

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.