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**ATTORNEYS AT LAW**

**Don't Drink and Boat**

Mark D. Hofstee

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Venturing out on the water after drinking can be hazardous as well as illegal. According to the US Coast Guard, alcohol is a major factor in as much as 50% of all recreational boating fatalities. A recent change to Michigan law lowered the legal limit for a boat operator to mirror the rules for driving a car. Now, a person with a blood alcohol concentration above .08% faces very similar penalties for boating under the influence (BUI) as a person would for drunk driving.

A BUI conviction can result in significant fines, a criminal record, loss of boating privileges, and possibly jail. What many people do not realize is that when you get behind the wheel of a car or a boat, you have automatically consented to being tested for alcohol. Michigan has an "implied consent" law which provides that, when operating a boat on Michigan waters, the operator has consented to providing a blood, breath or urine alcohol test when an officer determines that there is reason to believe that the operator is under the influence of alcohol. An officer does not need probable cause to stop a boat, although probable cause is required to board the vessel. A law enforcement officer may conduct additional sobriety tests to determine or confirm the influence of alcohol in the operator. There is no requirement that the officer take the operator to shore for any additional sobriety tests. An operator's refusal to participate in the alcohol testing process may result in the officer obtaining a warrant to procure blood, for purposes of testing, without the operator's consent.

A second or third conviction for this offense carries mandatory jail time. The court may suspend the operator's driving privileges. Michigan Law also states that a person convicted of a third BUI offense within ten years and a person convicted of BUI causing significant bodily injury or death of another person will be guilty of a felony.

The bottom line is that a day at the beach can quickly turn into a nightmare. Just like drinking and driving, boating and alcohol do not mix. With strict rules and stiff penalties now in place, one should always avoid driving a watercraft under the influence of any substance, including alcohol. However, if you or someone you know is facing a BUI charge, retaining counsel experienced in this area of the law is highly recommended.