

SENATE FILE

87 LSO-0206

SENATE FILE 0134

SF0134FT03

AN ACT to create W.S. 41-13-219; and to amend W.S. 41-13-101(a)(ix), 41-13-104(f), (h), (k) and (m), 41-13-206 and by creating new subsections (c) through (g), 41-13-210, 41-13-211 by creating a new subsection (c), 41-13-212 by creating a new subsection (e) and 41-13-216(a) relating to watercraft regulation; increasing certain fees; amending specified safety provisions; prohibiting operating watercraft with a blood alcohol content of 0.10% or more; prohibiting any person under 16 years of age who is not accompanied by an adult from operating a motorboat; increasing penalties for operating watercraft while under the influence; and providing for an effective date.

Introduced by:

Sen. Sullivan: Veterans

DATE	ACTION	DATE	ACTION
JAN 15 1987	INTRODUCED	FEB 18 1987	RETURNED
	READ FIRST TIME		Recommended Amend and By Pass <i>9 ays</i>
	REFERRED TO COM. NO. <u>8</u>	FEB 23 1987	CONSIDERED IN COM. OF WHOLE
	DELIVERED TO LSO FOR PRINTING		Standing Com. Amendment SF134 HSI/AE
	RETURNED FROM LSO FOR PRINTED		Adopted
	DELIVERED TO COM. NO. <u>8</u>		Com. of Whole Amendment SF134 HW1/AE
JAN 23 1987	STANDING COMM. REPORT		Adopted
	RECOMMENDED DO PASS AS AMENDED		Recommended as follows SF134 HW2/AE
FEB 2 1987	CONSIDERED ON COM. OF WHOLE		Adopted
	STANDING COM. AMDT. ADOPTED SF0134SS1/A		Recommended do pass
	AMENDED AS FOLLOWS SF0134SW1/A	FEB 24 1987	READ SECOND TIME
	DO PASS	FEB 25 1987	READ THIRD TIME
FEB 3 1987	READ SECOND TIME		Recommended as follows SF134 H31/AE
	DO PASS		Adopted
FEB 4 1987	READ THIRD TIME		Recommended as follows SF134 H32/AE
	AYES 15 NOES 14 PASSED 1 ABSENT 0		Adopted
FEB 4 1987	Struck Action for Enroll. Amendment		PASSED
	AYES 17 NOES 11 PASSED 1 ABSENT 1		47 Ayes 15 Excused Absent 2
	READ THIRD TIME <i>later reconsideration</i>		to Senate
	AYES 16 NOES 13 PASSED 1 ABSENT 0	FEB 24 1987	Received Amended
	SENT TO HOUSE		Senate did Concur on House Amendment
JAN 5 1987	ENGROSSED		Ayes 23 Noes 5 Excused 0 Absent 2
	<i>Sent to House</i>		Delivered to Enrolling Section
FEB 5 1987	READ FIRST TIME	FEB 26 1987	Received
	REFERRED TO COM. NO. <u>8</u>		Delivered to Enrolling Section
	DELIVERED TO COM. NO. <u>8</u>		2-28-87 SEA No. 80 Signed by Pres.
			2-28-87 Signed by Speaker
			5-2-87 Approved by Senate
			Chapter No. 122, Sec. 2

CONTINUED ON BACK

SF 134 Do Concurs Date 2/26/87

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BURNETT			✓	
CUNDALL		✓		
DIXON				✓
DUSL			✓	
EDDINS			✓	
FANOS			✓	
FRISBY			✓	
GRIEVE			✓	
HEALY			✓	
HERBST			✓	
HICKEY				✓
HINKLEY Whaley			✓	
KINNEY			✓	
LARSON			✓	
MADER			✓	
NORRIS		✓		
PERRY			✓	
PREVEDEL			✓	
REESE				✓
SCHMIDT			✓	
SCOTT			✓	
STROOCK			✓	
SULLIVAN			✓	
TRUE			✓	
TURNER				
TWIFORD			✓	
VINICH				✓
WIEDERSPAHN			✓	
ZIMMER				✓
MR. PRESIDENT			✓	

PRESENT	AYES	23
	NOES	5
	EXCUSED	0
	ABSENT	2
	TOTAL	30

521343rdDate 2-4-87

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BURNETT			✓	
CUNDALL				✓
DIXON				✓
DUSL				✓
EDDINS	✓			
FANOS			✓	
FRISBY			✓	
GRIEVE				✓
HEALY			✓	
HERBST			✓	
HICKEY				✓
HICKLEY Whaley			✓	
KINNEY			✓	
LARSON			✓	
MADER				✓
NORRIS				✓
PERRY				✓
PREVEDEL			✓	
REESE				✓
SCHMIDT			✓	
SCOTT				✓
STROOCK				✓
SULLIVAN			✓	
TRUE			✓	
TURNER				
TWIFORD			✓	
VINICH				✓
WIEDERSPAHN			✓	
ZIMMER				✓
MR. PRESIDENT			✓	

PRESENT

AYES

16

NOES

13

EXCUSED

6

ABSENT

0

TOTAL

30

SE 134
 # RECONSIDER UPDE Date 2-4-87

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BURNETT			✓	
CUNDALL			0	✓
DIXON				✓
DUSL			✓	
EDDINS	✓			
FANOS			✓	
FRISBY			✓	
GRIEVE				✓
HEALY			✓	
HERBST			✓	
HICKEY				✓
HINCKLEY Whaley			✓	
KINNEY			✓	
LARSON			✓	
MADER				✓
NORRIS				✓
PERRY			✓	
PREVEDEL				✓
REESE				✓
SCHMIDT				✓
SCOTT			✓	
STROOCK			✓	
SULLIVAN			✓	
TRUE			✓	
TURNER				
TWIFORD		✓		
VINICH				✓
WIEDERSPAHN			✓	
ZIMMER				✓
MR. PRESIDENT			✓	

PRESENT	AYES	17
	NOES	11
	EXCUSED	1
	ABSENT	1
	TOTAL	30

5F 134 3rd Date 2/4/87

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BURNETT			✓	
CUNDALL				✓
DIXON				✓
DUSL				✓
EDDINS				✓
FANOS			✓	
FRISBY			✓	
GRIEVE				✓
HEALY			✓	
HERBST			✓	
HICKEY				✓
HINCKLEY Whaley			✓	
KINNEY			✓	
LARSON			✓	
MADER				✓
NORRIS				✓
PERRY				✓
PREVEDEL			✓	
REESE				✓
SCHMIDT			✓	
SCOTT				✓
STROOCK				✓
SULLIVAN	✓			
TRUE			✓	
TURNER				
TWIFORD			✓	
VINICH				✓
WIEDERSPAHN			✓	
ZIMMER				✓
MR. PRESIDENT			✓	

