



BOATING UNDER THE INFLUENCE – STATE LAWS Summary

Summary of State Laws Addressing Boating Under the Influence

Enacted or adopted as of April 30, 2019

All 50 states and the District of Columbia prohibit the operation of a boat while intoxicated. However, state laws differ as to the applicability of Boating Under the Influence (BUI) laws in certain scenarios, the requirements for intoxication testing, as well as the type of penalties they assess. The following is a compilation of state BUI laws and provisions.

State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
Alabama	Ala. Code §§ 32-5A-191.3 and 32-5A-191	Applies to any vessels (i.e., all watercraft, other than seaplanes, capable of transportation on water, but does not include vessels <12 ft. in length when used exclusively on farm ponds of less than 50 acres in size), water skis, aquaplane, or any other marine transportation device (§§ 32-5A-191.3; 33-5-3)	Applies to alcohol and drugs (i.e., controlled substances and any other substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of driving safely)	0.08 for adults; 0.02 for < 21 y.o. (§32-5A-191)	Chemical test of blood, breath, or urine (§§ 32-5A-191.3(b); 32-5-192)	Yes (§§ 32-5A-191.3; 32-5-192)	<u>1st offense</u> : imprisonment for not more than 1 year or minimum fine of \$600 up to \$2,100, or both and vessel operating privilege suspension for 90 days; <u>2nd offense (w/in 5 years)</u> : minimum fine of \$1,110 up to \$5,100 and mandatory sentence of imprisonment for 5 days up to 1 year or community service of not less than 30 days, and operating privilege suspension for 1 year (and 2 years ignition interlock installation); <u>3rd offense</u> : minimum fine of \$2,100 up to \$10,100, imprisonment for a minimum of 60 days up to 1 year and 3 years suspension of operating privileges (and 3 years ignition interlock installation);



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			(§§32-5A-191.3; 32-5A-191)				4 th and subsequent offense: Class C felony, minimum fine of \$4,100 up to \$10,100, imprisonment for a minimum of 1 year + 1 day up to 10 years, and 5 years suspension of operating privileges (and 4 years ignition interlock installation) (§§ 32-5A-191.3(d); 32-5A-191(e)-(h))
Alaska	<u>Alaska Stat. §28.35.030</u>	Applies to watercrafts (i.e., vessels used or capable of being used as means of transportation or for recreational or commercial purposes on all waters of the state) (§28.35.030(a); (u)(3))	Applies to alcohol, intoxicating liquors, inhalants, or any controlled substances (§28.35.030(a)(1))	0.08 (§28.35.030(a)(2))	Chemical test of breath and blood (§28.35.031)	Yes (§§ 28.35.031-.032)	1 st offense: minimum of 72-hours imprisonment (6-month ignition interlock device installation) and minimum fine of \$1,500; 2 nd offense: minimum of 20 days imprisonment (12-month ignition interlock device installation) and minimum fine of \$3,000; 3 rd offense: minimum of 60 days imprisonment (18-month ignition interlock device installation) and minimum fine of \$4,000; 4 th offense: minimum of 120 days imprisonment (24-month ignition interlock device installation) and minimum fine of \$5,000; 5 th offense: minimum of 240 days imprisonment (30-month ignition interlock device installation) and minimum fine of \$6,000; 6 th and subsequent offense: minimum of 360 days imprisonment (36-month ignition interlock device installation) and minimum fine of \$7,000 (§28.35.030(b)) (see also §28.35.030(n) for treatment of prior convictions)
Arizona	<u>Ariz. Rev. Stat. Ann §5-395</u>	Applies to motorized watercrafts (i.e., any watercraft that is propelled by machinery whether or not the machinery is the principal source of propulsion) (§§5-395; 5-301)	Applies to intoxicating liquor, any drug, and/or vapor releasing substance (§5-395)	0.08 (§5-395)	Preliminary breath test allowed but can test blood, breath, urine, or other bodily substance (§5-395.03-.04)	Yes (§5-395.03)	1 st offense: Class 1 misdemeanor; no less than 10 days incarceration and fine of at least \$250 + \$500 assessment to be deposited in prison construction and operations fund + \$500 assessment to be deposited in law enforcement and boating safety fund. Must also complete alcohol or drug screening/treatment. May also be ordered to perform community restitution. 2 nd offense (w/in 84 months): at least 90 days imprisonment, fine of at least \$500, at least 30 hours community restitution, \$1,250 assessment to be deposited in prison construction and operations fund + \$1,250 assessment to be deposited in law enforcement and boating safety fund (§5-395.01)



