

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 291 by Representative Lambert

WATERWAYS: Provides for boating safety

Synopsis of Senate Amendments

1. Adds "watercraft on a waterway" to the crime of operating a vehicle while under suspension.
2. Changes the elements and penalties of the crime of careless operation of a watercraft.

Digest of Bill as Finally Passed by Senate

Present law prohibits any person under 21 years of age to purchase or to have public possession of any alcoholic beverage.

Present law defines "public possession" as the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club which is de facto open to the public.

Present law excludes from the definition of "public possession" the following:

- (1) The possession or consumption of any alcoholic beverage for an established religious purpose; when a person under 21 years of age is accompanied by a parent, spouse, or legal guardian 21 years of age or older; for medical purposes; or in private residences.
- (2) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful ownership of an establishment or to lawful employment of a person under 21 years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

Proposed law retains present law except adds possession upon waterways within the definition of public possession.

Present law provides for the crime of operating a vehicle while under suspension for certain offenses.

Proposed law retains present law and makes it unlawful for a person to operate a watercraft on a waterway when the person's driving privileges have been suspended for certain offenses.

Present law provides for careless and reckless operation of a watercraft as an aggravating circumstance as an element to the crime of aggravated flight from an officer.

Proposed law retains present law.

Present law provides that the crime of careless operation of a watercraft is the operation of any watercraft in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead.

Proposed law requires that any person operating a watercraft shall operate in a careful and prudent manner, so as not to endanger the life, limb, or property of any person and failure to

do so shall constitute careless operation of a watercraft. Further provides that failure to operate a watercraft in accordance with certain enumerated activities shall constitute careless operation of a watercraft.

Present law provides that the punishment for careless operation shall be a fine of not more than \$300 or imprisonment of not more than 30 days, or both. Proposed law retains present law.

Present law provides that the crime of operating a watercraft during suspension is the operation of a watercraft upon the waterways of Louisiana during the period of the operator's suspension or revocation of the privilege of such operation pursuant to R.S. 32:414 or 667.

Proposed law retains present law and adds the crime of operating a vehicle while under suspension for certain offenses (R.S. 14:98.3) to the list of crimes for which a person cannot have his driving privileges suspended or revoked and still be able to validly operate a watercraft.

Present law provides for the crime of reckless operation of a watercraft in Title 34 and reckless operation of a vehicle, which included reckless operation of a vessel in Title 14.

Proposed law repeals reckless operation of a watercraft in Title 34.

(Amends R.S. 14:93.10(2)(intro. para.), 98.3 and 108.1(D)(4) and R.S. 34:851.4; Repeals R.S. 34:851.5)