PRESENT _____

AYES 15

NOES 14

EXCUSED 1

ABSENT 0

TOTAL 30

15134 House Reading Date 8/25/87

HOUSE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE		✓		
BEBOUT	✓	✓			O'TOOLE	✓			
BEHRENS	✓				PARKER		✓		
BIRLEFFI	✓				PERKINS, D.	✓			
BLACKWELL	✓	✓			PERKINS, J.		✓		
BUDD	✓	✓			PLANT	✓			
BURTON	✓				RANKINE	✓	✓		
BYRD	✓				RATLIFF	✓	✓		
CAMERON	✓				ROBERTSON	✓			
CHAMBERLAIN	✓				ROHRBACH	✓			
CROSS	✓				RYCKMAN	✓			
CROWLEY	✓				SCHWOPE	✓			
CUBIN	✓				SHREVE	✓			
DICKEY	✓				SIMONS	✓			
ENZI	✓				STAUFFER	✓			
FREUDENTHAL	✓				TATE	✓	✓		
GERINGER	✓				TEMPEST	✓			
GRANT	✓				THOMAS	✓			
GUICE	✓	✓			TIBBS	✓			
HAGEMAN	✓				TIPPETS	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓	✓		
HINES	✓				WALLIS	✓			✓
HONAKER	✓				WEAVER	✓			
HOWARD	✓				WILLFORD	✓	✓		
HUMPHREY	✓				WOLFLEY	✓			✓
JENSEN	✓				ZIMMERMAN	✓			
LUMMIS	✓				ZUMBRUNNEN	✓			
MACMILLAN	✓	✓			MR. SPEAKER	✓			
MALDONADO	✓	✓			PRESENT		AYES		47
MARTON	✓	✓					NOES		15
MICILVAIN	✓						EXCUSED		
MORRIS	✓						ABSENT		2
MICHEL	✓						TOTAL		64
MILLER	✓						LESS		17
MURPHY	✓								47

1 SF0134HW1/F (TO ENGROSSED COPY)
2 Page 1-line 11 Delete "15" insert "16".
3 Page 2-line 9 Delete "fifteen (15)" insert "sixteen
4 (16)". CHAMBERLAIN *dy*

1 SF0134HW3/F (TO ENGROSSED COPY)
2 Page 2-line 1 After "motorboat" insert "on certain days".
3 Page 2-line 6 After "." insert "(a) Except as provided
4 in subsection (b) of this section,".
5 Page 2-After line 11 Insert:
6 "(b) Subsection (a) of this section shall only apply
7 to the operation of motorboats on Saturdays, Sundays and
8 legal holidays as defined in W.S. 8-4-101.". TIBBS *dy*

House of Intro				Second House					
_____	To Com. No.	_____	_____	_____	To Com No.	_____	_____		
_____	Stand Report	Do	Amd	Not	_____	Stand Report	Do	Amd	Not
_____	Com Whole	Do	Amd	Not	_____	Com Whole	Do	Amd	Not
_____	2nd Reading	Amd	_____	_____	_____	2nd Reading	Amd	_____	_____
_____	3rd Reading	Amd	Pass	Fail	_____	3rd Reading	Amd	Pass	Fail

INTRODUCED

1987

STATE OF WYOMING

87LSO-0206.01

SENATE FILE NO. 0134

Watercraft regulation amendments.

Sen Sullivan Premier True

Sponsored by: Senator(s) SULLIVAN and TRUE

A BILL

for

1 AN ACT to create W.S. 41-13-219; and to amend W.S.
2 41-13-101(a)(ix), 41-13-104(f), (h), (k) and (m),
3 41-13-109, 41-13-206 and by creating new subsections (c)
4 through (n), 41-13-210, 41-13-211 by creating a new sub-
5 section (c) and 41-13-212 by creating a new subsection (e)
6 relating to watercraft regulation; increasing registration
7 fees; amending specified safety provisions; prohibiting
8 operating watercraft with a blood alcohol content of 0.10%
9 or more; providing that operating watercraft is deemed to
10 be consent to a test for alcohol; prohibiting any person
11 under 15 years of age from operating a motorboat; and pro-

1 viding for an effective date.

2 Be It Enacted by the Legislature of the State of Wyoming:

3 Section 1. W.S. 41-13-219 is created to read:

4 41-13-219. Age of operator of motorboat. No person
5 shall operate or be in actual physical control of a motor-
6 boat on the waters in this state unless he is at least
7 fifteen (15) years of age. No person shall knowingly per-
8 mit the operation of a motorboat on the waters of this
9 state by a person under fifteen (15) years of age.

10 Section 2. W.S. 41-13-101(a)(ix), 41-13-104(f), (h),
11 (k) and (m), 41-13-109, 41-13-206 and by creating new sub-
12 sections (c) through (n), 41-13-210, 41-13-211 by creating
13 a new subsection (c) and 41-13-212 by creating a new sub-
14 section (e) are amended to read:

15 41-13-101. Definitions; classification of motor-
16 boats.

17 (a) As used in this act:

18 (ix) "This act" means W.S. 41-13-101 through
19 ~~41-13-218~~ 41-13-219.

20 41-13-104. Application for number; award of number

1 and issuance of certificate; painting on boat; displaying
2 certificate; conformity with federal numbering system;
3 expiration and renewal of certificate; duplicates;
4 destruction, abandonment or sale of boat; manufacturers
5 and dealers.

6 (f) Every certificate of number awarded pursuant-to
7 ~~UNDER this act shall continue in full force and effect for~~
8 ~~a period of one (1) year and shall expire~~ EXPIRES ANNUALLY
9 on December 31 ~~each year~~ unless sooner terminated or dis-
10 continued ~~in accordance with the provisions of~~ UNDER this
11 act. A duplicate number may be obtained by owners, upon
12 application to the department by the payment of a fee of
13 ~~one dollar (\$1.00)~~ THREE DOLLARS (\$3.00). Certificates of
14 number may be renewed by the owner in the same manner pro-
15 vided for in the initial securing of the same.

16 (h) The purchaser of a motorboat may operate the
17 motorboat for fifteen (15) calendar days from the date of
18 purchase without a new certificate of number if upon
19 demand by a person authorized to enforce this act the new
20 owner can furnish proof of ownership and the date the
21 motorboat was acquired. Upon transfer of ownership of a
22 motorboat the current certificate of number may be trans-
23 ferred to the new owner upon application by the new owner

1 to the department, giving his name, address and the number
2 of the boat and upon payment of five dollars (\$5.00) AND
3 PRESENTATION OF PROOF OF TRANSFER. Upon receipt of appli-
4 cation and fee, the department shall transfer the certifi-
5 cate of number issued for the motorboat to the new owner.
6 Unless the application is made and fee paid within fifteen
7 (15) days, the motorboat shall be deemed to be without
8 certificate of number and it is unlawful for any person to
9 operate the motorboat until the certificate is issued.

10 (k) If any certificate of number becomes lost, muti-
11 lated or illegible, the owner of the motorboat for which
12 the same CERTIFICATE was issued may obtain a duplicate of
13 such THE certificate upon application therefor and the
14 payment of a fee of ~~one--dollar--(\$1.00)~~ THREE DOLLARS
15 (\$3.00).

