

**CONFERENCE COMMITTEE REPORT**  
**House Bill No. 291 By Representative Lambert**

June 23, 2011

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 291 by Representative Lambert, recommend the following concerning the Reengrossed bill:

1. That the Senate Committee Amendments Nos. 2, 3, 6, and 7 proposed by the Senate Committee on Natural Resources and adopted by the Senate on June 1, 2011, be adopted.
2. That the Senate Committee Amendments Nos. 1, 4, and 5 proposed by the Senate Committee on Natural Resources and adopted by the Senate on June 1, 2011, be rejected.
2. That the Senate Floor Amendments Nos. 1 and 2 proposed by Senator Amedee and adopted by the Senate on June 8, 2011, be adopted.
3. In Senate Floor Amendments No. 2 proposed by Senator Amedee and adopted by the Senate on June 8, 2011, on page 1, delete lines 15 through 17 and insert the following:  
  

"A. Careless operation of a watercraft is the operation of a watercraft in a careless manner so as to endanger the life, limb, or property of any person, when such operation constitutes a violation of any of the following"
4. In Senate Floor Amendments No. 2 proposed by Senator Amedee and adopted by the Senate on June 8, 2011, on page 2, after line 11, insert the following:  
  

"C. The provisions of this Section shall not apply to vessels engaged in commercial activity."

Respectfully submitted,

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Representative Eddie J. Lambert

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Senator Norby Chabert

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Representative Gordon Dove

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Senator Eric LaFleur

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Representative Walt Leger III

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Senator Robert "Rob" Marionneaux, Jr.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 291 by Representative Lambert

**Keyword and oneliner of the instrument as it left the House**

WATERWAYS: Provides for boating safety

**Report rejects Senate amendments to:**

1. Add "watercraft on a waterway" to the crime of operating a vehicle while under suspension.

**Report rejects Senate amendments to:**

1. Change the elements and penalties of the crime of careless operation of a watercraft.

**Report amends Senate Floor Amendments to:**

1. Define the crime of careless operation of a watercraft.
2. Provides that careless operation provision shall not apply to vessels engaged in commercial activity.

**Digest of the bill as proposed by the Conference Committee**

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 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 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 when such operation violates certain enumerated activities.

Proposed law provides that careless operation provision shall not apply to vessels engaged in commercial activity.

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.) and 108.1(D)(4) and R.S. 34:851.4; Repeals R.S. 34:851.5)