

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on August 17, 2021 at the regularly scheduled meeting of the Mississippi Advisory Commission on Marine Resources (MACMR), the Commission recommended approval of and the Executive Director approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 16. Said Notice of Intent was filed with the Mississippi Secretary of State's office on August 23, 2021. A complete copy of Title 22 Part 16 and the proposed changes are available are available at [www.dmr.ms.gov](http://www.dmr.ms.gov). Public comments on the proposed regulation changes will be accepted through September 17, 2021. All comments should be mailed to the MDMR, Attn: Chief Kyle Wilkerson, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Chief Kyle Wilkerson at [publiccomments@dmr.ms.gov](mailto:publiccomments@dmr.ms.gov) and delivered by 5:00 PM on September 17, 2021.

Complete description of proposed changes:

## **TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

### **PART 16 BOAT AND WATER SAFETY ON THE MARINE WATERS OF THE STATE OF MISSISSIPPI**

#### **CHAPTER 01: INTRODUCTION**

Rule 1.1 This part establishes rules and regulations for the safe use and operation of vessels on the marine waters of the State of Mississippi.

MISS. CODE ANN. §§ 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

#### **CHAPTER 02: DEFINITIONS**

Rule 2.1 Definitions

- A. COVERED RECREATIONAL VESSEL – means a recreational vessel that is less than 26 ft. overall in length and capable of developing 115 pounds or more of static thrust.
- B. ENFORCING AUTHORITY - means Marine Patrol Officers of the Mississippi Department of Marine Resources (MDMR) or any other duly deputized law enforcement officer of the State of Mississippi.
- C. ENGINE CUT-OFF SWITCH (ECOS) – An Engine Cut-off Switch is a safety mechanism used to shut off propulsion machinery when the operator is displaced from the helm.
- D. ENGINE CUT-OFF SWITCH LINK (ECOSL) – An ECOSL is the device that connects the operator to the ECOS. The link must be attached to the operator, the operator's clothing, or operator's personal floatation device. It is typically a coiled lanyard, but may also be an electronic fob.

- E. **MARINE SAFETY ZONE** - means an area of marine waters where special marine safety rules are instituted by the Executive Director of the MDMR.
- F. **MOTORBOAT** - means any undocumented vessel propelled by machinery, whether such machinery is the principal source of propulsion.
- G. **NO WAKE ZONE** - means 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 within one hundred (100) feet adjacent to any public harbor and/or public marina or within one hundred (100) feet of any public boat launching ramp facility.
- H. **OWNER** - means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.
- I. **OPERATOR** - means the person who operates or has charge of the navigation or use of a motorboat or vessel.
- J. **PERSONAL FLOATATION DEVICE** - means 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.
- K. **PERSONAL WATERCRAFT** - means 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.
- L. **VENDOR** - means an individual or company in the business of renting vessels or personal watercraft to the general public for their use.
- M. **VESSEL** - means every description of watercraft, other than seaplane on the water, used or capable of being used as a means of transportation on the water.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151 and 46 U.S.C.A §4312.

### **CHAPTER 03: RESTRICTIONS**

Rule 3.1 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 covered recreational vessel unless it is equipped with an engine cut-off switch and an engine cut-off switch link attached to the operator while operating on plane or above displacement speed except when:

- A. The main helm of the covered vessel is installed within an enclosed cabin; or
- B. The vessel does not have an engine cut off switch and is not required to have one because it is not considered a covered recreational vessel.

Rule 3.2 A vessel or personal watercraft livery (vendor) owner, or the livery owner's agent or employee shall prominently display these regulations governing personal watercraft:

A. Advise renters to read the regulations.

B. 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.

MISS. CODE ANN. §§ 59-21-81, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151 and 46 U.S.C.A §4312.

#### **CHAPTER 04: RECKLESS AND NEGLIGENT OPERATION**

Rule 4.1 A person may not operate a vessel on the marine waters of the State of Mississippi in a reckless or negligent manner. Reckless and negligent operation of a vessel shall include, but is not limited to the following examples:

A. 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.

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

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

D. Weaving through congested vessel traffic.

E. Speeding in restricted or no wake areas.

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

G. 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.

H. Towing a person/persons on water skis, aquaplane or a similar device during the hours between legal sunset and legal sunrise.