16 (m) A person engaged in the manufacture or sale of
17 motorboats, ~~of-a-type-otherwise-required--to--be--numbered~~
18 ~~hereunder,~~ upon application to the department upon forms
19 prescribed by it, may obtain certificates of number for
20 use in the testing or demonstrating of ~~such-motorboat~~
21 THOSE MOTORBOATS upon payment of ~~three~~ FIVE dollars
22 ~~(\$3.00)~~ (\$5.00) for each registration. Certificates of
23 number so issued may be used by the applicant in the test-

1 ing or demonstrating of motorboats by temporary placement
2 of the numbers assigned by such THE certificates on the
3 watercraft so TO BE tested or demonstrated. Such-temporary
4 placement-of-numbers-shall--otherwise-be-as-prescribed--by
5 this-act.

6 41-13-109. Motorboat registration fees. Except as
7 otherwise provided, the annual registration fee for motor-
8 boats is ~~five~~ EIGHT dollars ~~(\$5.00)~~ (\$8.00).

9 41-13-206. Operation of watercraft by intoxicated or
10 drugged person prohibited.

11 (a) It ~~shall-be~~ IS unlawful for any person who is
12 under the influence of ~~intoxicating-liquor~~ ALCOHOL or nar-
13 ~~cotic--or--habit-forming-drugs~~ A CONTROLLED SUBSTANCE TO A
14 DEGREE WHICH RENDERS HIM INCAPABLE OF SAFELY OPERATING A
15 WATERCRAFT, to operate or be in actual physical control of
16 any watercraft.

17 (b) ~~It--shall--be--unlawful--for-the~~ NO owner of any
18 watercraft or any person having such-in charge or in con-
19 trol ~~to~~ OF A WATERCRAFT SHALL authorize or knowingly per-
20 mit ~~the-same~~ IT to be operated by any person who is under
21 the influence of ~~intoxicating-liquor, narcotic~~ ALCOHOL or
22 ~~habit-forming-drugs~~ A CONTROLLED SUBSTANCE.

1 (c) NO PERSON SHALL OPERATE OR BE IN ACTUAL PHYSICAL
2 CONTROL OF A WATERCRAFT WHILE THERE IS TEN-HUNDREDTHS OF
3 ONE PERCENT (0.10%) OR MORE BY WEIGHT OF ALCOHOL IN THE
4 PERSON'S BLOOD.

5 (d) IN ANY CRIMINAL PROSECUTION FOR A VIOLATION OF
6 THIS SECTION RELATING TO OPERATING A WATERCRAFT WHILE
7 UNDER THE INFLUENCE OF ALCOHOL, THE AMOUNT OF ALCOHOL IN
8 THE DEFENDANT'S BLOOD, URINE, BREATH OR OTHER BODILY SUB-
9 STANCE SHALL GIVE RISE TO THE FOLLOWING PRESUMPTIONS:

10 (i) IF THERE WAS AT THAT TIME FIVE-HUNDREDTHS
11 OF ONE PERCENT (0.05%) OR LESS BY WEIGHT OF ALCOHOL IN THE
12 DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE DEFENDANT
13 WAS NOT UNDER THE INFLUENCE OF ALCOHOL;

14 (ii) IF THERE WAS AT THAT TIME IN EXCESS OF
15 FIVE-HUNDREDTHS OF ONE PERCENT (0.05%) BUT LESS THAN TEN
16 HUNDREDTHS OF ONE PERCENT (0.10%) BY WEIGHT OF ALCOHOL IN
17 THE DEFENDANT'S BLOOD, THAT FACT SHALL NOT GIVE RISE TO
18 ANY PRESUMPTION THAT THE DEFENDANT WAS OR WAS NOT UNDER
19 THE INFLUENCE OF ALCOHOL, BUT IT MAY BE CONSIDERED WITH
20 OTHER COMPETENT EVIDENCE IN DETERMINING THE GUILT OR INNO-
21 CENCE OF THE DEFENDANT.

22 (e) NOTHING IN SUBSECTION (d) OF THIS SECTION SHALL

1 BE CONSTRUED AS LIMITING THE INTRODUCTION OF ANY OTHER
2 COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER OR
3 NOT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL.

4 (f) PERCENT BY WEIGHT OF ALCOHOL IN THE BLOOD SHALL
5 BE BASED ON GRAMS OF ALCOHOL PER ONE HUNDRED (100) CUBIC
6 CENTIMETERS OF BLOOD.

7 (g) IF ARRESTED FOR VIOLATING SUBSECTION (a) OF THIS
8 SECTION, ANY PERSON WHO OPERATES OR IS IN ACTUAL PHYSICAL
9 CONTROL OF A WATERCRAFT UPON THE WATERS OF THIS STATE IS
10 DEEMED TO HAVE GIVEN CONSENT TO A TEST OR TESTS OF HIS
11 BLOOD, BREATH OR URINE FOR THE PURPOSES OF DETERMINING THE
12 ALCOHOL OR CONTROLLED SUBSTANCE CONTENT OF HIS BLOOD. THE
13 TEST OR TESTS SHALL BE:

14 (i) INCIDENTAL TO A LAWFUL ARREST;

15 (ii) GIVEN AS PROMPTLY AS POSSIBLE AFTER THE
16 ARREST;

17 (iii) ADMINISTERED AT THE DIRECTION OF A PEACE
18 OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE THE PERSON WAS
19 OPERATING OR IN ACTUAL PHYSICAL CONTROL OF A WATERCRAFT
20 WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUB-
21 STANCE OR UNDER THE COMBINED INFLUENCE OF ALCOHOL OR ANY
22 CONTROLLED SUBSTANCE TO A DEGREE WHICH RENDERS HIM INCAPA-

1 BLE OF SAFELY OPERATING THE WATERCRAFT. THE PEACE OFFICER
2 WHO REQUIRES A TEST PURSUANT TO THIS SECTION MAY DIRECT
3 THAT THE TEST SHALL BE OF BLOOD, BREATH OR URINE. HOW-
4 EVER, IF THE OFFICER DIRECTS THAT THE TEST BE OF THE
5 PERSON'S BLOOD OR URINE, THE PERSON MAY CHOOSE WHETHER THE
6 TEST SHALL BE OF BLOOD OR URINE. THE PERSON HAS THIS
7 OPTION UNLESS THE PEACE OFFICER HAS PROBABLE CAUSE TO
8 BELIEVE THERE IS IMPAIRMENT BY A CONTROLLED SUBSTANCE
9 WHICH IS NOT SUBJECT TO TESTING BY A BLOOD OR BREATH TEST
10 IN WHICH CASE A URINE TEST MAY BE REQUIRED.

