

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1059
HOUSE BILL 1657

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY
THE ROLE OF ALCOHOL AND DRUGS IN RECREATIONAL BOATING AND
THE NEED FOR IMPLEMENTING RECOMMENDATIONS OF THE
NATIONAL TRANSPORTATION SAFETY BOARD.

Whereas, the National Transportation Safety Board has recommended that the General Assembly amend the Boating Safety Act (Article 1 of General Statutes Chapter 75A) to (1) clearly define the level of legal intoxication for recreational boat operators in order to strengthen the State's enforcement program for reducing accidents, fatalities, injuries, and property damage caused by the use of alcohol and/or drugs; (2) allow a chemical test if a recreational boat operator is suspected of being intoxicated; and (3) allow toxicological tests in the event of a recreational boating accident fatality; and

Whereas, the Boating Safety Act prohibits operating a motorboat or vessel while intoxicated; that the term "intoxicated" is synonymous with the term "drunk"; that this term is by definition a higher state of inebriation than "under the influence" of alcohol and/or drugs; and that the Act does not provide for chemical tests to determine the alcohol and/or drugs content in persons suspected of violating the Act; and

Whereas, a study should be made of (1) this State's and other states' laws on alcohol and/or drugs and boating and (2) the 1983 recommendations of the National Transportation Safety Board, to determine whether or not changes to the Boating Safety Act should be made; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Wildlife Resources Commission is directed to study the matter of alcohol and drugs and recreational boating safety. The Commission may include in its study analyses and evaluations of North Carolina's and other states' statutes and case law, the National Transportation Safety Board's studies and recommendations that are related to this subject, and North Carolina statistics on alcohol and drug- related boating accidents.

Sec. 2. The Commission shall report its findings and recommendations, together with any recommended legislation, to the 1985 General Assembly.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.