

ACT No. 84

2026 Regular Session

HOUSE BILL NO. 756

BY REPRESENTATIVE FONTENOT

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

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

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

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

5 * * *

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

11 * * *

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

15 * * *

16 §851.10. ~~Collisions, crashes, and casualties;~~ Boating incidents; theft; reporting

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

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

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

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

4 B. C.(1) The operator of a vessel involved in a ~~collision, crash, or other~~
5 ~~casualty~~ boating incident involving a recreational vessel and resulting in death or
6 injury to a person or ~~property damage in excess of five hundred dollars must~~ damage
7 to vessels and other property in an amount of two thousand dollars or more or
8 resulting in a complete loss of any vessel shall give notice of the incident
9 immediately, by the most prompt means of communication, to the department, the
10 nearest law enforcement agency, or to state police. Law enforcement agencies shall
11 notify the department immediately upon receiving information of a ~~collision, crash,~~
12 ~~or other casualty involving a vessel and resulting in death or injury to a person or~~
13 ~~damages in excess of five hundred dollars~~ boating incident. The ~~driver~~ operator of
14 any vessel involved in a ~~collision, crash, or other casualty~~ boating incident involving
15 a recreational vessel and resulting in death or injury to a person, or ~~property damage~~
16 ~~in excess of five hundred dollars~~ damage to vessels and other property in an amount
17 of two thousand dollars or more or resulting in a complete loss of any vessel shall,
18 within five days after the incident, forward a department-approved incident report
19 form to the department. A full description of the ~~collision or other casualty must~~
20 boating incident shall be reported and submitted on an official form supplied by the
21 department. In a ~~crash~~ an incident where the operator is incapable of filing a report,
22 each person on board shall bear the responsibility of notifying the department or
23 determining that a report has been submitted. The department shall submit to the
24 United States Coast Guard reportable ~~accidents~~ incidents consistent with the
25 Statement of Understanding between the state of Louisiana and the United States
26 Coast Guard. The department shall provide copies of completed ~~crash~~ incident
27 reports to any interested person upon request. The department may charge a fee not
28 to exceed five dollars for reports that do not exceed four pages and seven dollars and
29 fifty cents for reports that exceed four pages. The department may also charge a

1 reasonable fee for copies of photographs, videotapes, audiotapes, and any
2 extraordinary-sized documents or documents stored on electronic media.

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

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

13 * * *

14 §851.29. Enforcement

15 It shall be the duty and responsibility of every wildlife agent and peace
16 officer of this state and its subdivisions to enforce the provisions of this Part, ~~and in~~
17 ~~the exercise thereof, they are hereby authorized to, except that no agent or officer~~
18 shall perform a vessel stop and or board any vessel for the purpose of addressing
19 ~~inquiries to those on board, requiring appropriate proof of identification therefrom,~~
20 ~~examining the certificate of numbers issued under this Part or in the absence of such~~
21 ~~certificate requiring appropriate proof of identification of the owner or operator of~~
22 ~~the vessel, and in addition, examining such vessel for compliance with this Part~~
23 enforcing the provisions of this Part unless the agent or officer has reasonable
24 suspicion that a violation of this Part has occurred or is occurring. ~~Officers so~~
25 ~~boarding any~~ Any agent or officer who boards a vessel shall first identify themselves
26 himself and such the agent or officer, while in the performance of his duties, shall
27 ~~be without liability~~ not be liable for trespass.

28 * * *

1 §855.2. Definitions

2 As used in this Part, "personal watercraft" means a vessel which uses an
3 inboard motor powering a water jet pump or other machinery as its primary source
4 of motive power and which is designed to be operated by a person sitting, standing,
5 or kneeling on the vessel, rather than the conventional manner of sitting or standing
6 inside the vessel.

7 §855.3. Regulation of personal watercraft

8 A. ~~A person shall not operate a personal watercraft unless each person~~
9 ~~aboard is wearing a type I, type II, type III, or type V personal flotation device~~
10 ~~approved by the United States Coast Guard.~~ Every person on board a personal
11 watercraft shall wear a personal flotation device and no operator of a personal
12 watercraft shall allow any person who is not wearing a personal flotation device to
13 be on board his personal watercraft. The use of an inflatable personal flotation
14 device while on board of a personal watercraft shall not constitute compliance with
15 this Section.

16 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____