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

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

#### **CHAPTER 05: PROCEDURES FOR ESTABLISHING NO WAKE ZONES**

Rule 5.1 No wake zones will be instituted pursuant to Miss. Code Ann. §59-21-129 and in instances as the need arises and according to this 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 MACMR for their evaluation and recommendation to the Executive Director for potential implementation.

Rule 5.2 This same procedure may be used by any citizen to request the removal or modification of an existing no wake zone.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-129 and 59-21-151.

## **CHAPTER 6: ESTABLISHMENT OF TEMPORARY SPECIFIC NO WAKE ZONES; EMERGENCY RULE**

Rule 6.1 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.

Miss. Code Ann. §§ 59-21-117 and 59-21-129

## **CHAPTER 7: ESTABLISHMENT OF DESIGNATED MARINE SAFETY ZONES**

Rule 7.1 The Executive Director of the MDMR shall have the authority to establish Designated Marine Safety Zones on the waters under the jurisdiction of the MDMR. These zones may be established for, but are not limited to the following purposes:

A. 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.

B. Traffic and spectator control for marine events such as fireworks displays, boat races, or other like activities held on the marine waters.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

## **CHAPTER 8: PERMITS FOR EVENTS ON MARINE WATERS**

Rule 8.1 A permit is required by any person, organization or group sponsoring a regatta, motorboat or other race, marine parade, exhibition, firework displays etc.

Rule 8.2 Applications for such race or events shall be on a form prescribed by the MDMR and must contain the following information:

A. Name, address and phone number of applicant.

B. Date and time of event.

C. Location and area impacted by event.

D. Type of event.

E. Support services requested.

Rule 8.3 Applicant must submit a copy of any entry requirements as well as any special rules pertaining to equipment, rigs or procedures.

Rule 8.4 Applicant must attach a section of a chart or a scale drawing showing the boundaries and/or course and markers contemplated.

Rule 8.5 Applicant is responsible for providing adequate protection from marine traffic interference and hazards.

Rule 8.6 Applications must be received by the MDMR no less than thirty (30) days prior to the date of the event.

Rule 8.7 The Executive Director of the MDMR is hereby granted the authority to issue permits for marine events.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

## **CHAPTER 9: RULES OF THE ROAD**

Rule 9.1 Nothing in this Chapter will excuse a boat operator from complying with any and all navigation laws and rules of the road as published in the United States Coast Guard Navigation Rules.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151, 33 C.F.R. Chapter I Subchapters E Part 83-90, F Part 95-97, G Part 100, S Part 173 and 188-199, 33 C.F.R 83.08, 33 C.F.R 81.1-81.3.

## **CHAPTER 10: PENALTIES**

Rule 10.1 Violations under this Part will be charged in accordance with the provisions of the Mississippi Boating Law of 1960, Miss. Code Ann. §59-21-1, *et seq.* Each day of a continuing violation constitutes a separate violation. In the case of continuing violations, each day shall constitute a separate offense. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

MISS. CODE ANN. §§ 59-21-153.

## **CHAPTER 11: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE**

Rule 11.1 Each chapter and subchapter of this Part is hereby declared separable, and if a 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.

Miss. Code Ann. §49-15-301.

## **LE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

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

#### **~~Chapter 01 Introduction~~ 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. the safe use and operation of vessels on the marine waters of the State of Mississippi.~~

#### **~~Chapter 02 Justification and Authority~~ CHAPTER 02: DEFINITIONS**

~~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~~**

##### Rule 2.1 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.~~

N. COVERED RECREATIONAL VESSEL – means a recreational vessel that is less than 26 ft. overall in length and capable of developing 115 pounds or more of static thrust.

O. ENFORCING AUTHORITY - means Marine Patrol Officers of the Mississippi Department of Marine Resources (MDMR) or any other duly deputized law enforcement officer of the State of Mississippi.

P. ENGINE CUT-OFF SWITCH (ECOS) – An Engine Cut-off Switch is a safety mechanism used to shut off propulsion machinery when the operator is displaced from the helm.

Q. ENGINE CUT-OFF SWITCH LINK (ECOSL) – An ECOSL is the device that connects

the operator to the ECOS. The link must be attached to the operator, the operator's clothing, or operator's personal floatation device. It is typically a coiled lanyard, but may also be an electronic fob.

