

LOUISIANA
RECREATIONAL
BOATING LAWS

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LOUISIANA RECREATIONAL BOATING LAWS

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1985-86 Louisiana Recreational Boating Laws

INTRODUCTION

Boating, in all its various forms, is a major pastime and livelihood for over two million people in Louisiana. To keep boating safe and enjoyable, Louisiana and the federal government have passed various laws concerning the use and operation of boats. *The rules and laws covered in this pamphlet apply to all recreational boats that are less than 39 feet 4 inches in length and are on any waters of Louisiana or in the Gulf of Mexico travelling to or from the shores of Louisiana.* If your boat is larger than this, or if it is used for nonrecreational purposes, some additional or different rules may apply. These additional and different rules can be provided by the United States Coast Guard and the Louisiana Department of Wildlife and Fisheries.

Since September 1984 the **Motorboat and Vessels Act** has been the principal state law concerning the operation of recreational boats on Louisiana waters. The federal **Inland Navigation Rules Act of 1980** covers the "rules of the road" for all boats on navigable waters. This pamphlet is a summary of these and other federal and state laws regarding recreational boating and is current as of September 1, 1985.

Because everyone who takes to the water should be familiar with these laws, the Sea Grant Legal Program at Louisiana State University has compiled and presented these laws in this handy, easy-to-read pamphlet. Please take a few minutes to read it, as it may save you time, money, or your life.

LAW ENFORCEMENT

Every wildlife agent and peace officer of Louisiana and officials of the United States Coast Guard can board a vessel and require the owner or operator to identify himself and present the certificate of number (described below) or proof of ownership of the vessel. These officials can inspect the vessel to determine if the safety requirements described below are fulfilled. They do not need to suspect any illegal activity or noncompliance with safety laws before boarding, and the boat owner or operator cannot deny permission for these officials to board. A Coast

Guard official may direct the operator of a vessel to return to his mooring if he believes the operation of the boat is creating an especially hazardous condition. Insufficient personal flotation devices, insufficient firefighting equipment, overloading, and improper lighting are among the conditions that may be "especially hazardous."

OWNER RESPONSIBILITY

If a vessel owner allows another person to operate his boat, the owner is liable for any damage or injury that results from the operator's carelessness. If, at the time of injury or damage, the boat was under the control of a member of the owner's immediate family, then the owner is presumed to have given his permission.

GENERAL RULES OF OPERATION

Safe Operation

As an operator of a boat, you must comply with several laws, most of which are common sense. You must operate your boat with due regard to the safety of other people and their property. This includes operating at a rate of speed that will allow you to stop your craft in time to avoid collision. Careless operation of a boat may result in a fine, imprisonment, or both. If your conduct in operating a vessel amounts to recklessness, i.e., endangering the life, limb, and property of another, the penalty is more severe. No property damage or injury need occur before you can be fined or jailed for violating these rules. If your carelessness leads to the death of another person, you are guilty of negligent homicide.

An owner of a boat or a person in control of a boat cannot allow the boat to be operated by a person who, because of any physical or mental incapacity, is incapable of operating the boat safely.

You must not interfere with the navigation of other watercraft, which includes anchoring in heavily travelled channels or under bridges, and you must not operate a boat in any restricted area, such as marked swimming areas. You are also prohibited from allowing people to ride on the decks or gunwales of your boat if it is less than 26 feet in length, unless rails or guards are provided. Boats cannot be overloaded or overpowered; check the placard in your boat or with your dealer for your boat's safe capacities.

Intoxication

It is illegal to operate a vessel or to waterski while intoxicated or under the influence of drugs, and it is illegal for the boat owner or the person in control of the boat to allow an intoxicated or otherwise physically or mentally incapacitated person to operate the boat.

Under *state law*, operating a watercraft while intoxicated or under the influence of drugs is a criminal offense punishable on the first conviction by both a fine and imprisonment. Under *federal law*, operation of a vessel while the operator is intoxicated can result in a civil penalty of up to \$1000, or a criminal penalty of up to \$5000 and/or up to a year in jail. If you are caught operating a vessel while intoxicated, you can be charged with violating *both* the state and federal laws.

If you are intoxicated and operate a boat so that someone is injured, you are guilty of *vehicular negligent injuring*. If your operation of the boat while intoxicated results in a death, you are guilty of *vehicular homicide*.

