

# Boating

## Under the Influence

by Thomas Burrell, Southcentral Region  
Assistant Supervisor

Most adults are aware that it is illegal to drive a car while under the influence of alcohol or a controlled substance. Furthermore, those same people understand that if they do drive under the influence, they run the risk of being arrested and, if convicted, going to jail and/or paying a substantial fine.

By now, many of you are shaking your heads up and down to indicate, "Yes, I know that." Then maybe you can tell me why many of these same individuals think it is acceptable to "drive," or operate, their boats while under the influence?

It is illegal to operate a watercraft while under the influence in PA. This is not a "new" law. It was adopted in 1985! Nor is it a secret. The Commission makes every effort to inform boaters of the risks and consequences of boating under the influence. The information is available on the Commission's web site, [www.fish.state.pa.us](http://www.fish.state.pa.us), it is published in the *Boating Safety Handbook*, fliers have been sent out with boat registrations and warnings have been posted at Commission accesses and busy marinas.

Still, the problem continues to grow. Even though the yearly number of boating-under-the-influence (BUI) arrests has historically hovered around 50, in 2002 the total increased to 70 BUI arrests. Do not be fooled into thinking that it does not happen where you boat. Arrests during 2002 occurred on all major waterways as well as "out-of-the-way" locations. Impaired operators were detected on everything from johnboats to PWC and cabin cruisers.

### Why should I be concerned?

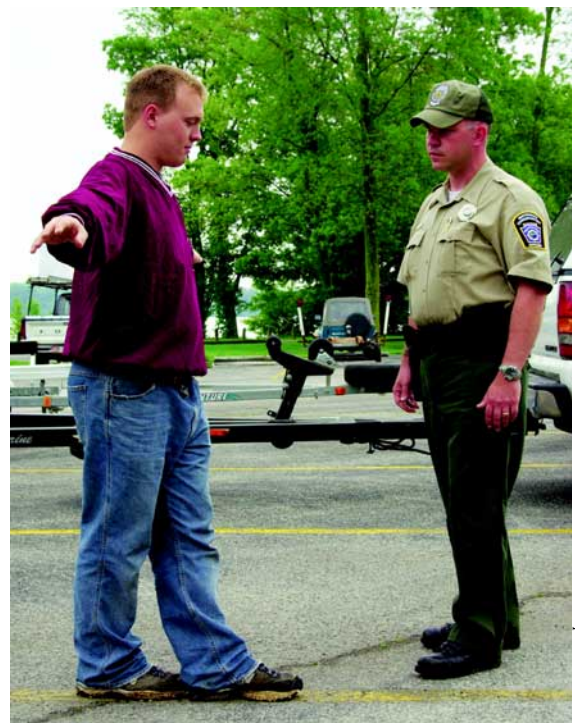
You're thinking you don't drink and boat, so why should you be concerned, right? Simple. No boater is exempt from the dangers of boating under the influence. It involves the safety of you, your family and everyone who enjoys the recreational benefits of PA's waterways. An impaired operator puts everyone else around him or her at risk. It does not matter how safe you are—it will not prevent you from becoming the victim of someone else's carelessness. Furthermore, many of these impaired boat operators will eventually get in their

vehicles and attempt to travel home or elsewhere, if they are not apprehended first.

### How do I know when I am impaired?

The "legal limit" for operating a watercraft in PA is the same as the legal limit for operating a motor vehicle, 0.10 percent BAC (blood alcohol concentration). However, in many people, impairment starts well before that. A study by the U.S. Coast Guard using professional tugboat pilots suggested that the ability to operate a watercraft safely was affected by a BAC as low as 0.04 percent, or less than half the legal limit.

There are charts that attempt to determine how much alcohol a person can consume before considered "drunk," but



The author conducts a field sobriety test.

there are many variables that must be considered when calculating when you personally will be affected. For example, body weight, percentage of body fat, whether or not you have had anything to eat, and how much alcohol you consumed in a given period have to be taken into account.

The effects of alcohol can also be greatly increased by the conditions and environment encountered aboard a watercraft. The sun's heat, glare off the water, engine noise and fatigue all work against you. Even after a short period, your basic motor functions, reaction skills, vision and balance can be affected. When you add alcohol, which by itself affects these same areas, you have drastically decreased your ability to operate any watercraft safely.

## What will happen if I operate under the influence?

If you are stopped by a waterways conservation officer, and the officer suspects you might be under the influence, you may be requested to submit to a series of standard field sobriety tests. Some of these tests, such as "walk and turn" or "one-legged stand," are familiar to many people who have seen them on television. Other tests have been developed specifically for use in a marine environment. However, all these tests have a common denominator: They test your ability to perform basic functions required for safe operation of a watercraft.

By observing your performance, the WCO will make a determination on whether he or she believes you are under the influence. If the WCO believes you are under the influence, you will be requested to submit to a chemical blood test, or breath or urine test, to determine the current BAC. Based on the test results, combined with the WCO's observations, a determination will be made on whether you will be charged with operating a watercraft under the influence, as well as any other violations resulting from your stop.

## Can I refuse to submit to a chemical test?

Yes. You may refuse to submit to a chemical test requested by a WCO. However, PA implied-consent regulations state that you will automatically face a one-year suspension of your boat-operating privileges for refusing to submit to a chemical test requested by a WCO when there is reason to believe you are operating a watercraft under the influence. Furthermore, if charged with operating under the influence, the fact that you refused the chemical test may be entered into evidence against you.

## How does an arrest for operating under the influence affect me?

If arrested for operating a watercraft under the influence, the results are the same as any other arrest by a WCO or other police department. You will be fingerprinted and photographed, and you will have a criminal record. If convicted, you face fines up to \$7,500, a prison term of up to 2 years, or both.

You also face additional revocations of your boating privileges, mandatory boating education courses and even drug and alcohol counseling. None of this takes into account the cost of hiring an attorney, missing work to attend court, possible increases in boat insurance and the embarrassment of being arrested.

So tell me again why you would consider drinking and driving...even "just in your boat." ☹



## Top Gun Award

BUI is a serious public safety concern. In 1999 the Pennsylvania DUI (driving under the influence) Association began to recognize excellence in BUI law enforcement by including one waterways conservation officer in its annual conference presentation of "Top Gun" awards. Each award recipient receives a plaque for significant BUI law enforcement and a pre-arrest breath-testing device for continued efforts toward safer boating. The award recognizes an officer's outstanding effort in detecting and apprehending impaired boaters during the past year. The Commission recognizes these award-winners by placing their names on an award display in the Commission's Harrisburg headquarters lobby.

Award-winners include WCO Alan D. Robinson (1999), WCO Michael Wheale (2000), WCO John J. Pedrick (2001) and Assistant Regional Supervisor Thomas Burrell (2002).