- R. MARINE SAFETY ZONE - means an area of marine waters where special marine safety rules are instituted by the Executive Director of the MDMR.
- S. MOTORBOAT - means any undocumented vessel propelled by machinery, whether such machinery is the principal source of propulsion.
- T. NO WAKE ZONE - means 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 within one hundred (100) feet adjacent to any public harbor and/or public marina or within one hundred (100) feet of any public boat launching ramp facility.
- U. OWNER - means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.
- V. OPERATOR - means the person who operates or has charge of the navigation or use of a motorboat or vessel.
- W. PERSONAL FLOATATION DEVICE - means 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.
- X. PERSONAL WATERCRAFT - means 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.
- Y. VENDOR - means an individual or company in the business of renting vessels or personal watercraft to the general public for their use.
- Z. VESSEL - means every description of watercraft, other than seaplane on the water, used or capable of being used as a means of transportation on the water.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151 and 46 U.S.C.A §4312.

#### **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~~ **CHAPTER 03: RESTRICTIONS**

~~100 Rule 3.1~~ 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 or any other covered recreational vessel unless it is equipped with an engine cut-off switch and an engine cut-off switch link attached to the operator while operating on plane or above displacement speed except when:~~ 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.

- A. The main helm of the covered vessel is installed within an enclosed cabin; or
- B. The vessel does not have an engine cut-off switch and is not required to have one because it is not considered a covered recreational vessel.

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

~~102 Rule 3.2~~ 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~~ A. Advise renters to read the regulations.

~~102.02~~ B. 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.

MISS. CODE ANN. §§ 59-21-81, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151 and 46 U.S.C.A §4312.

~~Chapter 06 Reckless and Negligent Operation~~ **CHAPTER 04: RECKLESS AND NEGLIGENT OPERATION**

~~100 Rule 4.1~~ A person may not operate a vessel 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~~ A. 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~~ B. Jumping, or attempting to jump the wake of another vessel, within one hundred (100) feet of the vessel.

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

~~100.04~~ D. Weaving through congested vessel traffic.

~~100.05~~ E. Speeding in restricted or no wake areas.

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

~~100.07~~ G. 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~~ H. Operating the vessel with operator visibility obscured due to passenger positioning.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

## ~~Chapter 07 Designated No Wake Zones~~ **CHAPTER 05: PROCEDURES FOR ESTABLISHING NO WAKE ZONES**

### ~~100~~ General No Wake Zones

~~100.01~~ Within and one hundred (100) feet adjacent to any public harbor and/or public marina.

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

## ~~Chapter 08 Specific No Wake Zones~~

~~100~~ Rule 5.1 No wake zones will be instituted ~~in~~ pursuant to Miss. Code Ann. §59-21-129 and 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 MACMR for their evaluation and ~~potential implementation~~ and recommendation to the Executive Director for potential implementation.

~~101~~ Rule 5.2 This same procedure may be used by any citizen to request the removal or modification of an existing no wake zone.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-129 and 59-21-151.

## ~~Chapter 09~~ 06 Establishment of Temporary Specific No Wake Zones; Emergency Rule

~~100~~ Rule 6.1 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.

Miss. Code Ann. §§ 59-21-117 and 59-21-129

## **Chapter ~~10~~ 07: Establishment of Designated Marine Safety Zones**

~~100~~ Rule 7.1 The Executive Director of the MDMR shall have the authority to establish Designated Marine Safety Zones on the waters under the jurisdiction of the MDMR ~~MCMR~~. These zones may be established for, but are not limited to the following purposes:

~~100.01~~ A. 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~~ B. Traffic and spectator control for marine events such as fireworks displays, boat races, or other like activities held on the marine waters.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

## **Chapter ~~11~~ 08: Permits for Events on Marine Waters**

~~100~~ Rule 8.1 A permit ~~shall be~~ is required by any person, organization or group sponsoring a regatta, motor boat or other race, marine parade, exhibition, etc.

~~101~~ Rule 8.2 Applications for such race or events shall be on a form prescribed by the MDMR and must contain the following information:

~~101.01~~ A. Name, address and phone number of applicant

~~101.02~~ B. Date and time of event

~~101.03~~ C. Location and area impacted by event

~~101.04~~ D. Type of event

~~101.05~~ E. Support services requested

~~102~~ Rule 8.3 Applicant must submit a copy of any entry requirements as well as any special rules pertaining to equipment, rigs or procedures.

~~103~~ Rule 8.4 Applicant shall attach a section of a chart or a scale drawing showing the boundaries and/or course and markers contemplated.

