

2026 Regular Session

HOUSE BILL NO. 756

BY REPRESENTATIVE FONTENOT

BOATS/SHIPS/VESSELS: Provides relative to personal watercraft

1 AN ACT

2 To amend and reenact R.S. 34:851.4(A)(2) through (7), (10), and (12), 851.10, 851.29,
3 855.2, and 855.3(A), relative to personal watercraft; to provide relative to the
4 careless operation of watercraft; to provide relative to collisions on the waterways;
5 to provide relative to enforcement and regulation; to provide for definitions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 34:851.4(A)(2) through (7), (10), and (12), 851.10, 851.29, 855.2,
9 and 855.3(A) are hereby amended and reenacted to read as follows:

10 §851.4. Careless operation of a watercraft

11 A. Careless operation of a watercraft is the operation of a watercraft in a
12 careless manner so as to endanger the life, limb, or property of any person, when
13 such operation constitutes a violation of any of the following requirements:

14 * * *

15 (2) A vessel overtaking another vessel may do so on either side, but ~~must~~
16 ~~grant the right-of-way~~ shall give way to the vessel being overtaken.

17 (3) When vessels are on paths that cross, the vessel on the left ~~will~~ shall yield
18 ~~right-of-way~~ and give way to the vessel on the right.

19 (4) Motorboats shall yield ~~right-of-way~~ and give way to ~~non-motor powered~~
20 ~~boats~~ sailing vessels under sail power alone, except when being overtaken by ~~non-~~

1 ~~powered~~ sailing vessels, for deep draft vessels that have to remain in narrow
2 channels, or when the vessel is towing another vessel.

3 (5) Motorboats ~~must~~ shall maintain a ~~direct course~~ safe speed and use
4 caution when passing ~~sailboats~~ manually propelled vessels.

5 (6) A vessel approaching a landing dock or pier shall yield ~~the right-of-way~~
6 and give way to any departing vessel.

7 (7) A vessel departing shoreline or tributary shall yield ~~right-of-way~~ and give
8 way to through traffic and vessels approaching shoreline or tributary.

9 * * *

10 (10) ~~Vessels~~ When approaching a vessel, an operator yielding right-of-way
11 and giving way shall reduce speed, stop, reverse, or alter course to avoid ~~collision~~
12 a boating incident as defined in R.S. 34:851.10. ~~Vessel with right-of-way~~ The other
13 vessel shall hold course and speed. If there is danger of ~~collision~~ a boating incident,
14 all vessels ~~will~~ shall slow down, stop, or reverse until danger is averted.

15 * * *

16 (12) ~~No~~ All mechanically propelled ~~vessel~~ vessels shall be operated ~~so as to~~
17 traverse at a safe speed when traversing a course ~~around any other vessel underway~~
18 ~~or near~~ any person who is swimming.

19 * * *

20 §851.10. ~~Collisions, crashes, and casualties;~~ Boating incidents; theft; reporting

21 A. For the purposes of this Section, the term "boating incident" means any
22 incident in which a death, missing person, personal injury, property damage, or total
23 vessel loss results from the vessel's operation, construction, seaworthiness,
24 equipment, or machinery when the vessel is in, upon, entering into, or exiting from
25 the water.

26 ~~A. B.~~ B. It shall be the duty of the operator of a vessel involved in a ~~collision;~~
27 ~~crash, or other casualty~~ boating incident, so far as he can do so without serious
28 danger to his own vessel, crew, and passengers, if any, to ~~render~~ do all of the
29 following:

1 (1) Render to other persons affected by the ~~collision, crash, or other casualty~~
2 boating incident such assistance as may be practicable and as may be necessary in
3 order to save them from or minimize any danger caused by the ~~collision, crash, or~~
4 ~~other casualty~~ and also to give boating incident.

5 (2) Give his name, address, and identification of his vessel in writing to any
6 person injured and to the owner of any property damaged in the ~~collision, crash, or~~
7 ~~other casualty~~ boating incident.

8 B: C.(1) The operator of a vessel involved in a ~~collision, crash, or other~~
9 ~~casualty~~ boating incident involving a recreational vessel and resulting in death or
10 injury to a person or ~~property damage in excess of five hundred dollars must~~ damage
11 to vessels and other property in an amount of two thousand dollars or more or
12 resulting in a complete loss of any vessel shall give notice of the incident
13 immediately, by the most prompt means of communication, to the department, the
14 nearest law enforcement agency, or to state police. Law enforcement agencies shall
15 notify the department immediately upon receiving information of a ~~collision, crash,~~
16 ~~or other casualty involving a vessel and resulting in death or injury to a person or~~
17 ~~damages in excess of five hundred dollars~~ boating incident. The ~~driver~~ operator of
18 any vessel involved in a ~~collision, crash, or other casualty~~ boating incident involving
19 a recreational vessel and resulting in death or injury to a person, or ~~property damage~~
20 ~~in excess of five hundred dollars~~ damage to vessels and other property in an amount
21 of two thousand dollars or more or resulting in a complete loss of any vessel shall,
22 within five days after the incident, forward a department-approved incident report
23 form to the department. A full description of the ~~collision or other casualty must~~
24 boating incident shall be reported and submitted on an official form supplied by the
25 department. In a ~~crash~~ incident where the operator is incapable of filing a report,
26 each person on board shall bear the responsibility of notifying the department or
27 determining that a report has been submitted. The department shall submit to the
28 United States Coast Guard reportable ~~accidents~~ incidents consistent with the
29 Statement of Understanding between the state of Louisiana and the United States

1 Coast Guard. The department shall provide copies of completed ~~crash~~ incident
2 reports to any interested person upon request. The department may charge a fee not
3 to exceed five dollars for reports that do not exceed four pages and seven dollars and
4 fifty cents for reports that exceed four pages. The department may also charge a
5 reasonable fee for copies of photographs, videotapes, audiotapes, and any
6 extraordinary-sized documents or documents stored on electronic media.