Waterskiing

Waterskiing is a very popular sport in Louisiana and you should be especially aware of the safety laws that are designed to protect the skier, the boat operator, and others. Whenever you are pulling a person behind your motorboat, you must have a second person in the boat with you. One person must give full attention to operating the boat, while the other watches the skier. The boat and skis must be operated in a careful manner and at reasonable distances from other people and property. You cannot pull anyone behind your boat from one hour after sunset to one hour before sunrise. It is also illegal for an intoxicated person to waterski.

Local Laws

Local governments may set *speed limits* for waterways. If speed limits are applied to a waterway, they will be posted. If no speed limit is posted, then you cannot exceed a *careful operation* speed limit (see Safe Operation). Local governments may also have ordinances that prohibit the operation of motorboats in *flooded areas* where a boat's wake may cause further damage to property. (However, if your property or family is involved in a flood, this law may not apply to you.)

STEERING AND SAILING RULES

The rules of steering and sailing, like many of the common-sense rules mentioned above, are more than just rules of etiquette. Since 1981 they have been rules of federal law.

First and foremost among these rules is the requirement to *maintain a proper look-out*, which includes sight and sound. You cannot avoid dangerous situations unless you anticipate them. In addition to a proper look-out you must maintain a safe speed that will allow you to prevent collisions (see Safe Operation).

In *narrow channels* the operator of a vessel should keep as close to the starboard (right) bank as is safe and practicable. All boats covered by this pamphlet must not interfere with the navigation of vessels that can safely navigate only in a restricted channel, such as freighters and barges in the Mississippi River channel. A vessel engaged in fishing must not interfere with any other vessel navigating a narrow channel.

A vessel that is *overtaking* another vessel must yield the right of way. Overtaking is defined as approaching a vessel from more than 22.5° abaft her beam (see Figure 1). When in doubt, yield the right of way.

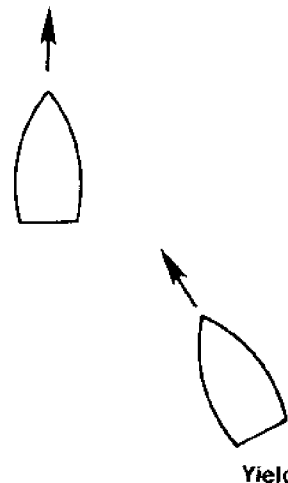


Figure 1.

When two *sailing vessels* approach each other so that each has the wind on a different side, the vessel with the wind on its port (left) side (wind coming from the left) shall yield the right of way (Figure 2). When both vessels have the wind to the same side, the windward vessel

(upwind vessel) shall yield the right of way (Figure 3). If your sailing vessel has the wind to port and you cannot determine whether a windward sailing vessel has the wind to port or starboard, you must yield to the windward vessel.

Figure 2.

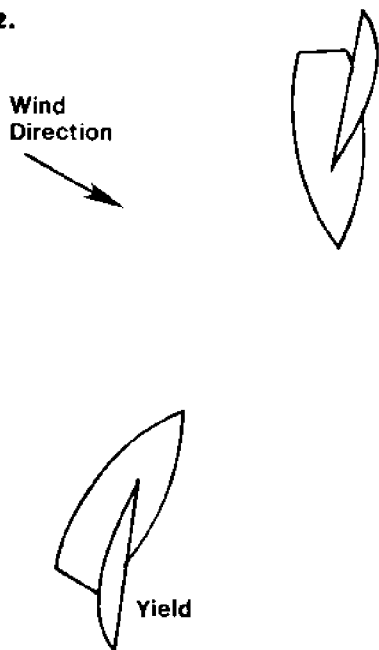
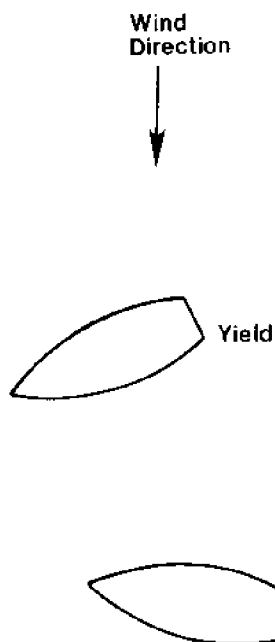


Figure 3.

