

SF0040

Operation of motorboat while intoxicated.

Sponsored By: Senator(s) Steinmetz, Baldwin and Hutchings and Representative(s) Duncan, Haley, Jennings and Simpson

AN ACT relating to watercraft; amending the alcohol concentration level that constitutes operation of a motorboat by an intoxicated person; specifying the alcohol concentration levels applicable to the operation of all other watercraft; and providing for an effective date.

12/28/2018 Bill Number Assigned  
1/8/2019 S Received for Introduction  
1/15/2019 S Introduced and Referred to S01 - Judiciary  
1/25/2019 S01 - Judiciary:Recommend Do Pass 5-0-0-0

ROLL CALL

**Ayes:** Senator(s) Anselmi-Dalton, Boner, Kost, Nethercott, Von Flatern  
**Ayes** 5    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

1/25/2019 S Placed on General File  
1/25/2019 S COW:Passed  
1/28/2019 S 2nd Reading:Passed  
1/29/2019 S 3rd Reading:Passed 25-5-0-0-0

ROLL CALL

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Biteman, Boner, Bouchard, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger  
**Nays:** Senator(s) Bebout, Case, Coe, Landen, Perkins  
**Ayes** 25    **Nays** 5    **Excused** 0    **Absent** 0    **Conflicts** 0

1/29/2019 H Received for Introduction  
2/13/2019 H Introduced and Referred to H08 - Transportation  
2/15/2019 H08 - Transportation:Recommend Do Pass 7-0-2-0-0

ROLL CALL

**Ayes:** Representative(s) Blake, Brown, Crank, Eklund, MacGuire, Newsome, Western  
**Excused:** Representative(s) Loucks, Obermueller  
**Ayes** 7    **Nays** 0    **Excused** 2    **Absent** 0    **Conflicts** 0

2/15/2019 H Placed on General File  
2/20/2019 H COW:Passed

SF0040H2001/ADOPTED

Page 2-lines 4 through 14 Delete entirely and insert:

"(ii) Has an alcohol concentration of ~~ten one-hundredths of one percent (0.10%) or more~~ eight one-hundredths of one percent (0.08%) or more if the watercraft is a motorboat; or

(iii) Has an alcohol concentration of ~~ten one-hundredths of one percent (0.10%) or more~~ eight one-hundredths of one percent (0.08%) or more if the watercraft is a motorboat as measured within three (3) hours of the time of operation or actual physical control."

Page 3-lines 3 through 5 Delete entirely and insert: "(0.05%) and less than ~~ten one-hundredths of one percent (0.10%)~~ eight

one-hundredths of one percent (0.08%) if the watercraft is a motorboat, that fact".

Page 4-lines 2 through 5 Delete entirely and insert: "the defendant's alcohol concentration to exceed ~~ten one hundredths of one percent (0.10%)~~ eight one-hundredths of one percent (0.08%) if the watercraft is a motorboat, but evidence of the consumption may not". LOUCKS, GREEAR, LAURSEN

**SF0040H2002/FAILED**

Page 2-line 2 After "watercraft" insert "on a lake or reservoir".  
NICHOLAS

**SF0040H2003/FAILED**

Delete the Loucks, et al. second reading amendment (SF0040H2001/A) entirely and further amend as follows:

Page 1-line 1 Delete "the alcohol".

Page 1-lines 2 through 4 Delete entirely.

Page 1-line 5 Delete "watercraft" and insert "provisions governing the crime of operation of a motorboat by an intoxicated person".

Page 2-line 6 Before "motorboat" insert "class B, C or D"; delete "or"; strike all existing language.

Page 2-line 7 Strike "(0.10%) or more"; delete all new language and insert "powered by an engine with a rating of twenty-five (25) horsepower or higher".

Page 2-line 11 Before "motorboat" insert "class B, C or D"; delete "or"; strike all existing language.

Page 2-line 12 Strike "(0.10%) or more"; delete all new language and insert "powered by an engine with a rating of twenty-five (25) horsepower or higher".

Page 3-line 4 Before "motorboat" insert "class B, C or D"; delete "or"; strike all existing language.

Page 3-line 5 Strike "of one percent (0.10%)"; delete all new language and insert "powered by an engine with a rating of twenty-five (25) horsepower or higher".

Page 4-line 4 Before "motorboat" insert "class B, C or D"; delete "or"; strike all existing language; delete "for".

Page 4-line 5 Delete all new language and insert "powered by an engine with a rating of twenty-five (25) horsepower or higher". NICHOLAS

**SF0040H2004/WITHDRAWN**

2/21/2019 H 2nd Reading:Passed

2/22/2019 H 3rd Reading:Laid Back

**SF0040H3001/ADOPTED**

Page 2-lines 4 through 14 In the Loucks, et al. second reading amendment (SF0040H2001/A) to these lines, in paragraph (iii) of that amendment, strike "as measured within three (3) hours of the time of operation or actual physical control".

Page 3-line 14 After "alcohol" insert "." and strike balance of line.

Page 3-line 15 Strike entirely.

Page 3-line 16 Strike "violation.". BLACKBURN, BROWN, GREEAR

2/25/2019 H 3rd Reading:Passed 38-20-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Burkhart, Burlingame, Clem, Clifford, Connolly, Dayton-Selman, Duncan, Edwards, Eyre, Flitner, Furphy, Gray, Haley, Hallinan, Jennings, Kinner, Laursen, Loucks, MacGuire, Miller, Newsome, Obermueller, Paxton, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Styvar, Sweeney, Tass, Washut, Wilson, Yin, Zwonitzer

**Nays:** Representative(s) Blake, Brown, Clausen, Crank, Eklund, Freeman, Greear, Harshman, Henderson, Hunt, Larsen, Lindholm, Nicholas, Olsen, Pelkey, Sommers, Stith, Walters, Western, Winter

**Excused:** Representative(s) Kirkbride, Northrup

**Ayes** 38      **Nays** 20      **Excused** 2      **Absent** 0      **Conflicts** 0

2/25/2019      S Received for Concurrence

2/25/2019      S Concur:Passed 18-11-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anselmi-Dalton, Baldwin, Biteman, Boner, Bouchard, Driskill, Gierau, Hicks, Hutchings, James, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern

**Nays:** Senator(s) Anderson, Bebout, Case, Coe, Dockstader, Ellis, Kinskey, Kost, Landen, Perkins, Wasserburger

**Excused:** Senator Agar

**Ayes** 18      **Nays** 11      **Excused** 1      **Absent** 0      **Conflicts** 0

2/26/2019      Assigned Number SEA No. 0065

2/26/2019      S President Signed SEA No. 0065

2/26/2019      H Speaker Signed SEA No. 0065

2/28/2019      Governor Signed SEA No. 0065

2/28/2019      Assigned Chapter Number 152

Chapter No. 152      Session Laws of Wyoming 2019