TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 16 RULES AND REGULATIONS FOR BOAT AND WATER SAFETY ON MARINE WATERS OF THE STATE OF MISSISSIPPI

Chapter 01 Introduction

Purpose

100 This part establishes rules and regulations for boat and water safety on the marine waters of the State of Mississippi.

Chapter 02 Justification and Authority

100 The Mississippi Commission on Marine Resources (MCMR) has determined boat and water safety regulations are necessary for the safe use and well being of marine waters under the territorial jurisdiction of the State of Mississippi.

101 The MCMR has determined that such regulations are in the best interest of the State of Mississippi and the people of Mississippi and the marine habitats in the waters under the territorial jurisdiction of the MCMR.

102 The MCMR, pursuant to the authority set forth in § 59-21-121, Mississippi Code Ann. 1972, as amended, has been given the power to regulate regattas, boat races, fireworks exhibitions, etc., which are conducted in the marine waters under the territorial jurisdiction of the State of Mississippi.

103 The MCMR is authorized by § 59-21-117 of the Mississippi Code of 1972, as amended, to enact all regulations necessary for the safe use and operation of vessels in the marine waters in the territorial jurisdiction of the State of Mississippi.

Chapter 03 Definitions

100 **VESSEL** shall mean every description of watercraft, other than seaplane on the water, used or capable of being used as a means of transportation on the water.

101 **MOTORBOAT** shall mean any undocumented vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

102 **OWNER** shall mean the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

103 **OPERATOR** shall mean the person who operates or has charge of the navigation or use of a motorboat or vessel.

104 **PERSONAL FLOATATION DEVICE** shall mean a wearable flotation device classified and approved by the United States Coast Guard which is in such a condition that it is fit for its intended purpose, bears a legibly marked United States Coast Guard approval number, and is of an appropriate size for the person who intends to use it.

105 **PERSONAL WATERCRAFT** shall mean a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel.

106 **ENFORCING AUTHORITY** shall mean Marine Patrol Officers of the Mississippi Department of Marine Resources (MDMR) or any other duly deputized law enforcement officer of the State of Mississippi.

107 **VENDOR** shall mean an individual or company in the business of renting vessels or personal watercraft to the general public for their use.

108 **NO WAKE ZONE** shall mean an area of navigable marine water in which vessels are not allowed to create a potentially damaging wake or to operate the vessel above idle speed.

109 **MARINE SAFETY ZONE** shall mean an area of marine waters where special marine safety rules are instituted by the Executive Director of the MDMR.

Chapter 04 Scope

100 The regulations of Title 22 Part 16 govern the use of all vessels on all marine waters of the State of Mississippi.

Chapter 05 Restrictions

100 A person may not operate or give permission to operate any vessel on the marine waters of the State of Mississippi under the jurisdiction of the MCMR unless each person onboard a personal watercraft and each person twelve (12) years and younger onboard other vessels less than 26 feet in length is wearing a Type I, Type II, or Type III, personal flotation device approved by the United States Coast Guard.

101 A person may not operate or give permission to operate on the marine waters of the State of Mississippi a personal watercraft or any other similar vessel unless it is equipped with a self

circling device, or a lanyard type engine cutoff switch that is attached to the operator.

102 A vessel or personal watercraft livery (vendor) owner, or the livery owner's agent or employee shall prominently display these regulations governing personal watercraft:

102.01 Advise renters to read the regulations.

102.02 Within 30 days of the effective date of these regulations, add to the rental contract a statement that the renter or operator has read and understands the personal watercraft regulations. This statement shall be signed by the renter or operator and the livery (vendor) owner, retained in the files of the livery operator for at least 30 days, and be made available to the MDMR upon request.

Chapter 06 Reckless and Negligent Operation

100 On the marine waters of the State of Mississippi, a person may not operate a vessel in a reckless or negligent manner. Reckless or negligent operation of a vessel which endangers lives and/or property is prohibited. Reckless and negligent operation of a vessel shall include, but is not limited to the following examples:

100.01 Operating at an excessive speed within one hundred (100) feet of another occupied vessel except in a crossing or overtaking situation as described in the Federal Rules of the Road.

100.02 Jumping, or attempting to jump the wake of another vessel, within one hundred (100) feet of the vessel.

100.03 Following within one hundred (100) feet of a water skier.

100.04 Weaving through congested vessel traffic.

100.05 Speeding in restricted or no wake areas.

100.06 Operating a vessel or personal watercraft in a manner that endangers the life, limb, or property of any person, including the operator.

