

SENATE BILL NO. 85

BY SENATOR WHEAT AND REPRESENTATIVE THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 34:851.4(A)(17), 851.14.1(A), 851.27(B)(1) and (3) and (C), and
3 R.S. 38:3086.24(F)(2)(a) and to enact R.S. 34:851.27(B)(10), relative to operation
4 of watercraft; to provide for requirements of careless operation; to provide for
5 emergency closure of waterways; to provide for parish authority, to provide for
6 posting of no-wake zones, to provide for state authority, to provide for enforcement,
7 to provide for powers of the Bayou Lafourche Fresh Water District; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 34:851.4(A)(17), 851.14.1(A), and 851.27(B)(1) and (3) and (C) are
11 hereby amended and reenacted and R.S. 34:851.27(B)(10) is hereby enacted to read as
12 follows:

13 §851.4. Careless operation of a watercraft

14 A. Careless operation of a watercraft is the operation of a watercraft in a
15 careless manner so as to endanger the life, limb, or property of any person, when
16 such operation constitutes a violation of any of the following requirements:

17 * * *

18 (17) No person shall, under any circumstances, operate a vessel in excess of
19 an established speed or ~~wake~~ **no-wake** zone.

20 * * *

21 §851.14.1. Closure of waterways

22 A. In an emergency or disaster, as defined in R.S. 29:723, the secretary may
23 close any waterway, other than navigable waters of the United States as set forth in
24 33 CFR Part 2, to boating access, travel, or use or may restrict the type of use
25 including issuing ~~no-wake~~ **no-wake** zones in any reasonable manner. Such closure

1 or restriction shall be for a period of time not to extend beyond the seventh day
2 following the next meeting of the Wildlife and Fisheries Commission.

3 * * *

4 §851.27. Local regulations prohibited; exceptions; speed limits; no-wake zones

5 * * *

6 B.(1) The governing authority of any parish or municipality may establish
7 and post speed limits and no-wake zones on waterways within its jurisdiction with
8 the exception of the Mississippi River, the Mississippi River Gulf Outlet, and the
9 Gulf Intracoastal Waterway. Such speed limits and no-wake zones, if established,
10 shall be posted along the affected waterway. A no-wake zone established under
11 this Paragraph shall not extend beyond three hundred feet from any physical
12 structure situated along the banks. Any no-wake zone established under this
13 Paragraph that affects the entire width of a waterway shall not exceed one mile
14 in length.

15 * * *

16 (3) Speed limits and no-wake zones established under this Section shall be
17 enforced by the sheriffs, local law enforcement officers, state police and by
18 permanent status wildlife agents and duly commissioned wildlife agents and officers
19 who shall have the power to make arrests for purposes of such enforcement.

20 * * *

21 (10) No state law, rule, or regulation establishing, limiting, or prohibiting
22 no-wake zones shall be preempted by a no-wake zone established by the
23 governing authority of a parish or municipality under the provisions of this
24 Section.

25 C. In addition to speed limits and no-wake zones established by any
26 governing authority of any parish or municipality under the provisions of this
27 Section, there are hereby established certain "~~no-wake~~" no-wake zones where each
28 vessel shall operate at bare steerage speed, the slowest speed the vessel can travel
29 while allowing the operator to maintain directional control of the vessel to produce
30 the minimum water surface turbulence. The "~~no-wake~~" no-wake zones are

established on all waterways within three hundred feet of any of the following facilities:

* * *

(3) A public bridge.

* * *

Section 2. R.S. 38:3086.24(F)(2)(a) is hereby amended and reenacted to read as follows:

§3086.24. Powers

* * *

F.(1) In order to accomplish the purposes of the district, the board may make and enforce such rules, regulations, and ordinances it shall deem necessary:

* * *

(2) Notwithstanding R.S. 34:851.27 or any other provision of law to the contrary, and upon a declaration of an emergency by the board that the size and speed of watercraft traveling through the waterway needs to be regulated to protect the integrity of the banks of the waterway due to low water levels or due to another event causing the banks to be in peril of erosion or instability, the board may:

(a) Implement and enforce a ~~"no-wake"~~ **no-wake** zone where each watercraft shall operate at bare steerage speed, the slowest speed the watercraft can travel while allowing the operator to maintain directional control of the watercraft to produce the minimum water surface turbulence.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____