

2016 Regular Session

HOUSE BILL NO. 565

BY REPRESENTATIVE RICHARD

FISHING/RECREATIONAL: Allows access to the ordinary high stage of navigable waters for certain fishing purposes

1 AN ACT

2 To enact R.S. 9:2791.1, relative to access on navigable waters; to allow access to the
3 overflow waters of navigable waters for the purposes of certain activities; to provide
4 definitions, terms, and conditions; to provide relative to liability; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2791.1 is hereby enacted to read as follows:

8 §2791.1. Access to navigable waters; limitation of liability

9 A. When the waters from a state-claimed navigable waterway overflows its
10 bank or shore, a person shall have access by boat to such overflow waters for the
11 purpose of recreational hook and line fishing. A person shall have access to the
12 ordinary high stage of navigable waters in the Atchafalaya Basin for the purpose of
13 commercial fishing.

14 B. For the purposes of this Section, "hook and line" is limited to fishing with
15 a rod with or without a reel.

16 C. The liability, if any, of a private owner for the recreational uses of
17 property as authorized herein shall be limited as set forth in R.S. 9:2791 and 2795.

18 D. The provisions of this Section shall not apply to private marshlands that
19 are inundated with high tides, or to private canals inundated with overflow waters
20 from a state-claimed navigable waterway.

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)]

HB 565 Original

2016 Regular Session

Richard

Abstract: Provides relative to access by boat for limited purposes to waters that have overflowed the banks of navigable streams or waterways.

Proposed law provides that when the waters from a state-claimed navigable waterway overflows its bank or shore, a person shall have access by boat to such overflow waters for the purpose of recreational hook and line fishing.

Proposed law provides that "hook and line" is limited to fishing with a rod with or without a reel.

Proposed law further provides that a person shall have access to the ordinary high stage of navigable waters in the Atchafalaya Basin for the purpose of commercial fishing.

Proposed law provides that the liability, if any, of a private owner for the recreational uses of property as authorized herein shall be limited as set forth in R.S. 9:2791 and 2795, which provide limitations of liability for private landowners when their property is used for certain recreational purposes.

Proposed law further provides that it shall not apply to private marshlands that are inundated with high tides, or to private canals inundated with overflow waters from a state-claimed navigable waterway.

(Adds R.S. 9:2791.1)