

FINAL BILL REPORT

SSB 6014

C 132 L 14
Synopsis as Enacted

Brief Description: Concerning the operation of a vessel under the influence of an intoxicant.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Roach and Fain).

Senate Committee on Law & Justice
House Committee on Public Safety

Background: In 2013 the Legislature strengthened the statutes for boating under the influence to mirror driving under the influence (DUI) laws. As part of the changes, boaters in the state of Washington are deemed to have given consent to a test or tests of breath or blood to determine alcohol concentration, tetrahydrocannabinol (THC) concentration, or for the presence of any drug.

In April 2013, the United State Supreme Court held that, in DUI investigations, the natural dissipation of alcohol in the bloodstream does not constitute an exigency in every case sufficient to justify conducting a blood test without a warrant. The DUI implied-consent statutes were changed during the 2013 Special Legislative Session to provide that a blood test may only be administered without the consent of the individual pursuant to a search warrant, valid waiver of the warrant requirement, or when exigent circumstances exist.

Summary: The implied consent provision for a test of a person's breath applies if the person is arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe that the person was operating a vessel while under the influence of alcohol or a combination of alcohol and any other drug. Refusal to submit to a breath test remains a class 1 civil infraction.

The implied consent provision regarding a blood test for a person suspected of operating a vessel under the influence of marijuana or any other drug is removed. When an arrest results from a boating accident in which there is serious bodily injury or death to another person or the arresting officer has reasonable grounds to believe that the person operating the vessel was under the influence of marijuana or any other drug, a blood test may only be administered without the consent of the individual pursuant to a search warrant, valid waiver of the warrant requirement, or when exigent circumstances exist.

Votes on Final Passage:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Senate	48	0	
House	92	5	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 12, 2014