11 (h) FOR TESTS REQUIRED UNDER THIS SECTION, THE
12 ARRESTED PERSON SHALL BE ADVISED THAT:

13 (i) HIS FAILURE TO SUBMIT TO ALL REQUIRED
14 CHEMICAL TESTS REQUESTED BY THE PEACE OFFICE MAY RESULT IN
15 THE REVOCATION FOR ONE (1) YEAR OF THE REGISTRATION OF THE
16 WATERCRAFT;

17 (ii) IF A TEST IS TAKEN AND THE RESULTS INDI-
18 CATE THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL, HE MAY
19 BE SUBJECT TO CRIMINAL PENALTIES;

20 (iii) HE MAY GO TO THE NEAREST HOSPITAL OR
21 CLINIC AND SECURE ANY OR ALL REQUIRED TESTS AT HIS OWN
22 EXPENSE OR ANY REMAINING REQUIRED TESTS SHALL BE ADMINIS-

1 TERED BY A PERSON AT A PLACE AND IN A MANNER PRESCRIBED BY
2 AND AT THE EXPENSE OF THE AGENCY EMPLOYING THE PEACE OFFI-
3 CER.

4 (j) RESULTS OF TESTS OBTAINED AT THE ARRESTED
5 PERSON'S EXPENSE SHALL BE MADE AVAILABLE TO THE ARRESTING
6 OFFICER AND THE ARRESTED PERSON. DISCLOSURE OF THE TEST
7 RESULTS BY THE PERSON ADMINISTERING THE TEST IS NOT A
8 VIOLATION OF THE DOCTOR-PATIENT RELATIONSHIP. ANY PERSON
9 DEAD, UNCONSCIOUS OR OTHERWISE IN A CONDITION RENDERING
10 HIM INCAPABLE OF REFUSAL TO SUBMIT TO THE TESTS IS DEEMED
11 TO HAVE GIVEN HIS CONSENT PROVIDED BY SUBSECTION (g) OF
12 THIS SECTION AND THE TESTS MAY BE ADMINISTERED SUBJECT TO
13 THE PROVISIONS OF THIS ACT.

14 (k) IF A PERSON UNDER ARREST REFUSES UPON THE
15 REQUEST OF A PEACE OFFICER TO SUBMIT TO A CHEMICAL TEST
16 DESIGNATED BY THE AGENCY EMPLOYING THE PEACE OFFICER AS
17 PROVIDED IN THIS SECTION, NONE SHALL BE GIVEN BUT EVIDENCE
18 OF THE REFUSAL TO SUBMIT TO A TEST IS ADMISSIBLE IN A
19 PROSECUTION FOR VIOLATION OF THIS SECTION. THE PEACE
20 OFFICER SHALL SUBMIT HIS SIGNED STATEMENT TO THE DEPART-
21 MENT. UPON RECEIPT OF THE STATEMENT THE DEPARTMENT SHALL
22 REVOKE THE REGISTRATION OF THE WATERCRAFT FOR ONE (1) YEAR
23 IF THE PERSON IS THE OWNER, SUBJECT TO REVIEW AS PROVIDED

1 IN THIS SECTION. THE STATEMENT SUBMITTED BY THE OFFICER
2 SHALL CONTAIN:

3 (i) HIS PROBABLE CAUSE TO BELIEVE THE ARRESTED
4 PERSON WAS OPERATING OR IN ACTUAL PHYSICAL CONTROL OF A
5 WATERCRAFT IN THIS STATE WHILE UNDER THE INFLUENCE OF
6 ALCOHOL OR A CONTROLLED SUBSTANCE TO A DEGREE WHICH REN-
7 DERED HIM INCAPABLE OF SAFELY OPERATING THE WATERCRAFT;
8 AND

9 (ii) THAT THE PERSON REFUSED TO SUBMIT TO A
10 TEST UPON THE REQUEST OF THE PEACE OFFICER.

11 (m) FOR THE PURPOSES OF THIS SECTION, THE SIGNED
12 STATEMENT SUBMITTED BY THE PEACE OFFICER SHALL BE DEEMED A
13 SWORN STATEMENT AND SHALL BE SUBJECT TO PENALTIES FOR PER-
14 JURY.

15 (n) NO REGISTRATION SHALL BE REVOKED UNDER THIS SEC-
16 TION WITHOUT NOTICE AND AN OPPORTUNITY FOR HEARING. HEAR-
17 INGS SHALL BE CONDUCTED BY THE INDEPENDENT HEARING EXAM-
18 INER ESTABLISHED UNDER W.S. 31-7-105. THE PROCEDURES FOR
19 AND SCOPE OF THE HEARING SHALL BE AS PROVIDED IN W.S.
20 31-6-103 AND 31-6-104. W.S. 31-6-105 AND 31-6-106 APPLY
21 TO CHEMICAL TESTS UNDER THIS SECTION.

22 41-13-210. Riding on gunwales or bow decking prohib-

1 ited; exceptions. No person operating a motorboat of
2 ~~twenty-six-(26)-feet-or-less-in--length~~ shall allow any
3 person to ride or sit on either the starboard or port gun-
4 wales thereof or on the decking over the bow of the vessel
5 while underway unless such motorboat is provided with ade-
6 quate guards or railing to prevent passengers from being
7 lost overboard. Nothing in this section shall be construed
8 to mean that passengers or other persons aboard a motor-
9 boat cannot occupy the decking over the bow of the boat to
10 moor the watercraft to a mooring buoy or to cast off from
11 such a buoy, or for any other necessary purpose.

12 41-13-211. Buoys and markers; Operation in marked
13 restricted areas prohibited; exceptions.

14 (c) NO PERSON SHALL TIE-OFF, MOOR OR ATTACH ANY
15 WATERCRAFT TO ANY REGULATORY BUOY OR WATERWAY MARKING
16 DEVICE.

17 41-13-212. Motorboat pulling skier, etc., to be
18 occupied by at least 2 persons; hours of operation; use of
19 care; exceptions.

20 (e) THE PERSON REQUIRED TO BE IN A MOTORBOAT UNDER
21 SUBSECTION (a) OF THIS SECTION WHO IS NOT OPERATING THE
22 MOTORBOAT SHALL:

1 (i) CONTINUOUSLY OBSERVE THE PERSON BEING
2 TOWED;

3 (ii) DISPLAY A FLAG IMMEDIATELY AFTER THE PER-
4 SON BEING TOWED FALLS INTO THE WATER AND DURING THE TIME
5 PREPARATORY TO SKIING WHILE THE PERSON IS STILL IN THE
6 WATER. THE FLAG SHALL BE A BRIGHT OR BRILLIANT ORANGE OR
7 RED, MEASURE AT LEAST TWELVE (12) INCHES ON EACH SIDE, BE
8 MOUNTED ON A HANDLE AND BE DISPLAYED AS TO BE VISIBLE FROM
9 ALL DIRECTIONS.

10 Section 3. This act is effective May 22, 1987 except
11 that the changes to the amounts of fees specified in Sec-
12 tion 2 of this act are not effective until January 1,
13 1988.

