

IN THE SENATE

SENATE BILL NO. 1274

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO BOATING; REPEALING SECTION 67-7016, IDAHO CODE, RELATING TO  
2 GROSSLY NEGLIGENT OPERATION; AMENDING CHAPTER 70, TITLE 67, IDAHO CODE,  
3 BY THE ADDITION OF A NEW SECTION 67-7016, IDAHO CODE, TO PROVIDE FOR  
4 GROSSLY NEGLIGENT OPERATION, TO PROVIDE FOR VIOLATIONS AND PENALTIES,  
5 TO PROVIDE FOR NEGLIGENT OPERATION AND TO PROVIDE FOR VIOLATIONS AND  
6 PENALTIES; REPEALING SECTION 67-7017, IDAHO CODE, RELATING TO NEGLI-  
7 GENT OPERATION; AMENDING SECTION 67-7033, IDAHO CODE, TO REMOVE SPECI-  
8 FIED CODE REFERENCES FROM CERTAIN VIOLATION AND PENALTY PROVISIONS; AND  
9 AMENDING SECTION 67-7077, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO  
10 MAKE TECHNICAL CORRECTIONS.  
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section [67-7016](#), Idaho Code, be, and the same is hereby  
14 repealed.

15 SECTION 2. That Chapter 70, Title 67, Idaho Code, be, and the same is  
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
17 ignated as Section 67-7016, Idaho Code, and to read as follows:

18 67-7016. GROSSLY NEGLIGENT OPERATION AND NEGLIGENT OPERATION. (1) Any  
19 person who operates any vessel on the waters of the state of Idaho carelessly  
20 and heedlessly or without due caution and circumspection, and at a speed or  
21 in a manner as to endanger or be likely to endanger any person or property,  
22 shall be guilty of grossly negligent operation and upon conviction shall be  
23 punished as provided in subsection (2) of this section.

24 (2) Every person who pleads guilty to or is found guilty of grossly neg-  
25 ligent operation for the first time is guilty of a misdemeanor and may be sen-  
26 tenced to jail for not more than six (6) months or may be fined not more than  
27 one thousand dollars (\$1,000), or may be punished by both fine and imprison-  
28 ment. Every person who pleads guilty to or is found guilty of grossly negli-  
29 gent operation, who has previously been found guilty of or has pled guilty to  
30 grossly negligent operation, or any substantially conforming foreign crim-  
31 inal violation within five (5) years, notwithstanding the form of the judg-  
32 ment or withheld judgment, is guilty of a misdemeanor and may be sentenced to  
33 jail for not more than one (1) year or may be fined not more than two thousand  
34 dollars (\$2,000), or may be punished by both fine and imprisonment.

35 (3) Negligent operation shall be considered a lesser offense than  
36 grossly negligent operation and shall be applicable in those circumstances  
37 where the conduct of the operator has been inattentive, careless or impru-  
38 dent, in light of the circumstances then existing, rather than heedless  
39 or wanton, or in those cases where the danger to persons or property by the  
40 vessel operator's conduct is slight. Every person convicted of negligent  
41 operation under this section shall be guilty of a misdemeanor and may be sen-

1 tenced to jail for not more than thirty (30) days or may be fined not more than  
2 three hundred dollars (\$300), or may be punished by both fine and imprison-  
3 ment.

4 SECTION 3. That Section [67-7017](#), Idaho Code, be, and the same is hereby  
5 repealed.

6 SECTION 4. That Section 67-7033, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 67-7033. PENALTIES. (1) Unless otherwise specifically provided, any  
9 person who shall violate any of the provisions of this chapter or any rule  
10 promulgated by the department pursuant to this chapter shall be guilty of an  
11 infraction and be punished as provided in section 18-111, Idaho Code.

12 (2) Any person who shall be convicted of any second or subsequent viola-  
13 tion of any of the provisions of law in addition to any other penalties autho-  
14 rized herein shall be required to attend and successfully complete a course  
15 on safe boating approved by the state boating law administrator and may, at  
16 the discretion of the court, be refused the privilege of operating any vessel  
17 on any of the waters of this state for a period not to exceed two (2) years.

18 (3) Any person who shall operate any vessel during the period when he  
19 has been denied the privilege to so operate by virtue of subsection (2) of  
20 this section, shall be guilty of a misdemeanor, and upon conviction, shall be  
21 punished by a fine of not more than three hundred dollars (\$300), or by im-  
22 prisonment of not more than thirty (30) days, or by both such fine and impris-  
23 onment.

24 (4) Any manufacturer who shall violate the provisions of this chapter  
25 with respect to the obligation for the installation of capacity of certifi-  
26 cation plates shall be guilty of an infraction, and upon being found to have  
27 committed the infraction, shall be punished as provided in section 18-111,  
28 Idaho Code, and each failure to affix a capacity or certification plate as  
29 provided in this chapter shall constitute a separate offense for each vessel  
30 with respect to which the failure occurs.

31 (5) Any person who pleads guilty to or is found guilty of violating the  
32 provisions of section ~~67-7016, 67-7017~~, 67-7025, 67-7026 or 67-7027, Idaho  
33 Code, shall be guilty of a misdemeanor and may be fined not more than three  
34 hundred dollars (\$300), imprisoned for a period not to exceed thirty (30)  
35 days, or by both such fine and imprisonment.

36 (6) Any person who pleads guilty to or is found guilty of violating the  
37 provisions of section 67-7034, Idaho Code, shall be guilty of a misdemeanor  
38 and:

- 39 (a) May be fined an amount not to exceed one thousand dollars (\$1,000);  
40 (b) May be imprisoned for a period not to exceed six (6) months; and  
41 (c) Shall be required to attend and successfully complete a course on  
42 safe boating approved by the designated state boating law administra-  
43 tor.

44 SECTION 5. That Section 67-7077, Idaho Code, be, and the same is hereby  
45 amended to read as follows:

1           67-7077. OPERATION OF VESSELS. It shall be unlawful for any person to  
2 operate any vessel on the water of this state:

3           (~~a~~1) In a negligent manner as prescribed in section 67-7017~~6~~, Idaho  
4 Code, while within one hundred (100) feet of another vessel; or

5           (~~b~~2) At a speed greater than no wake or five (5) miles per hour while  
6 within one hundred (100) feet of a dock, swimmer or other person in the water,  
7 except when safely pulling a water skier from a dock, or when safely drop-  
8 ping off a water skier at or near a dock, or when the swimmer or other person  
9 in the water is the vessel's water skier. Except when dropping off a skier at  
10 or near a dock all efforts shall be made to reasonably minimize the time and  
11 distance the vessel shall travel inside the one hundred (100) foot zone while  
12 operating at speeds greater than no wake or five (5) miles per hour.