

1 S.91

2 Introduced by Senators Sears, Campbell and Mazza

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; motorboats; water sports; operation of personal
6 watercraft

7 Statement of purpose: This bill proposes to prohibit a person from operating a
8 personal watercraft between sunset and sunrise. It prohibits the operator of a
9 vessel from consuming alcohol or possessing an open container which contains
10 an alcoholic beverage. It clarifies that law enforcement officers have the
11 authority to make arrests, regulate vessel traffic, and make reasonable orders to
12 enforce the law. It also grants law enforcement officers the power to stop and
13 board a vessel in order to perform a safety inspection.

14 An act relating to operation of vessels on public waters

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 23 V.S.A. § 3312a is amended to read:

17 § 3312a. OPERATION OF PERSONAL WATERCRAFT

18 (a) A person under the age of 16 shall not operate a personal watercraft.

19 (b) All persons operating or riding on a personal watercraft shall wear a
20 Type I, II, or III United States Coast Guard approved personal flotation device.

1 (c) Personal watercraft shall not be operated at any time ~~during the hours~~
2 between ~~one half hour after~~ sunset and ~~one half hour before~~ sunrise.

3 (d) Every person operating a personal watercraft equipped by the
4 manufacturer with a lanyard type engine cut-off switch shall attach the lanyard
5 to his or her wrist, clothing, or personal flotation device as appropriate for the
6 specific craft.

7 Sec. 2. 23 V.S.A. § 3306 is amended to read:

8 § 3306. LIGHTS AND EQUIPMENT

9 * * *

10 (g) A law enforcement officer may stop and board any vessel afloat on
11 public waters of the state at any time to:

12 (1) inspect its documents;

13 (2) inspect the licenses and permits of the occupants of the vessel; or

14 (3) conduct a safety inspection.

15 Sec. 3. 23 V.S.A. § 3327 is added to read:

16 § 3327. VESSEL OPERATOR; CONSUMPTION OR POSSESSION OF

17 ALCOHOL

18 (a) A person shall not consume alcoholic beverages while operating a
19 vessel on public waters of the state. As used in this section, “alcoholic
20 beverages” shall have the same meaning as “intoxicating liquor” as defined in
21 section 1200 of this title.

1 (b) A person operating a vessel on public waters of the state shall not
2 possess any open container which contains an alcoholic beverage.

3 (c) A person who violates subsection (a) of this section shall be fined not
4 more than \$500.00. A person who violates subsection (b) of this section shall
5 be fined not more than \$25.00. A person convicted and fined for an offense
6 under subsection (a) of this section shall not be subject to prosecution for the
7 same actions under subsection (b) of this section.

8 Sec. 4. 23 V.S.A. § 3328 is added to read:

9 § 3328. AUTHORITY OF LAW ENFORCEMENT OFFICERS

10 A law enforcement officer may make arrests for violations of this
11 subchapter; may direct, control, and regulate vessel traffic; and may make
12 reasonable orders in enforcement of this subchapter. No person may
13 knowingly fail or refuse to comply with any lawful order or direction of any
14 law enforcement officer.

15 Sec. 5. 23 V.S.A. § 3329 is added to read:

16 § 3329. OBEDIENCE TO LAW ENFORCEMENT OFFICERS

17 (a) A person while operating or in charge of a vessel shall, upon request by
18 a law enforcement officer who reasonably suspects that the person has
19 committed or is committing a violation of this subchapter, give his or her name
20 and address and the name and address of the owner of the vessel.