14 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 1988</u>	<u>FY 1989</u>	<u>FY 1990</u>
Game and Fish Fund	\$58,000.00	\$58,000.00	\$58,000.00
TOTAL ESTIMATED REVENUE	\$58,000.00	\$58,000.00	\$58,000.00

=====

<u>Anticipated COST to:</u>	<u>FY 19</u>	<u>FY 19</u>	<u>FY 19</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED COST	_____	_____	_____

=====

1. According to a spokesman for the Game and Fish Department, it is estimated that passage of this measure could result in annual revenue of \$58,000, with some increased training costs possibly.
2. No apparent personnel impact.

✓ 1 SF0134HS1/AK (TO ENGROSSED COPY)

- 2 ✓ Page 1-line 3 Delete "41-13-109,".
- 3 ✓ Page 1-line 7 Delete "registration" insert "certain".
- 4 ✓ Page 2-line 7 After "a" insert "numbered".
- 5 ✓ Page 2-line 10 After "a" insert "numbered".
- 6 ✓ Page 2-line 13 Delete "41-13-109,".
- 7 ✓ Page 5-lines 7 through 9 Delete. BUDD, CHAIRMAN
Adopted *on*

1 ✓ SF0134HW1/ACE (TO ENGROSSED COPY)

- 2 ✓ Page 3-line 14 Reinsert stricken language; delete "THREE
3 DOLLARS (\$3.00)".
- 4 ✓ Page 4-line 15 Reinsert stricken language; delete "THREE
5 DOLLARS".
- 6 ✓ Page 4-line 16 Delete "(\$3.00)".
- 7 ✓ Page 4-line 22 Reinsert stricken "three"; delete "FIVE".
- 8 ✓ Page 4-line 23 Reinsert stricken "~~(\$3.00)~~"; delete
9 "(\$5.00)". CHAMBERLAIN *mw* Adopted
(Cmt.)

- 1 Chamberlain committee of the whole amend-
2 ment (SF0134HW1/AE) to these lines.
- 3 ☒ Page 9-lines 1 through 23 Delete entirely including the
4 Chamberlain committee of the whole amend-
5 ment (SF0134HW1/AE) to these lines.
- 6 ☒ Page 10-lines 1 through 22 Delete entirely including the
7 Chamberlain committee of the whole amend-
8 ment (SF0134HW1/AE) to these lines.
- 9 ☒ Page 11-line 1 Delete entirely. ROHRBACH

- 1 ☒ SF0134HW2/AE (TO ENGROSSED COPY)
- 2 ☒ Page 1-line 4 Delete "(n)" insert "(g)".
- 3 ☒ Page 1-line 9 After ";" delete balance of line.
- 4 ☒ Page 1-line 10 Delete.
- 5 ☒ Page 2-line 14 Delete "(n)" insert "(g)".
- 6 ☒ Page 5-line 13 Delete "ALCOHOL"; strike "or".
- 7 ☒ Page 5-line 14 Delete the Chamberlain committee of the
8 whole amendment (SF0134HW1/AE) to this line
9 and further amend as follows: after the
10 stricken "drugs" insert "ALCOHOL"; after
11 "SUBSTANCE" insert "OR A COMBINATION
12 THEREOF".
- 13 ☒ Page 5-line 22 Delete "ALCOHOL"; strike "or".
- 14 ☒ Page 6-line 1 After the stricken "drugs" insert
15 "ALCOHOL"; after "SUBSTANCE" insert "OR
16 COMBINATION THEREOF IN VIOLATION OF
17 SUBSECTIONS (a) OR (c) OF THIS SECTION".
- 18 ☒ Page 6-line 3 After "WATERCRAFT" insert ": (i)".
- 19 ☒ Page 6-line 5 After "BLOOD" insert "; OR (ii) IF THE PER-
20 SON HAS AN ALCOHOL CONCENTRATION OF
21 TEN-HUNDREDTHS OF ONE PERCENT (0.10%) OR
22 MORE BY WEIGHT OF ALCOHOL IN THE PERSON'S
23 BLOOD AS MEASURED WITHIN TWO (2) HOURS OF
24 THE TIME OF OPERATION OR ACTUAL PHYSICAL
25 CONTROL".
- 26 ☒ Page 7-line 4 After "." insert "THE FACT THAT ANY PERSON
27 CHARGED WITH A VIOLATION OF SUBSECTION (a)
28 OF THIS SECTION IS OR HAS BEEN ENTITLED TO
29 USE THE CONTROLLED SUBSTANCE UNDER THE LAWS
30 OF THIS STATE SHALL NOT CONSTITUTE A
31 DEFENSE AGAINST ANY CHARGE UNDER THIS SEC-
32 TION. IT IS AN AFFIRMATIVE DEFENSE TO A
33 VIOLATION OF PARAGRAPH (c)(ii) OF THIS SEC-
34 TION THAT THE DEFENDANT CONSUMED A SUFFI-
35 CIENT QUANTITY OF ALCOHOL AFTER THE TIME OF
36 ACTUAL OPERATION OR PHYSICAL CONTROL OF A
37 WATERCRAFT AND BEFORE THE ADMINISTRATION OF
38 THE EVIDENTIARY TEST TO CAUSE THE
39 DEFENDANT'S ALCOHOL CONCENTRATION TO EXCEED
40 0.10 BUT EVIDENCE OF THE CONSUMPTION MAY
41 NOT BE ADMITTED UNLESS NOTICE IS GIVEN TO
42 THE PROSECUTION PURSUANT TO WYOMING RULE OF
43 CRIMINAL PROCEDURE 16.1. AS USED IN THIS
44 SECTION, "CONTROLLED SUBSTANCE" MEANS AS
45 DEFINED IN W.S. 35-7-1002(a)(iv)".
- 46 ☒ Page 7-lines 8 through 21 Delete entirely.
- 47 ☒ Page 8-lines 1 through 22 Delete entirely including the

1 ✓ SF0134H32/AE (TO ENGROSSED COPY)

2 ✓ Page 1-line 4 In the Rohrbach committee of the whole
3 amendment (SF0134HW2/AE) to this line
4 delete "(f)" insert "(g)".

5 ✓ Page 2-line 14 In the Rohrbach committee of the whole
6 amendment (SF0134HW2/AE) to this line
7 delete "(f)" insert "(g)".

8 Page 7-After line 7 Insert:

9 "(g) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
10 AUTHORIZE A VIOLATION OF THE WYOMING CONTROLLED SUBSTANCES
11 ACT." CHAMBERLAIN

Adopted

MM

SF0134SS1/A

- ✕ Page 1-line 5 Delete "and" insert ","; after "(e)" insert "and 41-13-216(a)".
- ✕ Page 1-line 11 After ";" insert "increasing penalties for operating watercraft while under the influence;".
- ✕ Page 2-line 13 Delete "and" insert ",".
- ✕ Page 2-line 14 After "(e)" insert "and 41-13-216(a)".
- ✓ Page 12-After Line 9 Insert:

"41-13-216. Penalties for violations; suspension of privilege to operate; operating while privilege suspended.