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Arkansas	Ark. Code Ann. §27-101-202	Applies to motorboats (i.e., any vessel operated upon water or propelled by machinery and personal watercrafts using an inboard motor to power a water jet pump as primary source of motive power) and applies to water skis, aquaplanes, personal watercraft or similar devices (§§5-65-102; 27-101-202)	Applies to alcohol, controlled substances, and/or similar intoxicants and any narcotic drug, barbiturate, or marijuana (§§5-65-102; 27-101-202(7))	0.08; 0.02-0.08 for < 21 y.o. (§5-65-303)	Chemical test of blood, breath, saliva, or urine (§5-65-208)	Yes (§§ 5-65-202, 205)	<u>1st offense</u> : license suspension for 6 mo., imprisonment for 24 hrs to 1 year, and \$150 - \$1000 fine (may include ignition interlock restriction); <u>2nd offense (w/in 5yrs)</u> : license suspension for 24 mo., imprisonment 7 days to 1 year, and \$400 - \$3,000 fine; <u>3rd offense (w/in 5 yrs)</u> : license suspension for 30 mo., imprisonment 90 days to 1 year, and \$900 - \$5,000 fine; <u>4th offense (w/in 5 years)</u> : license revocation for 4 years, imprisonment 1 year to 6 years, and \$900 - \$5,000 fine; <u>5th offense (w/in 5 years)</u> : license revocation for 4 years, imprisonment 2 to 10 years, and \$900 - \$5,000 fine; <u>6th and subsequent offense (w/in 10 years)</u> : guilty of Class B felony. Court may order public service instead in certain circumstances (§§5-65-104, -111, -112); prior convictions to be considered include DUI offenses (§5-65-104); penalties differ if < 21 y.o. (§§ 5-65-303 to 308)
California	Cal. Harb. & Nav. Code §655	Applies to any vessel, water skis, aquaplane, or similar device (§655)	Applies to alcohol and/or drugs (§655)	0.08 (for recreational vessels); 0.04 (for non-recreational vessels); 0.01 for under 21 y.o. (§§655; 655.6)	Chemical test of blood, breath, or urine depending on vessel person is operating (§655.1)	Yes (§655.5)	<u>1st offense</u> : fine of not more than \$1,000 or imprisonment in a county jail for not more than 6 months, or both. If probation is granted, the court, as a condition of probation, may require the person to participate in, and successfully complete, an alcohol or drug education, training, or treatment program, in addition to imposing penalties; <u>2nd offense (w/in 7 years)</u> : fine of not more than \$1,000 or imprisonment in a county jail for not more than one year, or both; probation may be granted; greater penalties for bodily injury; must complete boating safety course (§§668; 668.1)
Colorado	Colo. Rev. Stat. §33-13-108.1	Applies to vessels (i.e., all watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes) (§33-13-102)	Applies to alcohol and/or drugs (including inhalants) (§33-13-108.1)	0.08 (§33-13-108.1)	Analysis of blood, breath, saliva, or urine (§33-13-108.1)	Yes (§33-13-108.1)	<u>1st offense</u> : imprisonment for minimum of 5 days up to one year and fine of a minimum of \$200 up to \$1,000; <u>2nd offense (w/in 5 years)</u> : imprisonment for minimum of 60 days up to one year and fines of a minimum of \$500 up to \$1,500; court may also order public service (§33-13-108.1)



