

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 615
HOUSE BILL 284

AN ACT TO ESTABLISH THE LEGAL LEVEL OF IMPAIRMENT FOR BOAT
OPERATORS AND TO REDUCE LITTER ON THE STATE'S WATERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 75A-10(a) is amended by inserting immediately after the phrase "similar device" the phrase "on the waters of this State".

Sec. 2. G.S. 75A-10(b) is rewritten to read:

"(b) No person shall manipulate any water skis, surfboard, nonmotorized vessel, or similar device on the waters of this State while under the influence of an impairing substance."

Sec. 3. G.S. 75A-10 is amended by adding a new subsection to read:

"(b1) No person shall operate any motorboat or motor vessel while underway on the waters of this State:

(1) While under the influence of an impairing substance, or

(2) After having consumed sufficient alcohol that he has, at any relevant time after the boating, an alcohol concentration of 0.10 or more.

The fact that a person charged with violating this subsection is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this subsection or subsection (b) above.

The relevant definitions contained in G.S. 20-4.01 shall apply to this subsection and subsection (b) above."

Sec. 4. G.S. 75A-10(c) is amended by inserting between the words "discharged" and "into" the phrase "on the waters of this State or".

Sec. 5. G.S. 75A-10(c) is amended by deleting the second paragraph.

Sec. 6. G.S. 75A-18(a) is amended by deleting the first sentence and substituting the following:

"(a) Except as otherwise provided, any person who violates any provision of this Article or who violates any rule or regulation adopted under authority of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed two hundred and fifty dollars (\$250.00) for each such violation."

Sec. 7. G.S. 75A-18(b) is amended in the first sentence by inserting immediately after the letter "(b)" the phrase ", or (b1)".

Sec. 8. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.