

By: Senator(s) Hewes, Gollott

To: Judiciary

SENATE BILL NO. 2537
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 59-21-85, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CHILDREN UNDER A CERTAIN AGE SHALL NOT OPERATE
3 PERSONAL WATERCRAFT UNLESS ACCOMPANIED BY A PERSON 21 YEARS OF
4 AGE; TO AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO CONDUCT
5 BOATING SAFETY COURSES; TO AMEND SECTION 59-21-3, MISSISSIPPI CODE
6 OF 1972, TO DEFINE PERSONAL WATERCRAFT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 59-21-85, Mississippi Code of 1972, is
9 amended as follows:

10 59-21-85. (1) (a) No motorboat * * * shall be operated by
11 any person who is under the age of twelve (12) years, unless
12 he * * * is * * * accompanied by a parent, guardian or other
13 person who is at least twenty-one (21) years of age and qualified
14 and capable of operating the same. No personal watercraft shall
15 be operated by any person who is under the age of sixteen (16)
16 years unless he is accompanied by a parent, guardian or other
17 person who is at least twenty-one (21) years of age and qualified
18 and capable of operating the same.

19 (b) A motorboat * * * may not be operated by any person
20 born after June 30, 1980, unless the person has completed a course
21 in boating safety conducted or approved by the Department of
22 Wildlife, Fisheries and Parks or the Department of Marine
23 Resources, and the person has in his immediate possession while
24 operating a motorboat a certificate of satisfactory completion of
25 the boating safety course.

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



30 (2) Boating safety courses shall be held by the Department
31 of Wildlife, Fisheries and Parks or the Department of Marine
32 Resources, or instructors designated and approved by the
33 departments. The department * * * shall issue a certificate to
34 each person who satisfactorily completes the boating safety
35 course.

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

40 **SECTION 2.** Section 59-21-3, Mississippi Code of 1972, is
41 amended as follows:

42 59-21-3. As used in this chapter, unless the context clearly
43 requires a different meaning:

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

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

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

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

51 (e) "Motorboat" means any undocumented vessel propelled
52 by machinery, whether or not such machinery is the principal
53 source of propulsion. The term motorboat includes personal
54 watercraft.

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

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

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



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

64 (j) "Personal watercraft" means a vessel which uses an
65 inboard motor powering a water jet pump as its primary source of
66 motive power and which is designed to be operated by a person
67 sitting, standing, or kneeling on the vessel, rather than the
68 conventional manner of sitting or standing inside the vessel.

69 (k) "Ships' lifeboats" means lifeboats used solely for
70 lifesaving purposes and does not include dinghies, tenders,
71 speedboats, or other type of craft carried aboard a vessel and
72 used for other than lifesaving purposes.

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

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

79 (n) "Waters of this state" means any waters within the
80 territorial limits of this state, and the marginal sea adjacent to
81 this state and the high seas when navigated as a part of a journey
82 or ride to or from the shore of the state; however, "waters of
83 this state" does not mean any private pond or lake which is not
84 used for boat rentals or the charging of fees for fishing therein.

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