7 (2) When a ~~collision, crash, or other casualty~~ boating incident occurs within
8 the prohibited zone, as defined in R.S. 34:851.2(7), involving a vessel or vessel
9 flotilla within the scope of R.S. 34:851.24(J), the report required by this Subsection
10 shall also be made to the Greater New Orleans Expressway Commission within the
11 time period applicable to submitting such report to the department.

12 ~~E.~~ D. Every owner of a registered boat shall report its theft to the
13 Department of Wildlife and Fisheries within five days of discovery of theft. The
14 violation of the provisions of this Subsection shall not be subject to any penalty,
15 including the provisions of R.S. 34:851.31(C) and shall not be construed to be a
16 crime.

17 * * *

18 §851.29. Enforcement

19 It shall be the duty and responsibility of every wildlife agent and peace
20 officer of this state and its subdivisions to enforce the provisions of this Part, ~~and in~~
21 ~~the exercise thereof, they are hereby authorized to,~~ except that no agent or officer
22 shall perform a vessel stop and or board any vessel for the purpose of addressing
23 inquiries to those on board, requiring appropriate proof of identification therefrom,
24 examining the certificate of numbers issued under this Part or in the absence of such
25 certificate requiring appropriate proof of identification of the owner or operator of
26 the vessel, and in addition, examining such vessel for compliance with this Part
27 enforcing the provisions of this Part unless the agent or officer has reasonable
28 suspicion that a violation of this Part has occurred or is occurring. ~~Officers so~~
29 ~~boarding any~~ Any agent or officer who boards a vessel shall first identify themselves

Proposed law changes this reference from non-motored powered boats and non-powered vessels to sailing vessels.

Present law requires motorboats to maintain a direct course when passing sailboats.

Proposed law modifies present law by requiring motorboats to maintain a safe speed and use caution when passing manually propelled vessels.

Present law prohibits the operation of a mechanically propelled vessel so as to traverse a course around any other vessel underway or any person who is swimming.

Proposed law modifies present law by requiring that all mechanically propelled vessels be operated at a safe speed when traversing a course near any person who is swimming.

Present law (R.S. 34:851.10) provides for boat collisions, crashes, and casualties.

Proposed law defines the term "boating incident".

Proposed law changes references in present law from collisions, crashes, or casualties to boating incidents.

Present law provides for notice when property damage in excess of \$500 is inflicted on a recreational vessel in relation to a collision, crash, or other casualty.

Proposed law changes the amount of property damage from \$500 to \$2,000 or more and requires notice if there is a complete loss of the vessel.

Proposed law further corrects a cross-reference citation to present law (R.S. 34:851.2).

Present law (R.S. 34:851.29) provides for the enforcement of present law (R.S. 34:851.1-851.37) relative to motorboats and vessels. Further authorizes every wildlife agent and peace officer of La. and its subdivisions to do the following:

- (1) Stop and board any vessel for the purpose of addressing inquiries to those on board.
- (2) Require appropriate proof of identification of those on board any vessel.
- (3) Examine the certificate of numbers issued under present law.
- (4) In the absence of a certificate of numbers, require the appropriate proof of identification of the owner or operator of the vessel.
- (5) Examine any vessel for compliance with present law.

Proposed law modifies present law to prohibit every wildlife agent and peace officer of La. and its subdivisions from performing a vessel stop or boarding any vessel for the purpose of enforcing present law unless the agent or officer has reasonable suspicion that a violation of present law has occurred or is occurring.

Proposed law further provides that any agent or officer who boards a vessel shall first identify himself and, while in the performance of his duties, shall not be liable for trespass.

Present law (R.S. 34:855.2) provides for the definition of "personal watercraft".

Proposed law retains present law and provides that a vessel which uses other machinery as its primary source of motive power is also considered a personal watercraft.

Present law (R.S. 34:855.3) provides for regulation of personal watercraft.

Proposed law retains present law generally.

Present law prohibits a person from operating a personal watercraft unless each person aboard is wearing a type I, type II, type III, or type V personal flotation device approved by the US Coast Guard.

Proposed law modifies present law by requiring that every person on board a personal watercraft wear a personal flotation device and prohibits an operator of a personal watercraft from allowing any person who is not wearing a personal flotation device to be on board his personal watercraft. Further provides that the use of an inflatable personal flotation device while on board of a personal watercraft does not constitute compliance with present law.

(Amends R.S. 34:851.4(A)(2)-(7), (10), and (12), 851.10, 851.29, 855.2, and 855.3(A))