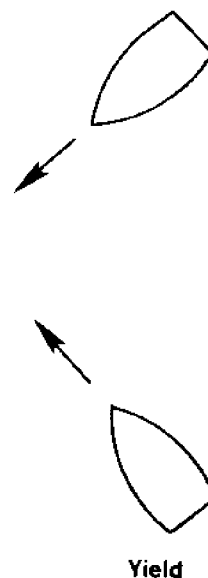


When two *power-driven vessels* are approaching each other in a head-on situation, each must steer to starboard (right) so that their port (left) sides pass (Figure 4). When two power-driven vessels are on crossing courses, the vessel that has the other vessel to starboard shall yield the right of way (Figure 5). In all situations the vessel that is **not** required to yield the right of way must maintain its course and speed, unless action is required to avoid collision.

Figure 4.



Figure 5.



Except for the narrow channels and overtaking situations described above, a vessel in the following list must generally give the right of way to any vessel *higher* on the list:

- (1) a vessel not under command
- (2) a vessel with restricted maneuverability
- (3) a vessel engaged in fishing
- (4) a sailing vessel
- (5) a power-driven vessel.

You may deviate from these rules only to avoid immediate danger, such as a collision.

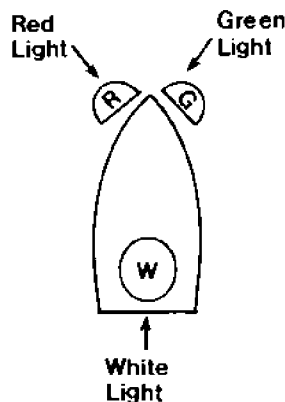
REQUIRED EQUIPMENT

Lights

Ordinarily, boats come equipped with the legally required *lights*, but if you decide to build a boat or restore one, it is advisable to secure detailed lighting information from the United States Coast Guard or the Louisiana Department of Wildlife and Fisheries. As the owner or operator, you are also responsible for maintaining the required lights, which must be displayed from sunset to sunrise and when visibility is poor, whenever the vessel is underway. No other lights that might be mistaken for navigation lights may be displayed at these times. "Underway" means that a vessel is not at anchor, or made fast (secured) to the shore, or aground. Engines, sails, or muscles do not need to be propelling a vessel for it to be underway.

Lights are not required if the boat is operated only during daylight hours and when visibility is good. However, it is wise to have lights just in case your boat is caught on the water in bad weather or after nightfall.

Figure 6.



Motorboats under 26 feet in length must have a bright white light at the rear of the boat that shows all around (360°), and red and green lights at the front, positioned lower than the white light. The red light must show to the left and front (112.5° arc) and the green light to the right and front (112.5° arc) (Figure 6).

Motorboats 26 feet or longer must have a bright white light as close to the bow as possible, which shows in an area from the left side, around the front, to the right (225° arc), and a second white light in the rear of the boat, higher than the other, showing all around. These boats must also have a green light on the starboard (right) side showing from the right side to the front (112.5° arc), and a red light on the port (left) side showing from the left side to the front (112.5° arc). Neither of these last two lights should be visible from the opposite side of the boat (Figure 7).

Whenever a boat less than 22 feet 10 inches is being propelled **only** by sail, it should not show the white lights mentioned above. A boat more than 22 feet 10 inches propelled **only** by sail must display the red and green lights described above, as well as a white sternlight that shows to the rear, covering a 135° arc. These lights may be combined in a single lantern at or near the top of the mast (Figure 8).

All boats, when underway in poor visibility, are required to carry, ready at hand, a lantern or flashlight with a white light to be shown in sufficient time to avert a collision.

All motorboats anchored in navigable waterways between sunset and sunrise must show a white light visible from all directions.

Figure 7.

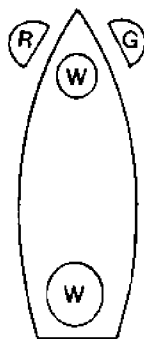
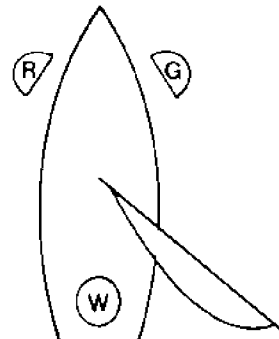


Figure 8.