(a) Any person who violates or fails to comply with a duty required by W.S. ~~41-13-206~~ 41-13-207 through 41-13-212 is guilty of a misdemeanor ~~and--upon--conviction--shall--be~~ PUNISHABLE BY A FINE OF not more than one hundred dollars (\$100.00), imprisoned IMPRISONMENT FOR not more than thirty (30) days, or both, and may be refused the privilege of operating any watercraft on any of the waterways of this state for not more than two (2) years. ANY PERSON WHO VIOLATES W.S. 41-13-206 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS (\$750.00), IMPRISONMENT FOR NOT MORE THAN SIX (6) MONTHS, OR BOTH, AND MAY BE REFUSED THE PRIVILEGE OF OPERATING ANY WATERCRAFT ON ANY OF THE WATERWAYS OF THIS STATE FOR NOT MORE THAN TWO (2) YEARS.". -EDDINS

✓ SF0134SW1/A

- ✓ Page 12-lines 3 through 9 Delete entirely. -FRISBY

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

SF 0134H51/

Cheyenne, February 17, 1987

Mr. Speaker:

Your Committee No. 8 on TRANSPORTATION AND HIGHWAYS
to whom was referred Senate File No. 134 Engrossed
respectfully reports same back to the House with the recommendation that SF 134 Engrossed

"See attached schedule A"

Ayes

Noes

Excused

Byrd
Cubin
Parker
D. Perkins
J. Perkins
Plant
Tibbs
Williford
Budd

Don S. Budd

Chairman

dyf

SCHEDULE A

SF0134 (TO ENCROSSED COPY)

Page 1-line 3 Delete "41-13-109,".

Page 1-line 7 Delete "registration" insert "certain".

Page 2-line 7 After "a" insert "numbered".

Page 2-line 10 After "a" insert "numbered".

Page 2-line 13 Delete "41-13-109,".

Page 5-lines 7 through 9 Delete. BUDD, CHAIRMAN

House of Intro				Second House					
_____	To Com. No.	_____		_____	To Com No.	_____			
_____	Stand Report	Do	Amd	Not	_____	Stand Report	Do	Amd	Not
_____	Com Whole	Do	Amd	Not	_____	Com Whole	Do	Amd	Not
_____	2nd Reading	Amd			_____	2nd Reading	Amd		
_____	3rd Reading	Amd	Pass	Fail	_____	3rd Reading	Amd	Pass	Fail

1987

STATE OF WYOMING

87LSO-0206/eng

SENATE FILE NO. 0134

ENGROSSED

Watercraft regulation amendments.

Sponsored by: Senator(s) SULLIVAN and TRUE

A BILL

for

1 AN ACT to create W.S. 41-13-219; and to amend W.S.
2 41-13-101(a)(ix), 41-13-104(f), (h), (k) and (m),
3 41-13-109, 41-13-206 and by creating new subsections (c)
4 through (n), 41-13-210, 41-13-211 by creating a new sub-
5 section (c), 41-13-212 by creating a new subsection (e)
6 and 41-13-216(a) relating to watercraft regulation;
7 increasing registration fees; amending specified safety
8 provisions; prohibiting operating watercraft with a blood
9 alcohol content of 0.10% or more; providing that operating
10 watercraft is deemed to be consent to a test for alcohol;
11 prohibiting any person under 15 years of age from operat-

1 ing a motorboat; increasing penalties for operating water-
2 craft while under the influence; and providing for an
3 effective date.

4 Be It Enacted by the Legislature of the State of Wyoming:

5 Section 1. W.S. 41-13-219 is created to read:

6 41-13-219. Age of operator of motorboat. No person
7 shall operate or be in actual physical control of a motor-
8 boat on the waters in this state unless he is at least
9 fifteen (15) years of age. No person shall knowingly per-
10 mit the operation of a motorboat on the waters of this
11 state by a person under fifteen (15) years of age.

12 Section 2. W.S. 41-13-101(a)(ix), 41-13-104(f), (h),
13 (k) and (m), 41-13-109, 41-13-206 and by creating new sub-
14 sections (c) through (n), 41-13-210, 41-13-211 by creating
15 a new subsection (c), 41-13-212 by creating a new subsec-
16 tion (e) and 41-13-216(a) are amended to read:

17 41-13-101. Definitions; classification of motor-
18 boats.

19 (a) As used in this act:

20 (ix) "This act" means W.S. 41-13-101 through
21 ~~41-13-218~~ 41-13-219.

1 41-13-104. Application for number; award of number
2 and issuance of certificate; painting on boat; displaying
3 certificate; conformity with federal numbering system;
4 expiration and renewal of certificate; duplicates;
5 destruction, abandonment or sale of boat; manufacturers
6 and dealers.

7 (f) Every certificate of number awarded ~~pursuant to~~
8 UNDER this act ~~shall continue in full force and effect for~~
9 ~~a period of one (1) year and shall expire~~ EXPIRES ANNUALLY
10 on December 31 ~~each year~~ unless sooner terminated or dis-
11 continued ~~in accordance with the provisions of~~ UNDER this
12 act. A duplicate number may be obtained by owners, upon
13 application to the department by the payment of a fee of
14 ~~one dollar (\$1.00)~~ THREE DOLLARS (\$3.00). Certificates of
15 number may be renewed by the owner in the same manner pro-
16 vided for in the initial securing of the same.

17 (h) The purchaser of a motorboat may operate the
18 motorboat for fifteen (15) calendar days from the date of
19 purchase without a new certificate of number if upon
20 demand by a person authorized to enforce this act the new
21 owner can furnish proof of ownership and the date the
22 motorboat was acquired. Upon transfer of ownership of a
23 motorboat the current certificate of number may be trans-

1 ferred to the new owner upon application by the new owner
2 to the department, giving his name, address and the number
3 of the boat and upon payment of five dollars (\$5.00) AND
4 PRESENTATION OF PROOF OF TRANSFER. Upon receipt of appli-
5 cation and fee, the department shall transfer the certifi-
6 cate of number issued for the motorboat to the new owner.
7 Unless the application is made and fee paid within fifteen
8 (15) days, the motorboat shall be deemed to be without
9 certificate of number and it is unlawful for any person to
10 operate the motorboat until the certificate is issued.

11 (k) If any certificate of number becomes lost, muti-
12 lated or illegible, the owner of the motorboat for which
13 the same CERTIFICATE was issued may obtain a duplicate of
14 such THE certificate upon application therefor and the
15 payment of a fee of ~~one--dollar--(\$1.00)~~ THREE DOLLARS
16 (\$3.00).