~~104~~ Rule 8.5 Applicant shall be responsible for providing adequate protection from marine traffic interference and hazards.

~~105~~ Rule 8.6 Applications must be received by the MDMR no less than thirty (30) days prior to the date of the event.

~~106~~ Rule 8.7 The Executive Director of the MDMR is hereby granted the authority to issue permits for marine events.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-

21-151.

**~~Chapter 12 Penalties~~ CHAPTER 09: RULES OF THE ROAD**

~~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.~~

Rule 9.1 Nothing in this Chapter will excuse a boat operator from complying with any and all navigation laws and rules of the road as published in the United States Coast Guard Navigation Rules.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151, 33 C.F.R. Chapter I Subchapters E Part 83-90, F Part 95-97, G Part 100, S Part 173 and 188-199, 33 C.F.R 83.08, 33 C.F.R 81.1-81.3.

**~~Chapter 13 Chapters and Subchapters Declared Separable~~ CHAPTER 10: PENALTIES**

~~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.~~

Rule 10.1 Violations under this Part will be charged in accordance with the provisions of the Mississippi Boating Law of 1960, Miss. Code Ann. §59-21-1, et seq. Each day of a continuing violation constitutes a separate violation. In the case of continuing violations, each day shall constitute a separate offense. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

MISS. CODE ANN. §§ 59-21-153.

**~~Chapter 14 Administrative Procedures Act~~ CHAPTER 11: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE**

~~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.~~

Rule 11.1 Each chapter and subchapter of this Part is hereby declared separable, and if a 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.

Miss. Code Ann. §49-15-301.

~~**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 16th of April, 2010.

Adopted this the 16<sup>th</sup> day of March 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

**Mississippi Secretary of State**  
125 S. Congress Street, Jackson, MS 39201

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON TJ Moran	TELEPHONE NUMBER 228-523-4184	
ADDRESS 1141 Bayview Ave.		CITY Biloxi	STATE MS	ZIP 39530
EMAIL <a href="mailto:TJ.Moran@dmr.ms.gov">TJ.Moran@dmr.ms.gov</a>	SUBMIT DATE 8/23/21	Name or number of rule(s): Title 22 Part 16		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES Part was updated to remove wording already codified in Mississippi Code. References to the Mississippi Code were placed in the regulation. The structure and format were changed to comply with the Secretary of States Guidelines.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15 *et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 16.

**ORAL PROCEEDING:**

- An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_
- Presently, an oral proceeding is not scheduled on this rule.


If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

- Economic impact statement not required for this rule.  Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	<b>Action proposed:</b> _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference <b>Proposed final effective date:</b> <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	<b>Date Proposed Rule Filed:</b> _____ <b>Action taken:</b> _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed <b>Effective date:</b> _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Joe Spraggins, Executive Director

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP  Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP  Accepted for filing by 	OFFICIAL FILING STAMP  Accepted for filing by
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**TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**PART 16 BOAT AND WATER SAFETY ON THE MARINE WATERS OF THE STATE  
OF MISSISSIPPI**

**CHAPTER 01: INTRODUCTION**

Rule 1.1 This part establishes rules and regulations for the safe use and operation of vessels on the marine waters of the State of Mississippi.

MISS. CODE ANN. §§ 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

**CHAPTER 02: DEFINITIONS**

Rule 2.1 Definitions

- A. **COVERED RECREATIONAL VESSEL** – means a recreational vessel that is less than 26 ft. overall in length and capable of developing 115 pounds or more of static thrust.
- B. **ENFORCING AUTHORITY** - means Marine Patrol Officers of the Mississippi Department of Marine Resources (MDMR) or any other duly deputized law enforcement officer of the State of Mississippi.
- C. **ENGINE CUT-OFF SWITCH (ECOS)** – An Engine Cut-off Switch is a safety mechanism used to shut off propulsion machinery when the operator is displaced from the helm.
- D. **ENGINE CUT-OFF SWITCH LINK (ECOSL)** – An ECOSL is the device that connects the operator to the ECOS. The link must be attached to the operator, the operator’s clothing, or operator’s personal floatation device. It is typically a coiled lanyard, but may also be an electronic fob.
- E. **MARINE SAFETY ZONE** - means an area of marine waters where special marine safety rules are instituted by the Executive Director of the MDMR.
- F. **MOTORBOAT** - means any undocumented vessel propelled by machinery, whether such machinery is the principal source of propulsion.
- G. **NO WAKE ZONE** - means 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 within one hundred (100) feet adjacent to any public harbor and/or public marina or within one hundred (100) feet of any public boat launching ramp facility.
- H. **OWNER** - means the person who claims lawful possession of a vessel by virtue of legal

title or equitable interest therein which entitles him to such possession.

