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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO WATERS AND NAVIGATION -- ALCOHOL BOATING SAFETY ACT

Introduced By: Senators LaMountain, Bissaillon, Tikoian, Famiglietti, Burke, and  
McKenney

Date Introduced: March 13, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-22.2-5 of the General Laws in Chapter 46-22.2 entitled "Alcohol  
2 Boating Safety Act" is hereby amended to read as follows:

3 **46-22.2-5. Chemical tests for intoxication.**

4 (a) Any person who operates a watercraft in waters over which this state has jurisdiction  
5 impliedly consents to submit to the chemical test provisions of this chapter as a condition of  
6 operating a watercraft in this state.

7 (b) A law enforcement officer having probable cause to believe that a person has committed  
8 an offense under this chapter shall offer the person the opportunity to submit to a chemical test. It  
9 is not necessary for the law enforcement officer to offer a chemical test to an unconscious person.  
10 A law enforcement officer may offer a person more than one chemical test under this chapter.  
11 However, all tests must be administered within three (3) hours after the officer had probable cause  
12 to believe the person violated this chapter. A person must submit to each chemical test offered by  
13 a law enforcement officer in order to comply with the implied consent provisions of this chapter.

14 (c) If the chemical test results in relevant evidence, as defined in § 46-22.2-2(6) that the  
15 person is intoxicated, he or she may be arrested for an offense under this chapter. If the chemical  
16 test results in prima facie evidence as defined in § 46-22.2-2(5) that the person is intoxicated, he or  
17 she shall be arrested for an offense under this chapter.

18 (d) Any person who refuses to submit to a chemical test may be arrested for an offense  
19 under this chapter.

1 (e) At any proceeding under this chapter, a person's refusal to submit to a chemical test is  
2 inadmissible into evidence as to intoxication, but may be used as evidence of refusal.

3 (f) The provisions of § 31-27-2 concerning the certification and use of chemical breath tests  
4 apply to the use of such tests in a prosecution under this chapter.

5 (g) For the purposes of this section, any test of a sample of blood, breath or urine for the  
6 presence of alcohol, which relies in whole or in part upon the principal of infrared light absorption,  
7 is considered a chemical test.

8 (h) If a person for religious or medical reasons cannot be subjected to blood tests, and the  
9 person has filed an affidavit with the division of motor vehicles stating the reasons why he or she  
10 cannot be required to take blood tests, and a notation to that effect has been made on his or her  
11 license, and the license is presented to the law enforcement officer, the person, if asked to submit  
12 to chemical tests as provided under this chapter, shall only be required to submit to chemical tests  
13 of his or her urine. When a person is requested to submit to blood tests, only a physician or  
14 registered nurse or a medical technician certified under regulations promulgated by the director of  
15 the department of health may withdraw blood for the purpose of determining the alcoholic content  
16 in it. This limitation shall not apply to the taking of breath or urine specimens. The person tested  
17 shall be permitted to have a physician of his or her choosing and at his or her own expense  
18 administer chemical tests of his or her breath, blood and/or urine in addition to the tests  
19 administered at the discretion of a law enforcement officer.

20 (i) If a person having been placed under arrest pursuant to this chapter refuses upon the  
21 request of a law enforcement officer to submit to a chemical test under this chapter, none shall be  
22 given, but a sentencing judge, upon receipt of a report of a law enforcement officer: that he or she  
23 had reasonable grounds to believe the arrested person had been operating or otherwise driving a  
24 watercraft in waters over which this state has jurisdiction while under the influence of intoxicating  
25 liquor, toluene, or any controlled substance, or any combination of these; that the person had been  
26 informed of his or her rights; that the person had been informed of the penalties incurred as a result  
27 of noncompliance with this section; and that the person had refused to submit to the test upon the  
28 request of a law enforcement officer; shall order as follows:

29 (1) Impose for the first violation a fine of not less than three hundred dollars (\$300) and  
30 order the person to perform ten (10) to sixty (60) hours of public community restitution. In addition,  
31 the person's right to operate a watercraft shall be suspended for a period of one year. In addition,  
32 the sentencing judge may require the person to attend a department of environmental management  
33 endorsed boating safety course, and/or receive alcohol or drug treatment.

34 (2) Every person convicted of a second violation within a five (5) year period shall be guilty

1 of a misdemeanor, shall be imprisoned for not more than six (6) months, and shall pay a fine of not  
2 less than six hundred dollars (\$600). In addition, the person's right to operate a watercraft shall be  
3 suspended for a period of two (2) years. In addition, the sentencing judge may require the person  
4 to receive alcohol or drug treatment.

5 (3) Every person convicted of a third or subsequent violation within a five (5) year period  
6 shall be guilty of a misdemeanor, shall be imprisoned for not more than one year, and shall pay a  
7 fine of not less than one thousand dollars (\$1,000). In addition, the person's right to operate a  
8 watercraft shall be suspended for a period of three (3) years. In addition, the sentencing judge may  
9 require the person to receive alcohol or drug treatment.

