

2024 Regular Session

SENATE BILL NO. 493

BY SENATOR HODGES

BOATS/BOATING. Provides for operation of air boats. (8/1/24)

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AN ACT

To amend and reenact R.S. 33:1236(39) and R.S. 34:851.27(B)(9) and to enact R.S. 34:851.5, relative to the operation of air boats; to provide for regulation by the state and political subdivisions; to provide for licensing; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1236(39) is hereby amended and reenacted to read as follows:

§1236. Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

* * *

(39) To adopt ordinances for the licensing of air boats and the regulation of air boat operation within parish boundaries and to fix penalties for violations which shall not exceed a fine of one hundred dollars or imprisonment not to exceed thirty days, or both. However, a valid license issued by the parish governing authority in one parish shall be valid in every other parish, except that the licensee shall be required to comply with all licensing requirements of any other parish in which the

1 air boat is operated, except the payment of a license fee. Notwithstanding any
2 provision of law to the contrary, police juries and other parish governing
3 authorities shall not adopt any ordinance prohibiting the operation of air boats
4 on any public waterway that is subject to free and unrestricted navigation by
5 motorboat.

6 * * *

7 Section 2. R.S. 34:851.27(B)(9) is hereby amended and reenacted and R.S. 34:851.5
8 is hereby enacted to read as follows:

9 §851.5. Regulation of air boats

10 Notwithstanding any provisions of law to the contrary, the state, its
11 agencies, departments, offices, boards, commissions, and political subdivisions
12 shall not promulgate any rule or regulation or adopt any ordinance prohibiting
13 the operation of an air boat on any public waterway that is subject to free and
14 unrestricted navigation by motorboat. Nothing in this Section shall be construed
15 to prohibit any rule, regulation, or ordinance establishing minimum
16 requirements for commercial or recreational use, including equipment, speed
17 limits, permitting, inspection, licensing, defining violations, assessing penalties,
18 or other requirements. For purposes of this Section, the term "air boat" means
19 any motorboat that uses an internal combustion engine or electric motor and
20 an aircraft-style propeller that generates thrust by moving air as its principal
21 source of propulsion.

22 * * *

23 §851.27. Local regulations prohibited; exceptions; speed limits

24 * * *

25 B.(1) * * *

26 * * *

27 (9) Notwithstanding any provision of law to the contrary, the governing
28 authority of Jefferson Parish and its municipalities shall have the authority to
29 regulate the operation of air boats within the parish. This authority shall extend to the

1 establishment of minimum requirements for commercial or recreational use,
 2 including equipment, speed limits, issuing air boat permits and inspection, providing
 3 for licenses and air boat permit fees, defining violations and assessing penalties, and
 4 other requirements. The regulations shall be enforced by the sheriff and local law
 5 enforcement officers and may be enforced by state police or commissioned wildlife
 6 agents and those officers who shall have the power to make arrests for purposes of
 7 such enforcement. Any regulations or requirements established pursuant to this
 8 Paragraph shall not be less stringent or impair the authority of the Department of
 9 Wildlife and Fisheries provided for in R.S. 34:851.1 et seq. Any such regulations
 10 shall be specifically limited in effect to operation of an air boat in Jefferson Parish,
 11 ~~and~~ shall not be deemed to affect the validity or invalidity of operation of an air boat
 12 in any other parish, **and shall not prohibit the operation of an air boat on any**
 13 **public waterway that is subject to free and unrestricted navigation by**
 14 **motorboat.**

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The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jacob K. Wilson.

	DIGEST	
SB 493 Original	2024 Regular Session	Hodges

Present law provides for the regulation of air boat operation and equipment by parish governing authorities.

Proposed law retains present law and prohibits the state and political subdivisions from promulgating any rule or regulation to prohibit operation of air boats on public waterways that are open to navigation by motorboat.

Proposed law defines "air boat" as a motorboat that uses an aircraft-style propeller to move air as its primary means of propulsion.

Effective August 1, 2024.

(Amends R.S. 33:1236(39) and R.S. 34:851.27(B)(9); adds R.S. 34:851.5)