17 (m) A person engaged in the manufacture or sale of
18 motorboats, ~~of-a-type-otherwise-required--to--be--numbered~~
19 ~~hereunder~~, upon application to the department upon forms
20 prescribed by it, may obtain certificates of number for
21 use in the testing or demonstrating of ~~such-motorboat~~
22 THOSE MOTORBOATS upon payment of ~~three~~ FIVE dollars
23 ~~(\$3.00)~~ (\$5.00) for each registration. Certificates of

1 number so issued may be used by the applicant in the test-
2 ing or demonstrating of motorboats by temporary placement
3 of the numbers assigned by such THE certificates on the
4 watercraft so TO BE tested or demonstrated. Such-temporary
5 placement-of-numbers-shall--otherwise-be-as-prescribed--by
6 this-act.

7 41-13-109. Motorboat registration fees. Except as
8 otherwise provided, the annual registration fee for motor-
9 boats is ~~five~~ EIGHT dollars ~~(\$5.00)~~ (\$8.00).

10 41-13-206. Operation of watercraft by intoxicated or
11 drugged person prohibited.

12 (a) It ~~shall-be~~ IS unlawful for any person who is
13 under the influence of ~~intoxicating-liquor~~ ALCOHOL or nar-
14 ~~cotic--or--habit-forming-drugs~~ A CONTROLLED SUBSTANCE TO A
15 DEGREE WHICH RENDERS HIM INCAPABLE OF SAFELY OPERATING A
16 WATERCRAFT, to operate or be in actual physical control of
17 any watercraft.

18 (b) ~~It--shall--be--unlawful--for-the~~ NO owner of any
19 watercraft or any person having ~~such-in~~ charge or in con-
20 trol ~~to~~ OF A WATERCRAFT SHALL authorize or knowingly per-
21 mit ~~the-same~~ IT to be operated by any person who is under
22 the influence of ~~intoxicating-liquor, narcotic~~ ALCOHOL or

1 ~~habit-forming-drugs~~ A CONTROLLED SUBSTANCE.

2 (c) NO PERSON SHALL OPERATE OR BE IN ACTUAL PHYSICAL
3 CONTROL OF A WATERCRAFT WHILE THERE IS TEN-HUNDREDTHS OF
4 ONE PERCENT (0.10%) OR MORE BY WEIGHT OF ALCOHOL IN THE
5 PERSON'S BLOOD.

6 (d) IN ANY CRIMINAL PROSECUTION FOR A VIOLATION OF
7 THIS SECTION RELATING TO OPERATING A WATERCRAFT WHILE
8 UNDER THE INFLUENCE OF ALCOHOL, THE AMOUNT OF ALCOHOL IN
9 THE DEFENDANT'S BLOOD, URINE, BREATH OR OTHER BODILY SUB-
10 STANCE SHALL GIVE RISE TO THE FOLLOWING PRESUMPTIONS:

11 (i) IF THERE WAS AT THAT TIME FIVE-HUNDREDTHS
12 OF ONE PERCENT (0.05%) OR LESS BY WEIGHT OF ALCOHOL IN THE
13 DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE DEFENDANT
14 WAS NOT UNDER THE INFLUENCE OF ALCOHOL;

15 (ii) IF THERE WAS AT THAT TIME IN EXCESS OF
16 FIVE-HUNDREDTHS OF ONE PERCENT (0.05%) BUT LESS THAN TEN
17 HUNDREDTHS OF ONE PERCENT (0.10%) BY WEIGHT OF ALCOHOL IN
18 THE DEFENDANT'S BLOOD, THAT FACT SHALL NOT GIVE RISE TO
19 ANY PRESUMPTION THAT THE DEFENDANT WAS OR WAS NOT UNDER
20 THE INFLUENCE OF ALCOHOL, BUT IT MAY BE CONSIDERED WITH
21 OTHER COMPETENT EVIDENCE IN DETERMINING THE GUILT OR INNO-
22 CENCE OF THE DEFENDANT.

1 (e) NOTHING IN SUBSECTION (d) OF THIS SECTION SHALL
2 BE CONSTRUED AS LIMITING THE INTRODUCTION OF ANY OTHER
3 COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER OR
4 NOT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL.

5 (f) PERCENT BY WEIGHT OF ALCOHOL IN THE BLOOD SHALL
6 BE BASED ON GRAMS OF ALCOHOL PER ONE HUNDRED (100) CUBIC
7 CENTIMETERS OF BLOOD.

8 (g) IF ARRESTED FOR VIOLATING SUBSECTION (a) OF THIS
9 SECTION, ANY PERSON WHO OPERATES OR IS IN ACTUAL PHYSICAL
10 CONTROL OF A WATERCRAFT UPON THE WATERS OF THIS STATE IS
11 DEEMED TO HAVE GIVEN CONSENT TO A TEST OR TESTS OF HIS
12 BLOOD, BREATH OR URINE FOR THE PURPOSES OF DETERMINING THE
13 ALCOHOL OR CONTROLLED SUBSTANCE CONTENT OF HIS BLOOD. THE
14 TEST OR TESTS SHALL BE:

15 (i) INCIDENTAL TO A LAWFUL ARREST;

16 (ii) GIVEN AS PROMPTLY AS POSSIBLE AFTER THE
17 ARREST;

18 (iii) ADMINISTERED AT THE DIRECTION OF A PEACE
19 OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE THE PERSON WAS
20 OPERATING OR IN ACTUAL PHYSICAL CONTROL OF A WATERCRAFT
21 WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUB-

1 STANCE OR UNDER THE COMBINED INFLUENCE OF ALCOHOL OR ANY
2 CONTROLLED SUBSTANCE TO A DEGREE WHICH RENDERS HIM INCAPA-
3 BLE OF SAFELY OPERATING THE WATERCRAFT. THE PEACE OFFICER
4 WHO REQUIRES A TEST PURSUANT TO THIS SECTION MAY DIRECT
5 THAT THE TEST SHALL BE OF BLOOD, BREATH OR URINE. HOW-
6 EVER, IF THE OFFICER DIRECTS THAT THE TEST BE OF THE
7 PERSON'S BLOOD OR URINE, THE PERSON MAY CHOOSE WHETHER THE
8 TEST SHALL BE OF BLOOD OR URINE. THE PERSON HAS THIS
9 OPTION UNLESS THE PEACE OFFICER HAS PROBABLE CAUSE TO
10 BELIEVE THERE IS IMPAIRMENT BY A CONTROLLED SUBSTANCE
11 WHICH IS NOT SUBJECT TO TESTING BY A BLOOD OR BREATH TEST
12 IN WHICH CASE A URINE TEST MAY BE REQUIRED.

