

ASSEMBLY BILL

No. 749

Introduced by Assembly Member Kuykendall

February 22, 1995

An act to amend Section 655.6 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 749, as introduced, Kuykendall. Vessels: operating under the influence.

(1) Existing law makes it an infraction for a person under the age of 18 years to operate a motorized recreational vessel with 0.05% or more, by weight, of alcohol in his or her blood.

This bill would make that offense applicable to a person under the age of 21 years with 0.01% or more, by weight, of alcohol in his or her blood and would apply that provision to the operation of any motorized vessel. This requirement would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 655.6 of the Harbors and
2 Navigation Code is amended to read:

3 655.6. (a) It is an infraction for a person under the
4 age of ~~18~~ 21 years who has ~~0.05~~ 0.01 percent or more, by
5 weight, of alcohol in his or her blood to operate any
6 motorized ~~recreational~~ vessel.

7 (b) A person may be found to be in violation of
8 subdivision (a) if the person was, at the time of operating
9 any motorized ~~recreational~~ vessel, under the age of ~~18~~ 21
10 years and under the influence of, or affected by, an
11 alcoholic beverage regardless of whether a chemical test
12 was made to determine that person's blood-alcohol
13 concentration and if the trier of fact finds that the person
14 had consumed an alcoholic beverage and was operating
15 any motorized ~~recreational~~ vessel while having a
16 concentration of ~~0.05~~ 0.01 percent or more, by weight, of
17 alcohol in his or her blood.

18 (c) Section 655.1 applies to violations of this section.

19 (d) A violation of this section is punishable by a fine
20 not exceeding one hundred dollars (\$100). A second
21 violation occurring within one year of a prior violation
22 which resulted in a conviction is punishable by a fine not
23 exceeding two hundred dollars (\$200). A third or any
24 subsequent conviction within a period of one year of two
25 or more prior infractions which resulted in convictions is
26 punishable by a fine not exceeding two hundred fifty
27 dollars (\$250). A person found to have committed a
28 violation of this section shall be required to participate in
29 an alcohol education or community service program as
30 provided in Section 23141 of the Vehicle Code.

31 ~~(e) This section shall become operative on January 1,~~
32 ~~1992.~~

33 SEC. 2. No reimbursement is required by this act
34 pursuant to Section 6 of Article XIII B of the California
35 Constitution because the only costs that may be incurred
36 by a local agency or school district will be incurred
37 because this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty



1 for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition
3 of a crime within the meaning of Section 6 of Article
4 XIII B of the California Constitution.

5 Notwithstanding Section 17580 of the Government
6 Code, unless otherwise specified, the provisions of this act
7 shall become operative on the same date that the act
8 takes effect pursuant to the California Constitution.

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