this state and each county prosecuting attorney in each county of this state to prosecute and defend, for the state, in all courts of the county or counties in his district or county, all causes, criminal or civil, arising under the provisions of this chapter or under any rule or regulation adopted and promulgated under this chapter, in which the state may be a party or may be interested or concerned.

SECTION 35. Section 59-21-153, Mississippi Code of 1972, is brought forward as follows:

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

(a) For a violation of any of the provisions of Sections 59-21-23(d), 59-21-29, 59-21-33, 59-21-55, 59-21-81 through 59-21-87, and 59-21-111 through 59-21-129, by a fine not



to exceed Two Hundred Fifty Dollars (\$250.00) or by imprisonment in the county jail not to exceed thirty (30) days, or both.

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

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

SECTION 36. Section 59-21-155, Mississippi Code of 1972, is brought forward as follows:

59-21-155. All monies collected as fines or penalties for violation of the provisions of this chapter shall be paid over by the court, justice court judge, or other officer collecting or receiving the fines or penalties to the county having jurisdiction over the violation as provided by law.

SECTION 37. Section 59-21-157, Mississippi Code of 1972, is brought forward as follows:

59-21-157. The owner or operator of a vessel, or both, shall be civilly liable for any injury or damage proximately resulting from the negligent failure of such owner or operator to comply with any of the provisions of this chapter.

SECTION 38. Section 59-21-159, Mississippi Code of 1972, is brought forward as follows:



59-21-159. The venue of any action based on this chapter may be in the county in which the vessel is usually moored, docked, housed or garaged, or in the county in which a vessel is involved in a boating accident, or in event of a boating accident taking place on a navigable waterway which is the boundary line of a county in either county so bounded, or in the county of the residence of the owner or operator of any such vessel.

SECTION 39. Section 59-21-161, Mississippi Code of 1972, is brought forward as follows:

59-21-161. The acceptance by a nonresident of the right and privileges of operating a vessel or motorboat on any of the waters of this state, as evidenced by his operating, either in person or by agent or employee, a vessel or motorboat upon any of the navigable waters of this state, shall be deemed equivalent to an appointment by such nonresident of the Secretary of State of the State of Mississippi to be his true and lawful attorney, upon whom may be served all lawful processes or summonses in any action or proceeding against him, growing out of a violation of the provisions of this chapter, or of any accident in which said nonresident may be involved while operating a vessel or motorboat on the navigable waters of the state. Such service of process may be had in the same manner as is provided by Section 13-3-63, for the service of process on nonresidents operating motor vehicles upon the highways of this state, and shall have the same effect.



887 **SECTION 40.** Section 59-21-163, Mississippi Code of 1972, is
888 brought forward as follows:

889 59-21-163. The provisions of Sections 59-21-157 through
890 59-21-161 shall not be construed to limit any cause of action
891 heretofore maintainable at common law, maritime law or in
892 admiralty, but shall be cumulative and supplemental thereto.

893 **SECTION 41.** This act shall take effect and be in force from
894 and after July 1, 2025.

