
DIGEST

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HB 756 Engrossed

2026 Regular Session

Fontenot

Abstract: Provides relative to personal watercraft.

Present law (R.S. 34:851.4) provides for the careless operation of a watercraft.

Proposed law retains present law generally and changes the phrase "right-of-way" to "give way". Further changes the term "collision" to "boating incident" relative to approaching a vessel.

Present law provides for a reference to non-motored powered boats relative to the duty of motorboats to yield.

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))