Life Preservers (PFDs)

Every boat must be equipped with at least one readily accessible United States Coast Guard-approved personal flotation device (PFD) for each person on board. This may be a life preserver, life belt, or ring buoy (see Appendix II). Passengers on any boat less than 16 feet or any canoe or kayak may use any approved Type I through Type IV PFD. Passengers on boats over 16 feet, except canoes and kayaks, must use approved Type I, II, or III PFDs. In addition, boats over 16 feet, except canoes and kayaks, must have at least one extra approved Type IV PFD on board. Every person 12 years or younger on a boat under 26 feet in length must wear a U.S. Coast Guard-approved life jacket or life preserver whenever the boat is underway. The operator of the boat is liable if these laws regarding personal flotation devices are not followed.

Fire Extinguishers, Mufflers, and Ventilation

Every motorboat is required to have a readily accessible fire extinguisher on board, except for outboard single hull or fused hull boats which have no compartments where fuel tanks may be stored. Motorboats less than 26 feet in length are required to carry at least one Type B-I (5B U.L. listing) fire extinguisher. Motorboats 26 feet and larger must carry at least one Type B-II (6B U.L. Listing) or two Type B-I fire extinguishers. Inboard motorboats must also have efficient flame arresters on the engine(s). Enclosed motorboats must have adequate ventilation systems to prevent the buildup of explosive or inflammable gases. All motorboats must have an efficient muffler, underwater exhaust, or other device to muffle the sound of the engine exhaust.

Signaling Devices

All boats 16 feet or longer must carry U.S. Coast Guard-approved visual distress signaling devices (such as approved flares) when operated in coastal waters. Boats less than 16 feet long, all manually propelled boats, and open sailboats under 26 feet in length that are not equipped with propulsion machinery must carry visual distress signaling devices when they are operated in coastal waters after sunset and before sunrise. These devices are a wise investment for all boat owners, especially those boating in sparsely travelled areas.

Boats 16 feet or longer must have either a whistle or other sound-producing mechanical device. Boats 26 feet or longer must also have a bell.

NUMBERING REQUIREMENTS

Any vessel equipped with or propelled by any type of machinery (i.e., motorboats) must be numbered. A certificate of number is assigned to a boat and issued to the owner upon application and payment of a \$5 fee to the Department of Wildlife and Fisheries. The department records this number along with the hull identification number of the boat and the serial number of the motor. A certificate of number is valid for three years. The certificate may be renewed within 60 days of the expiration date by submitting a renewal application and a \$3 renewal fee to the department. If your motorboat is numbered under the federal system or another state system, you must apply for the Louisiana certificate of number prior to the ninetieth consecutive day of operation within Louisiana. Your old federal or state registration number will be retained.

When a boat is sold, a new certificate of number must be applied for by the new owner to cover the remainder of the three-year period granted to the original owner. The new owner submits an application and a \$1 fee to the Department of Wildlife and Fisheries.

If your address changes or the certificate is lost, you must notify the department, in writing, within 15 days. If your certificate is lost, stolen, or destroyed, you must describe the circumstances of the loss and submit a duplicate application along with a \$1 fee.

The application forms for the original certificate of number, the renewal, and the duplicate are available from the Department of Wildlife and Fisheries.

The owner of a motorboat is required to notify the Department of Wildlife and Fisheries within 15 days of transferring any part of his ownership to another person or if the boat is abandoned or destroyed. Abandonment or destruction terminates the certificate of number.

The certificate of number must be available for inspection whenever you or anyone else uses your motorboat. It is illegal for any person to deface or alter the certificate of number or the number assigned and appearing on the bow of any boat (see below).

A motorboat does not have to be registered in the Louisiana numbering system when:

- (1) the motorboat is covered by a number in full force pursuant to federal law or a federally approved numbering system of another state when the boat has not been operated in Louisiana for over 90 consecutive days;

- (2) the motorboat is from another country and is only temporarily in Louisiana waters;
- (3) the motorboat belongs to a governmental body, either federal or state, and is so marked; or
- (4) the motorboat is a ship's lifeboat.

DISPLAY OF NUMBERS

The registration numbers must be placed on each side of the bow, and must remain visible and legible. *These numbers are the only ones allowed on the bow of your boat.* The rules of display, applicable to all motorboats (even when the boat's number is not in the Louisiana numbering system but has been registered in Louisiana), are as follows:

- (1) The numbers shall be in block type and not less than three inches in height.
- (2) The numbers between the sets of letters are to be separated from the letters by a hyphen or equivalent space.
- (3) The color of the numbers and the hull should contrast (such as light on dark or dark on light).