- I. OPERATOR - means the person who operates or has charge of the navigation or use of a motorboat or vessel.
- J. PERSONAL FLOATATION DEVICE - means 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.
- K. PERSONAL WATERCRAFT - means 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.
- L. VENDOR - means an individual or company in the business of renting vessels or personal watercraft to the general public for their use.
- M. VESSEL - means every description of watercraft, other than seaplane on the water, used or capable of being used as a means of transportation on the water.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151 and 46 U.S.C.A §4312.

### **CHAPTER 03: RESTRICTIONS**

Rule 3.1 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 covered recreational vessel unless it is equipped with an engine cut-off switch and an engine cut-off switch link attached to the operator while operating on plane or above displacement speed except when:

- A. The main helm of the covered vessel is installed within an enclosed cabin; or
- B. The vessel does not have an engine cut off switch and is not required to have one because it is not considered a covered recreational vessel.

Rule 3.2 A vessel or personal watercraft livery (vendor) owner, or the livery owner's agent or employee shall prominently display these regulations governing personal watercraft:

- A. Advise renters to read the regulations.
- B. 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.

MISS. CODE ANN. §§ 59-21-81, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151 and 46 U.S.C.A §4312.



## **CHAPTER 04: RECKLESS AND NEGLIGENT OPERATION**

Rule 4.1 A person may not operate a vessel on the marine waters of the State of Mississippi in a reckless or negligent manner. Reckless and negligent operation of a vessel shall include, but is not limited to the following examples:

- A. 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.
- B. Jumping, or attempting to jump the wake of another vessel, within one hundred (100) feet of the vessel.
- C. Following within one hundred (100) feet of a water skier.
- D. Weaving through congested vessel traffic.
- E. Speeding in restricted or no wake areas.
- F. Operating a vessel or personal watercraft in a manner that endangers the life, limb, or property of any person, including the operator.
- G. 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.
- H. Towing a person/persons on water skis, aquaplane or a similar device during the hours between legal sunset and legal sunrise.
- I. Operating the vessel with operator visibility obscured due to passenger positioning.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

## **CHAPTER 05: PROCEDURES FOR ESTABLISHING NO WAKE ZONES**

Rule 5.1 No wake zones will be instituted pursuant to Miss. Code Ann. §59-21-129 and in instances as the need arises and according to this 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 MACMR for their evaluation and recommendation to the Executive Director for potential implementation.

Rule 5.2 This same procedure may be used by any citizen to request the removal or modification of an existing no wake zone.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-

129 and 59-21-151.

## **CHAPTER 6: ESTABLISHMENT OF TEMPORARY SPECIFIC NO WAKE ZONES; EMERGENCY RULE**

Rule 6.1 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.

Miss. Code Ann. §§ 59-21-117 and 59-21-129

## **CHAPTER 7: ESTABLISHMENT OF DESIGNATED MARINE SAFETY ZONES**

Rule 7.1 The Executive Director of the MDMR shall have the authority to establish Designated Marine Safety Zones on the waters under the jurisdiction of the MDMR. These zones may be established for, but are not limited to the following purposes:

- A. 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.
- B. Traffic and spectator control for marine events such as fireworks displays, boat races, or other like activities held on the marine waters.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

## **CHAPTER 8: PERMITS FOR EVENTS ON MARINE WATERS**

Rule 8.1 A permit is required by any person, organization or group sponsoring a regatta, motorboat or other race, marine parade, exhibition, firework displays etc.

Rule 8.2 Applications for such race or events shall be on a form prescribed by the MDMR and must contain the following information:

- A. Name, address and phone number of applicant.
- B. Date and time of event.
- C. Location and area impacted by event.
- D. Type of event.
- E. Support services requested.

Rule 8.3 Applicant must submit a copy of any entry requirements as well as any special rules pertaining to equipment, rigs or procedures.

Rule 8.4 Applicant must attach a section of a chart or a scale drawing showing the boundaries and/or course and markers contemplated.