10 (j) Jurisdiction for ~~violations~~ a first violation of this section shall be with the traffic tribunal,  
11 and jurisdiction for second and subsequent violations pursuant to subsection (i)(3) of this section  
12 shall be with the district court for persons eighteen (18) years of age or older ~~and to the~~ Jurisdiction  
13 shall be with the family court for persons under the age of eighteen (18) years. The court shall have  
14 full authority to impose any sentence authorized and to order the suspension of the right to operate  
15 watercraft for violations of this section. All trials in the district court and family court of violations  
16 of the section shall be scheduled within thirty (30) days of the arraignment date. No continuance or  
17 postponement shall be granted except for good cause shown. Any continuances that are necessary  
18 shall be granted for the shortest practicable time. Trials in superior court are not required to be  
19 scheduled within thirty (30) days of the arraignment date.

20 (k) In addition to any other fines, any person convicted of a violation under this section  
21 shall pay a boating safety assessment fine of five hundred dollars (\$500), which shall be deposited  
22 into the general fund. The assessment fine provided for by this subsection shall be collected from  
23 a violator before any other fines authorized by this section.

24 (l) In addition to any other fines and boating safety assessment fine, a two hundred dollars  
25 (\$200) assessment shall be paid by any person found in violation of this section to support the  
26 department of health's chemical testing programs outlined in subsection 31-27-2(4), which shall be  
27 deposited as general revenues, not restricted receipts.

28 (m) No fines, suspensions, assessments, alcohol or drug treatment programs, boating safety  
29 course, public community restitution, or jail provided for under this section can be suspended.

30 SECTION 2. Section 8-8.2-2 of the General Laws in Chapter 8-8.2 entitled "Traffic  
31 Tribunal" is hereby amended to read as follows:

32 **8-8.2-2. Jurisdiction.**

33 (a) Notwithstanding any inconsistent provision of law, all probationary license hearings as  
34 provided in § 31-10-26, all violations of the department of transportation, department of

1 environmental management or council on postsecondary education regulations regarding parking,  
2 standing, or stopping in areas under the jurisdiction of these agencies, all violations of state statutes  
3 relating to motor vehicles, littering, and traffic offenses, except those traffic offenses committed in  
4 places within the exclusive jurisdiction of the United States, and except driving so as to endanger  
5 resulting in death, driving so as to endanger resulting in personal injury, driving while under the  
6 influence of liquor or drugs, driving while under the influence of liquor or drugs resulting in death,  
7 driving while under the influence of liquor or drugs resulting in serious bodily injury, reckless  
8 driving and other offenses against public safety as provided in § 31-27-4, eluding a law enforcement  
9 officer with a motor vehicle in a high speed pursuit, driving after denial, suspension or revocation  
10 of license, and leaving the scene of an accident in violation of § 31-26-1 and § 31-26-2, and driving  
11 without the consent of the owner and possession of a stolen motor vehicle in violation of § 31-9-1  
12 and § 31-9-2, shall be heard and determined by the traffic tribunal pursuant to the regulations  
13 promulgated by the chief magistrate of the traffic tribunal; provided, however, the traffic tribunal  
14 shall not hear any parking, standing, or stopping violations that occur in any city or town that has  
15 established its own municipal court and has jurisdiction over such violations. Nothing contained  
16 herein shall abrogate the powers of the Rhode Island family court under the provisions of chapter  
17 1 of title 14.

18 (b) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have  
19 concurrent jurisdiction to hear and determine, pursuant to rules and regulations promulgated by the  
20 chief magistrate of the traffic tribunal, all violations of any ordinances, rules, and regulations  
21 governing the public waters and the speed, management, and control of all vessels and the size,  
22 type and location and use of all anchorages and moorings within the jurisdiction of the towns of  
23 North Kingstown, South Kingstown, Portsmouth, Middletown, Narragansett, and Tiverton  
24 enforced and supervised by the harbor master and referred to the traffic tribunal, and the terms  
25 “traffic violations” and “traffic infraction” when used in this chapter shall include the aforesaid  
26 violations and the violations shall be adjudicated in accordance with the provisions of this chapter,  
27 [including first offense refusal to submit to a chemical test pursuant to § 46-22.2-5](#). Nothing  
28 contained herein shall abrogate the powers of the Rhode Island coastal resources management  
29 council under the provisions of chapter 23 of title 46.

30 (c) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have  
31 jurisdiction to hear and determine, pursuant to rules and regulations promulgated by the chief  
32 magistrate of the Rhode Island traffic tribunal, all civil violations for §§ 20-1-12, 20-11-20, 20-13-  
33 16, 20-16-17, 23-22.5-9, 32-2-4, 21-28-4.01(c)(2)(iii), 21-28-4.01(c)(2)(iv), and 46-22-19(1) as set  
34 forth in § 42-17.10-1.

1           (d) A party aggrieved by a final order of the traffic tribunal appeals panel shall be entitled  
2 to a review of the order by a judge of the district court. Unless otherwise provided in the rules of  
3 procedure of the district court, the review shall be on the record and appellate in nature. The district  
4 court shall by rules of procedure establish procedures for review of an order entered by the appeals  
5 panel of the traffic tribunal.

6           (e) Violations of any statute, rule, ordinance, or regulation referenced in this section are  
7 subject to fines enumerated in § 31-41.1-4, except for violations of §§ 21-28-4.01(c)(2)(iii) and 21-  
8 28-4.01(c)(2)(iv).

9           SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO WATERS AND NAVIGATION -- ALCOHOL BOATING SAFETY ACT

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- 1           This act would give the Rhode Island traffic tribunal jurisdiction to hear first offense
- 2 refusals to submit to a chemical test pursuant to the Alcohol Boating Safety Act.
- 3           This act would take effect upon passage.

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