It is illegal to possess an outboard motor which has had the serial number removed.

ACCIDENTS AND REPORTS

Even when all safety precautions are taken, accidents can and do occur. If you are operating a vessel and are involved in a boating accident, you are expected to render all practical assistance to anyone else involved to minimize any dangers resulting from the accident.

When you are involved in an accident you must give in writing your name, address, and the identification number of your vessel to any person who was injured or who sustained property damage. If there was property damage in excess of \$200, the accident must be reported within five days to the Department of Wildlife and Fisheries. In addition, if anyone was killed or injured, a report must be filed within 48 hours. In either case, a full description of the collision or casualty must be submitted on an official form supplied by the Department of Wildlife and Fisheries or the United States Coast Guard. When the operator of the boat is incapable of making a report within the required time, every other person on board at the time of the accident is responsible for either notifying the Department of Wildlife and Fisheries or determining that a report has been submitted,

INSURANCE

Neither the owner nor the operator of a vessel is required to have insurance. However, you should consider that as an operator you may be liable for any damage you cause and any damage carelessly caused by the operator who is using your boat with your permission. A small accident can be quite expensive. A wide range of marine insurance is available. Also, discounts on insurance are available for those who have passed a certified boating safety course and for boats which have passed a U.S. Coast Guard Courtesy Marine Inspection (see Additional Information).

THEFT

If your boat is stolen, you must report the theft to the Department of Wildlife and Fisheries within five days. However, failure to do so will not result in any penalty.

POLLUTION

Pollution laws are important to anyone operating a watercraft, because stiff penalties are imposed for the violation of either Louisiana or federal pollution laws. If aquatic life, including fish, is demonstrably damaged by the introduction into state waters of any substance from your boat, you can be found guilty of a water pollution violation and subjected to a fine and imprisonment.

Boats 26 feet or longer must display a placard in each machinery area or at the bilge control station stating the following message:

Discharge of Oil Prohibited

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5,000.

The placard must be at least 5 by 8 inches, written in a language understood by the crew, and easily visible.

BOAT TRAILERS

Boat trailers must be registered with the Louisiana Department of Public Safety. The present annual license fee is \$3 for trailers with a loaded gross weight of not more than 1,500 lbs. The annual fee for trailers with a loaded gross weight exceeding 1,500 lbs. is \$10. Trailers must be inspected annually and the certificate of inspection must accompany the trailer at all times.

Most equipment requirements for boat trailers deal with lights. All trailers must have tail lights, brake lights, and turn signals. Trailers 80 inches or wider must be equipped with one side marker and one reflector on each side of the front and the rear of the trailer, with a clearance lamp mounted near the midpoint of each side. In addition, trailers 80 inches or wider manufactured after December 31, 1972, must have three identification lamps placed as high as possible in a horizontal row on the rear of the trailer, one at the centerline, and one to each side placed not less than 6 nor more than 12 inches from the center lamp.

Boat trailers having a gross weight of 3,000 lbs. or more are required to be equipped with adequate brakes. These brakes must be designed so that, should the trailer become disconnected from the towing vehicle, the brakes would be applied automatically. Trailers of over 5,000 lbs. gross weight must have brakes on every wheel.

ADDITIONAL INFORMATION

Several boating safety courses are held every year in Louisiana. There are separate courses offering instruction in the maintenance and operation of sailboats and motorcraft. Those who successfully complete a course will receive a certificate which is honored by many insurance companies for a discount on insurance of up to 10%. For information on boat safety instruction contact:

BOAT/U.S. Foundation
880 S. Pickett St
Alexandria, VA 22304
1-800-336-BOAT

Donna Smith
Coast Guard Auxiliary
14246 Gravier Ave
Baton Rouge, LA 70810
(504) 293-6710

A Courtesy Marine Inspection (CMI) by the U.S. Coast Guard Auxiliary is also available to boat owners. This free inspection of your boat covers all safety equipment required by federal and state law and additional equipment standards recommended by the Auxiliary. Boats that pass the inspection receive a decal showing that they have been certified for safety. Examinations are

confidential and failure to pass is not reported to law enforcement personnel. Safety certification is honored by some insurance companies for an insurance discount. For information on a CMI contact:

Donna Smith
Coast Guard Auxiliary
14246 Gravier Ave
Baton Rouge, LA 70810
(504) 293-6710

or
Coast Guard Auxiliary
8th Coast Guard District
Hale Boggs Fed. Bldg
500 Camp St.
New Orleans, LA 70130
(504) 589-6629

If you have any questions about boating rules or regulations, contact any of the following:

Sea Grant Legal Program
170 Law Center
Louisiana State University
Baton Rouge, LA 70803
(504) 388-5931

U.S. Coast Guard
Hale Boggs Federal Bldg
500 Camp Street
New Orleans, LA 70130
(504) 589-2972

Louisiana Department of Wildlife and Fisheries
7389 Florida Blvd.
Baton Rouge, LA 70803
(504) 925-4079

APPENDIX I

Penalties

CARELESS OPERATION

up to \$300 and/or up to 30 days in jail

RECKLESS OPERATION

up to \$500 and/or up to 90 days in jail

VEHICULAR NEGLIGENT INJURING

up to \$500 and/or up to 6 mos in jail

NEGLIGENT HOMICIDE

up to \$1000 and/or up to 1 yr in jail

VEHICULAR HOMICIDE

\$2000-5000 and 2 to 5 yrs in jail

INTERFERENCE WITH NAVIGATION

\$25-150 per violation

INTOXICATED

\$200-500 and/or up to 6 mos in jail

Operating While Intoxicated (State Law)

1st Conviction—\$125-500 and 10 days to 6 mos in jail

2nd Conviction—\$300-500 and 30 days to 6 mos in jail

3rd Conviction—up to \$1000 and 1 to 5 yrs in jail

4th Conviction—10 to 30 yrs hard labor

- Operating While Intoxicated** (Federal Law)
up to \$1000 civil penalty, or criminal fine of up to \$5000 and/or up to 1 yr in jail
- Incapacity of Operator**
\$25-150 per violation
- Accident Reporting**
\$500 and/or up to 6 mos in jail
- Overloading**
\$25-150 per violation
- Overpowering**
\$25-150 per violation
- Riding on Deck or Gunwales**
\$25-150 per violation
- Restricted Area Violation**
\$25-150 per violation
- Waterskiing Violation**
\$25-150 per violation
- Equipment Violation**
\$25-150 per violation
- Operation of Unnumbered Motorboat**
\$25-150 per violation
- Possession of Outboard Motor with Serial Number Removed**
up to \$250 per violation
- Failure to Comply with Navigation Rules**
up to \$5000

APPENDIX II

U.S. Coast Guard-Approved Personal Flotation Devices (PFDs)

TYPE I (Life Preserver)

Performance: Designed to turn most unconscious wearers from a face-down to a face-up position. The adult size provides at least 22 lbs of buoyancy and the child size provides at least 11 lbs.

- Federal Regulation Approval Number on PFD Label***
- 160.002
 - 160.003
 - 160.004
 - 160.005
 - 160.055

TYPE II (Buoyant Vest)

Performance: Designed to turn many wearers to a vertical or slightly backward position in the water. Provides at least 15½ lbs buoyancy in adult size and 11 lbs in child size.

- Federal Regulation Approval Number on PFD Label***
- 160.047
 - 160.052
 - 160.060

TYPE III (Special Purpose Device)

Performance: Designed to assist the wearers in placing themselves in a vertical position. Typically made for water skiing, hunting, and fishing.

- Federal Regulation Approval Number on PFD Label***
- 160.064

TYPE IV (Ring Life Buoy, Buoyant Cushion)

Performance: Designed to be thrown to a person for assistance until rescue. Not to be worn.

- Federal Regulation Approval Number on PFD Label***
- 160.009
 - 160.048
 - 160.049
 - 160.050

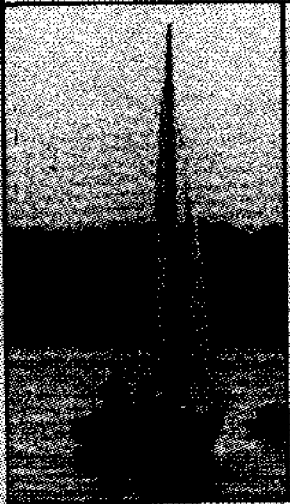
* The federal regulation approval number corresponds to specific construction standards mandated in the Code of Federal Regulations, Title 47. Only PFDs with a label showing the PFD type and approval number are approved by the United States Coast Guard.

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