

Understanding Boating Under the Influence (BUI)

Law Firm Blog Post

Completed: May 2014

People who would never drink and drive may be unaware of the crime of drinking and boating. This is due to a mix of factors. Some do not know that it is illegal while others may remember the lax attitude of the past. Once, a drunken boater would simply be told to go home. Now, due to increasing deaths from boating DUI (also known as BUI or Boating Under the Influence), drinking and boating can result in restrictive penalties, including prison.

There is good reason for the concern. According to the [Boat Kentucky Course](#), one drink on a boat has the same effect as consuming three on land. Alcohol is the main factor in the 651 boating deaths in 2012, according to [U.S. Coast Guard records](#).

Pursuing and prosecuting boating DUI has become a greater priority for law enforcement. Some of this effort can be over-zealous preying on vacationers while others suspected of boating and drinking simply made a mistake. In either instance, it is recommended you know your rights when it comes to boating DUI.

Establishing Boating Under the Influence (BUI)

It is important to first note that just as in operating a vehicle on land, a boat operator is considered intoxicated with a BAC .08%. Also, drinking alcoholic beverages in public places is illegal in Kentucky, including the state waterways. It is likely that you can be presumed intoxicated and pulled over if a waterway officer sees you operating a boat while drinking a beer.

BUI laws apply to all vessels, even non-motorized ones. Operating a power boat, canoe, personal watercraft, sailboat, or kayak while intoxicated is still a boating DUI.

Also, if you are not actually operating a boat, but perhaps fall asleep on a boat while impaired, you can also face DUI or BUI charges. You may also drink at the dock only to return to the boat not realizing you are legally intoxicated. Basically, there are many scenarios where one can be arrested for BUI which makes BUI arrests sometimes questionable and vulnerable to scrutiny.

Penalties for BUI

Another unknown fact is that a boating DUI affects driving privileges as well as a boating license. BUI leads to an immediate driver's license suspension for 90 days that can increase from one year to life, depending on number of convictions. Treatment, alcohol assessment, and driver education might also be required, along with the installation of an ignition interlock on your land vehicle. Many of these occur at the defendant's expense. Fines range from \$200 up to \$1,000 with the possibility of 30 days imprisonment, depending on previous record.

Arrested and Charged with BUI?

If stopped for suspicion of a boating DUI, remain calm and polite. Ask why you were stopped if you do not understand. Just as with roadways, officers cannot pull over your boat without a solid suspicion. DUI attorneys can fight charges if pulling over your boat was not legal in the first place.

If arrested, write down what you had to drink that day, when, how much, and any food you consumed. That information can also help formulate your DUI defense. Make sure you write down anything you remember about your arrest as that information can show improperly managed field sobriety tests or other irregularities by the arresting officer.

Understand that after a BUI arrest, time will be of the essence. There are deadlines for challenging license suspensions, ordering records, and filing proper pleadings. Talk to an experienced DUI professional [[link to client law firm included with text](#)] as soon as possible. We can help you navigate the DUI defense process to avoid far-reaching consequences when possible.