100.07 Bow riding, or allowing a person to ride any place on the vessel where there is a potential risk of injury. This includes, but is not limited to, riding on exposed bow decks, riding on swim platforms, riding on gunwhales, or riding any place on the vessel which was not designed as a normal passenger seat.

100.08 Operating the vessel with operator visibility obscured due to passenger positioning.

Chapter 07 Designated No Wake Zones

100 General No Wake Zones

100.01 Within and one hundred (100) feet adjacent to any ~~small craft~~ public harbor~~, commercial vessel harbor,~~ and/or public marina ~~or other place where vessels are normally berthed~~.

100.02 Within one hundred (100) feet of any public boat launching ramp facility.

Chapter 08 Specific No Wake Zones

100 No wake zones will be instituted in specific instances as the need arises and according to a defined procedure. In cases where citizens feel that a no wake zone is needed, they shall petition their County Board of Supervisors for its establishment, providing reasonable justification and evidence for the need. The Board of Supervisors may evaluate the request, and if found to be warranted, deliver it to the MDMR for consideration. The MDMR staff will investigate the request in light of the specific site and other factors which may come into play. If the need for a no wake zone is substantiated by this investigation, the results and staff recommendation will be presented to the MCMR for their evaluation and potential implementation.

101 This same procedure may be used by any citizen to request the removal or modification of an existing no wake zone.

Chapter 09 Establishment of Temporary Specific No Wake Zones; Emergency Rule

100 The Executive Director of the MDMR shall have the authority to establish temporary specific no wake zones upon the agency finding that an imminent peril to public health, safety or welfare exists. In no event shall the established emergency temporary specific no wake zone exceed the time as specified in § 25-43-3.108 of the Mississippi Code Ann. of 1972, as amended. The Executive Director shall immediately rescind any emergency temporary specific no wake zone whenever the imminent peril to public health, safety or welfare no longer exists.

Chapter 10 Establishment of Designated Marine Safety Zones

100 The Executive Director of the MDMR shall have the authority to establish Designated Marine Safety Zones on the waters under the jurisdiction of the MCMR. These zones may be established for, but are not limited to the following purposes:

- 100.01 Construction projects on or adjacent to marine waters, whose work activity has the potential for adversely affecting the safety or normal flow of marine traffic in the area, or where normal marine traffic flow would jeopardize the safety of the construction workers. This shall include speed or no-wake zones that may be established for the duration of the construction project up to a maximum of three years.
- 100.02 Traffic and spectator control for marine events such as fireworks displays, boat races, or other like activities held on the marine waters.

Chapter 11 Permits for Events on Marine Waters

100 A permit shall be required by any person, organization or group sponsoring a regatta, motor boat or other race, marine parade, exhibition, etc.

101 Applications for such race or events shall be on a form prescribed by the MDMR and must contain the following information:

101.01 Name, address and phone number of applicant
101.02 Date and time of event
101.03 Location and area impacted by event
101.04 Type of event
101.05 Support services requested

102 Applicant must submit a copy of any entry requirements as well as any special rules pertaining to equipment, rigs or procedures.

103 Applicant shall attach a section of a chart or a scale drawing showing the boundaries and/or course and markers contemplated.

104 Applicant shall be responsible for providing adequate protection from marine traffic interference and hazards.

105 Applications must be received by the MDMR no less than thirty (30) days prior to the date of the event.

106 The Executive Director of the MDMR is hereby granted the authority to issue permits for marine events.

Chapter 12 Penalties

100 Any person, firm or corporation violating any of the provisions of Part 16 shall be, in addition to civil liability provided for in Miss. Code Ann. § 49-27-55, as amended, guilty of a misdemeanor, and on conviction, shall be penalized in accordance with Miss. Code Ann. § 59-21-157 and § 59-21-153, as amended. Violations of more than one chapter or subchapters of this Part, or part thereof, shall be considered separate offenses and punished as such. In the case of continuing violations, each day shall constitute a separate offense.

Chapter 13 Chapters and Subchapters Declared Separable

100 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 16 shall remain in full force and effect.

101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

Chapter 14 Administrative Procedures Act

100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 16.003 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to "ordinance" or to "Part" appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

TITLE 22 MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
PART 16 RULES AND REGULATIONS FOR BOAT AND WATER SAFETY ON MARINE WATERS OF THE STATE OF MISSISSIPPI, shall be in effect and be in force from and after the _____ day of _____, 2010.

Adopted this the _____ day of _____2010

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: _____
Vernon Asper, Ph.D., Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
William W. Walker, Ph.D., Executive Director