Rule 8.5 Applicant is responsible for providing adequate protection from marine traffic interference and hazards.

Rule 8.6 Applications must be received by the MDMR no less than thirty (30) days prior to the date of the event.

Rule 8.7 The Executive Director of the MDMR is hereby granted the authority to issue permits for marine events.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

## **CHAPTER 9: RULES OF THE ROAD**

Rule 9.1 Nothing in this Chapter will excuse a boat operator from complying with any and all navigation laws and rules of the road as published in the United States Coast Guard Navigation Rules.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151, 33 C.F.R. Chapter I Subchapters E Part 83-90, F Part 95-97, G Part 100, S Part 173 and 188-199, 33 C.F.R 83.08, 33 C.F.R 81.1-81.3.

## **CHAPTER 10: PENALTIES**

Rule 10.1 Violations under this Part will be charged in accordance with the provisions of the Mississippi Boating Law of 1960, Miss. Code Ann. §59-21-1, *et seq.* Each day of a continuing violation constitutes a separate violation. In the case of continuing violations, each day shall constitute a separate offense. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

MISS. CODE ANN. §§ 59-21-153.

## **CHAPTER 11: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE**

Rule 11.1 Each chapter and subchapter of this Part is hereby declared separable, and if a 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.

Miss. Code Ann. §49-15-301.

LE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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

~~Chapter 01 Introduction~~ 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. the safe use and operation of vessels on the marine waters of the State of Mississippi.

~~Chapter 02 Justification and Authority~~ CHAPTER 02: DEFINITIONS

~~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~~

Rule 2.1 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.~~

N. COVERED RECREATIONAL VESSEL – means a recreational vessel that is less than 26 ft. overall in length and capable of developing 115 pounds or more of static thrust.

O. ENFORCING AUTHORITY - means Marine Patrol Officers of the Mississippi Department of Marine Resources (MDMR) or any other duly deputized law enforcement officer of the State of Mississippi.

P. ENGINE CUT-OFF SWITCH (ECOS) – An Engine Cut-off Switch is a safety mechanism used to shut off propulsion machinery when the operator is displaced from the helm.

Q. ENGINE CUT-OFF SWITCH LINK (ECOSL) – An ECOSL is the device that connects the operator to the ECOS. The link must be attached to the operator, the operator's clothing, or operator's personal floatation device. It is typically a coiled lanyard, but may also be an electronic fob.

- R. MARINE SAFETY ZONE - means an area of marine waters where special marine safety rules are instituted by the Executive Director of the MDMR.
- S. MOTORBOAT - means any undocumented vessel propelled by machinery, whether such machinery is the principal source of propulsion.
- T. NO WAKE ZONE - means 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 within one hundred (100) feet adjacent to any public harbor and/or public marina or within one hundred (100) feet of any public boat launching ramp facility.
- U. OWNER - means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.
- V. OPERATOR - means the person who operates or has charge of the navigation or use of a motorboat or vessel.
- W. PERSONAL FLOATATION DEVICE - means 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.
- X. PERSONAL WATERCRAFT - means 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.
- Y. VENDOR - means an individual or company in the business of renting vessels or personal watercraft to the general public for their use.
- Z. VESSEL - means every description of watercraft, other than seaplane on the water, used or capable of being used as a means of transportation on the water.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151 and 46 U.S.C.A §4312.

#### **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~~ CHAPTER 03: RESTRICTIONS**

~~100~~ Rule 3.1 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 or any other covered recreational vessel unless it is equipped with an engine cut-off switch and an engine cut-off switch link attached to the operator while operating on plane or above displacement speed except when: 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.~~  
A. The main helm of the covered vessel is installed within an enclosed cabin; or  
B. The vessel does not have an engine cut-off switch and is not required to have one because it is not considered a covered recreational vessel.

~~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~~ Rule 3.2 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~~ A. Advise renters to read the regulations.  
~~102.02~~ B. 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.

MISS. CODE ANN. §§ 59-21-81, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151 and 46 U.S.C.A §4312.

