

SENATE BILL No. 49

By Committee on Natural Resources

1-18

1 AN ACT concerning boating and water activities; relating to boating under
2 the influence; amending K.S.A. 32-1131 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 32-1131 is hereby amended to read as follows: 32-
7 1131. (a) No person shall operate or attempt to operate any vessel within
8 this state while:

9 (1) The alcohol concentration in the person's blood or breath, at the
10 time or within ~~two~~ three hours after the person operated or attempted to
11 operate the vessel, is .08 or more;

12 (2) the alcohol concentration in the person's blood or breath, at the
13 time or within two hours after the person operated or attempted to operate
14 the vessel is .02 or more and the person is less than 21 years of age;

15 (3) under the influence of alcohol;

16 (4) under the influence of any drug or combination of drugs to a
17 degree that renders the person incapable of safely operating a vessel; or

18 (5) under the influence of a combination of alcohol and any drug or
19 drugs to a degree that renders the person incapable of safely operating a
20 vessel.

21 (b) No person shall operate or attempt to operate any vessel within
22 this state if the person is a habitual user of any narcotic, hypnotic,
23 somnifacient or stimulating drug.

24 (c) If a person is charged with a violation of this section involving
25 drugs, the fact that the person is or has been entitled to use the drug under
26 the laws of this state shall not constitute a defense against the charge.

27 (d) No person shall operate or attempt to operate any vessel within
28 this state for three months after the date of refusal of submitting to a test if
29 such person refuses to submit to a test pursuant to K.S.A. 32-1132, and
30 amendments thereto.

31 (e) Except as provided by subsection (f), violation of this section is a
32 misdemeanor punishable:

33 (1) On the first conviction, by imprisonment of not more than one
34 year or a fine of not less than \$100 nor more than \$500, or both; and

35 (2) on the second or a subsequent conviction, by imprisonment for
36 not less than 90 days nor more than one year and, in the court's discretion,

1 a fine of not less than \$100 nor more than \$500.

2 (f) Subsection (e) shall not apply to or affect a person less than 21
3 years of age who submits to a breath or blood alcohol test requested
4 pursuant to K.S.A. 32-1132, and amendments thereto, and produces a test
5 result of an alcohol concentration of .02 or greater but less than .08. Such
6 person's boating privileges upon the first occurrence shall be suspended for
7 30 days and upon a second or subsequent occurrence shall be suspended
8 for 90 days.

9 (g) In addition to any other penalties prescribed by law or rule and
10 regulation, any person convicted of a violation of this section shall be
11 required to satisfactorily complete a boater safety education course of
12 instruction approved by the secretary before such person subsequently
13 operates or attempts to operate any vessel.

14 Sec. 2. K.S.A. 32-1131 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after
16 January 1, 2014, and its publication in the statute book.

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