13 (h) FOR TESTS REQUIRED UNDER THIS SECTION, THE
14 ARRESTED PERSON SHALL BE ADVISED THAT:

15 (i) HIS FAILURE TO SUBMIT TO ALL REQUIRED
16 CHEMICAL TESTS REQUESTED BY THE PEACE OFFICE MAY RESULT IN
17 THE REVOCATION FOR ONE (1) YEAR OF THE REGISTRATION OF THE
18 WATERCRAFT;

19 (ii) IF A TEST IS TAKEN AND THE RESULTS INDI-
20 CATE THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL, HE MAY
21 BE SUBJECT TO CRIMINAL PENALTIES;

22 (iii) HE MAY GO TO THE NEAREST HOSPITAL OR

1 CLINIC AND SECURE ANY OR ALL REQUIRED TESTS AT HIS OWN
2 EXPENSE OR ANY REMAINING REQUIRED TESTS SHALL BE ADMINIS-
3 TERED BY A PERSON AT A PLACE AND IN A MANNER PRESCRIBED BY
4 AND AT THE EXPENSE OF THE AGENCY EMPLOYING THE PEACE OFFI-
5 CER.

6 (j) RESULTS OF TESTS OBTAINED AT THE ARRESTED
7 PERSON'S EXPENSE SHALL BE MADE AVAILABLE TO THE ARRESTING
8 OFFICER AND THE ARRESTED PERSON. DISCLOSURE OF THE TEST
9 RESULTS BY THE PERSON ADMINISTERING THE TEST IS NOT A
10 VIOLATION OF THE DOCTOR-PATIENT RELATIONSHIP. ANY PERSON
11 DEAD, UNCONSCIOUS OR OTHERWISE IN A CONDITION RENDERING
12 HIM INCAPABLE OF REFUSAL TO SUBMIT TO THE TESTS IS DEEMED
13 TO HAVE GIVEN HIS CONSENT PROVIDED BY SUBSECTION (g) OF
14 THIS SECTION AND THE TESTS MAY BE ADMINISTERED SUBJECT TO
15 THE PROVISIONS OF THIS ACT.

16 (k) IF A PERSON UNDER ARREST REFUSES UPON THE
17 REQUEST OF A PEACE OFFICER TO SUBMIT TO A CHEMICAL TEST
18 DESIGNATED BY THE AGENCY EMPLOYING THE PEACE OFFICER AS
19 PROVIDED IN THIS SECTION, NONE SHALL BE GIVEN BUT EVIDENCE
20 OF THE REFUSAL TO SUBMIT TO A TEST IS ADMISSIBLE IN A
21 PROSECUTION FOR VIOLATION OF THIS SECTION. THE PEACE
22 OFFICER SHALL SUBMIT HIS SIGNED STATEMENT TO THE DEPART-
23 MENT. UPON RECEIPT OF THE STATEMENT THE DEPARTMENT SHALL

1 REVOKE THE REGISTRATION OF THE WATERCRAFT FOR ONE (1) YEAR
2 IF THE PERSON IS THE OWNER, SUBJECT TO REVIEW AS PROVIDED
3 IN THIS SECTION. THE STATEMENT SUBMITTED BY THE OFFICER
4 SHALL CONTAIN:

5 (i) HIS PROBABLE CAUSE TO BELIEVE THE ARRESTED
6 PERSON WAS OPERATING OR IN ACTUAL PHYSICAL CONTROL OF A
7 WATERCRAFT IN THIS STATE WHILE UNDER THE INFLUENCE OF
8 ALCOHOL OR A CONTROLLED SUBSTANCE TO A DEGREE WHICH REN-
9 DERED HIM INCAPABLE OF SAFELY OPERATING THE WATERCRAFT;
10 AND

11 (ii) THAT THE PERSON REFUSED TO SUBMIT TO A
12 TEST UPON THE REQUEST OF THE PEACE OFFICER.

13 (m) FOR THE PURPOSES OF THIS SECTION, THE SIGNED
14 STATEMENT SUBMITTED BY THE PEACE OFFICER SHALL BE DEEMED A
15 SWORN STATEMENT AND SHALL BE SUBJECT TO PENALTIES FOR PER-
16 JURY.

17 (n) NO REGISTRATION SHALL BE REVOKED UNDER THIS SEC-
18 TION WITHOUT NOTICE AND AN OPPORTUNITY FOR HEARING. HEAR-
19 INGS SHALL BE CONDUCTED BY THE INDEPENDENT HEARING EXAM-
20 INER ESTABLISHED UNDER W.S. 31-7-105. THE PROCEDURES FOR
21 AND SCOPE OF THE HEARING SHALL BE AS PROVIDED IN W.S.
22 31-6-103 AND 31-6-104. W.S. 31-6-105 AND 31-6-106 APPLY

1 TO CHEMICAL TESTS UNDER THIS SECTION.

2 41-13-210. Riding on gunwales or bow decking prohib-
3 ited; exceptions. No person operating a motorboat of
4 twenty-six-(26)-feet-or-less-in--length shall allow any
5 person to ride or sit on either the starboard or port gun-
6 wales thereof or on the decking over the bow of the vessel
7 while underway unless such motorboat is provided with ade-
8 quate guards or railing to prevent passengers from being
9 lost overboard. Nothing in this section shall be construed
10 to mean that passengers or other persons aboard a motor-
11 boat cannot occupy the decking over the bow of the boat to
12 moor the watercraft to a mooring buoy or to cast off from
13 such a buoy, or for any other necessary purpose.

14 41-13-211. Buoys and markers; Operation in marked
15 restricted areas prohibited; exceptions.

16 (c) NO PERSON SHALL TIE-OFF, MOOR OR ATTACH ANY
17 WATERCRAFT TO ANY REGULATORY BUOY OR WATERWAY MARKING
18 DEVICE.

19 41-13-212. Motorboat pulling skier, etc., to be
20 occupied by at least 2 persons; hours of operation; use of
21 care; exceptions.

22 (e) THE PERSON REQUIRED TO BE IN A MOTORBOAT UNDER

1 SUBSECTION (a) OF THIS SECTION WHO IS NOT OPERATING THE
2 MOTORBOAT SHALL:

3 (i) CONTINUOUSLY OBSERVE THE PERSON BEING
4 TOWED.

5 41-13-216. Penalties for violations; suspension of
6 privilege to operate; operating while privilege suspended.

7 (a) Any person who violates or fails to comply with
8 a duty required by W.S. ~~41-13-206~~ 41-13-207 through
9 41-13-212 is guilty of a misdemeanor ~~and--upon--conviction~~
10 ~~shall--be--fined~~ PUNISHABLE BY A FINE OF not more than one
11 hundred dollars (\$100.00), ~~imprisoned~~ IMPRISONMENT FOR not
12 more than thirty (30) days, or both, and may be refused
13 the privilege of operating any watercraft on any of the
14 waterways of this state for not more than two (2) years.
15 ANY PERSON WHO VIOLATES W.S. 41-13-206 IS GUILTY OF A MIS-
16 DEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN SEVEN HUN-
17 DRED FIFTY DOLLARS (\$750.00), IMPRISONMENT FOR NOT MORE
18 THAN SIX (6) MONTHS, OR BOTH, AND MAY BE REFUSED THE PRIV-
19 ILEGE OF OPERATING ANY WATERCRAFT ON ANY OF THE WATERWAYS
20 OF THIS STATE FOR NOT MORE THAN TWO (2) YEARS.