## ~~Chapter 06 Reckless and Negligent Operation~~ **CHAPTER 04: RECKLESS AND NEGLIGENT OPERATION**

~~100~~ Rule 4.1 A person may not operate a vessel 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~~ A. 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~~ B. Jumping, or attempting to jump the wake of another vessel, within one hundred (100) feet of the vessel.  
~~100.03~~ C. Following within one hundred (100) feet of a water skier.  
~~100.04~~ D. Weaving through congested vessel traffic.  
~~100.05~~ E. Speeding in restricted or no wake areas.  
~~100.06~~ F. Operating a vessel or personal watercraft in a manner that endangers the life, limb, or property of any person, including the operator.  
~~100.07~~ G. 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~~ H. Operating the vessel with operator visibility obscured due to passenger positioning.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

~~Chapter 07 Designated No Wake Zones~~ **CHAPTER 05: PROCEDURES FOR ESTABLISHING NO WAKE ZONES**

~~100 General No Wake Zones~~

~~100.01 Within and one hundred (100) feet adjacent to any public harbor and/or public marina.~~

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

~~Chapter 08 Specific No Wake Zones~~

~~100~~ Rule 5.1 No wake zones will be instituted ~~in~~ pursuant to Miss. Code Ann. §59-21-129 and 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 MACMR for their evaluation and ~~potential implementation~~ and recommendation to the Executive Director for potential implementation.

~~101~~ Rule 5.2 This same procedure may be used by any citizen to request the removal or modification of an existing no wake zone.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-129 and 59-21-151.

~~Chapter 09 06~~ **Establishment of Temporary Specific No Wake Zones; Emergency Rule**

~~100~~ Rule 6.1 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.

Miss. Code Ann. §§ 59-21-117 and 59-21-129

**Chapter ~~10~~ 07: Establishment of Designated Marine Safety Zones**

~~100~~ Rule 7.1 The Executive Director of the MDMR shall have the authority to establish Designated Marine Safety Zones on the waters under the jurisdiction of the MDMR ~~MCMR~~. These zones may be established for, but are not limited to the following purposes:

~~100.01~~ A. 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~~ B. Traffic and spectator control for marine events such as fireworks displays, boat races, or other like activities held on the marine waters.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

**Chapter ~~11~~ 08: Permits for Events on Marine Waters**

~~100~~ Rule 8.1 A permit ~~shall be~~ is required by any person, organization or group sponsoring a regatta, motor boat or other race, marine parade, exhibition, etc.

~~101~~ Rule 8.2 Applications for such race or events shall be on a form prescribed by the MDMR and must contain the following information:

~~101.01~~ A. Name, address and phone number of applicant

~~101.02~~ B. Date and time of event

~~101.03~~ C. Location and area impacted by event

~~101.04~~ D. Type of event

~~101.05~~ E. Support services requested

~~102~~ Rule 8.3 Applicant must submit a copy of any entry requirements as well as any special rules pertaining to equipment, rigs or procedures.

~~103~~ Rule 8.4 Applicant shall attach a section of a chart or a scale drawing showing the boundaries and/or course and markers contemplated.

~~104~~ Rule 8.5 Applicant shall be responsible for providing adequate protection from marine traffic interference and hazards.

~~105~~ Rule 8.6 Applications must be received by the MDMR no less than thirty (30) days prior to the date of the event.

406 Rule 8.7 The Executive Director of the MDMR is hereby granted the authority to issue permits for marine events.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

~~Chapter 12 Penalties~~ **CHAPTER 09: RULES OF THE ROAD**

~~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.~~

Rule 9.1 Nothing in this Chapter will excuse a boat operator from complying with any and all navigation laws and rules of the road as published in the United States Coast Guard Navigation Rules.

MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151, 33 C.F.R. Chapter I Subchapters E Part 83-90, F Part 95-97, G Part 100, S Part 173 and 188-199, 33 C.F.R 83.08, 33 C.F.R 81.1-81.3.

~~Chapter 13 Chapters and Subchapters Declared Separable~~ **CHAPTER 10: PENALTIES**

~~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.~~

Rule 10.1 Violations under this Part will be charged in accordance with the provisions of the Mississippi Boating Law of 1960, Miss. Code Ann. §59-21-1, et seq. Each day of a continuing violation constitutes a separate violation. In the case of continuing violations, each day shall constitute a separate offense. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

MISS. CODE ANN. §§ 59-21-153.

~~Chapter 14 Administrative Procedures Act~~ **CHAPTER 11: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE**

~~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.

Rule 11.1 Each chapter and subchapter of this Part is hereby declared separable, and if a 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.

Miss. Code Ann. §49-15-301.

~~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 16th of April, 2010.~~

Adopted this the 16<sup>th</sup> day of March 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