



## **SUMMER BOATING SEASON AND “UNDER THE INFLUENCE”**

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It is that time of the year when we begin to see a rise in the number of alcohol related boating violations. Boating “under the influence” is a violation of 46 USC 2302(c). Coast Guard boarding teams may conduct Field Sobriety Tests (FSTs), obtain breathalyzer readings, and observe the overall behavior and appearance of a mariner to make a determination whether the mariner is under the influence of alcohol or a dangerous drug. Frequently, one or more of these tests are done by local authorities. Anyone operating a vessel while found to be “under the influence” may be charged with this violation and be subject to a civil penalty.

Copies of the FSTs *with all of the blocks completed in a readable manner and with signatures* as required, breathalyzer readings obtained by Coast Guard and local authorities, documented observations of behavior and appearance, and a narrative of the events of the boarding help to determine and support that a violation occurred. Additionally, if the mariner refuses a breathalyzer test, the circumstances of the offer and refusal of the test should be documented. 33 CFR 95.040 provides that a refusal creates a presumption of intoxication. 33 CFR 95.030 makes either personal observations or a chemical test sufficient to form a basis for a charge that the mariner is boating “under the influence.”

Boating “under the influence” is a serious violation. Mariners have a responsibility to avoid boating “under the influence.” Boarding teams have a responsibility to properly and accurately record the events, FSTs, breathalyzer readings or refusal of breathalyzer testing when alleging that a mariner has been boating under the influence.