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Connecticut	<u>Conn. Gen. Stat. §15-133</u>	Applies to vessels (i.e., all watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water) (§§15-133; 15-127)	Applies to alcohol and/or drugs (§15-133)	0.08; 0.02 if under 21 y.o. (§15-133)	Chemical analysis of blood, breath, or urine (§15-133)	No	<u>1st offense</u> : minimum fine of \$500 up to \$1,000 and imprisoned for a maximum of 6 mo. and 1-year suspension of operation privileges; <u>2nd offense (w/in 10 years)</u> : minimum fine of \$1,000 up to \$4,000, imprisonment for a maximum of 2 years, and 3-year suspension of operation privileges; <u>3rd and subsequent offense (w/in 10 years)</u> : minimum fine of \$2,000 up to \$8,000, maximum of 3 years imprisonment, and permanent suspension of operation privileges; probation may require community service (§15-133)
Delaware	<u>Del. Code Ann. tit. 23 §2301-2305</u>	Applies to vessels (i.e., every device in, upon, or by which any person may be transported upon water excepting devices moved by human power) and boats (§§2302; 2301)	Applies to alcohol and/or drugs (§2302)	0.08 (§2302)	Chemical analysis of blood, breath, or urine (§2302)	Yes (§§2303; 2304)	<u>1st offense</u> : minimum fine of \$200 up to \$1,000 or minimum of 60 days imprisonment up to a maximum of 6 mo.; <u>2nd offense (w/in 5 years)</u> : minimum fine of \$500 up to \$2,000 and minimum of 60 days imprisonment up to a maximum of 18 mo. (no suspended sentence); <u>3rd offense (w/in 5 years)</u> : class G felony, minimum fine of \$1,000 up to \$3,000 and minimum of 1 year imprisonment up to 2 years; <u>4th and subsequent offense</u> : class E felony, minimum fine of \$2,000 up to \$6,000 and minimum of 2 years imprisonment up to 5 years; alternative penalties for persons < 17 y.o. (§2305)
District of Columbia	<u>D.C. Code §50-2206.31</u>	Applies to watercrafts (i.e., boats, ships, or other crafts used for water transportation, as well as water skis, aquaplanes, sailboards, a similar vessels) (§§50-2206.31; 50-2206.01)	Applies to alcohol and/or drugs (§50-2206.31)	0.08 (§50-2206.01)	Chemical test of blood, breath, or urine (§50-2206.51)	N/A	<u>1st offense</u> : maximum fine of \$300, imprisonment for up to 30 days, or both; <u>2nd offense</u> : fine not to exceed \$2,500, imprisonment for not more than 180 days, or both; <u>3rd offense</u> : minimum fine of \$2,500 up to \$5,000, imprisonment for not more than 1 year, or both (§50-2206.34)
Florida	<u>Fla. Stat. §327.35</u>	Applies to vessels (i.e., boats) and includes every description of watercraft, barge, and airboat other than a seaplane, used or capable of being used as a means of transportation on water (§327.02; §327.35)	Applies to alcohol, chemical and/or controlled substances (§327.35(1)(a))	0.08 (§327.35)	Chemical or physical test of blood, breath, or urine (§327.352)	Yes (§327.352)	<u>1st offense</u> : minimum fine of \$500 up to \$1,000 and imprisonment of 6 mo. or less; <u>2nd offense</u> : minimum fine of \$1,000 up to \$2,000 and imprisonment of 9 mo. or less; <u>3rd offense (w/in 10 years)</u> : minimum fine of \$2,000 up to \$5,000 and imprisonment of 12 mo. or less; <u>4th and subsequent offense</u> : 3 rd degree felony, minimum fine of \$2,000 and imprisonment. If contributes to property damage =



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							misdemeanor; if serious bodily injury = 3rd degree felony; if death, 2nd degree or 1st degree felony (§327.35) For any offense, probation and vessel impoundment/immobilization may be ordered (depending on whether the offender owns vessel in question) (§327.35)
Georgia	<u>Ga. Code Ann. §52-7-12</u>	Applies to vessels (i.e., all watercraft, other than a seaplane or sailboard, capable of being used as a means of transportation on water (including, but not limited to, inflatable rafts and homemade vessels)) water skis, aquaplanes, surfboards, or similar moving devices (§§52-7-12; 52-7-13)	Applies to alcohol, drugs, glue, aerosol, and/or other toxic vapors (§52-7-12)	0.08; 0.02 for under 21 y.o. (§52-7-12)	Chemical analysis of blood, urine, breath or other bodily substance (§52-7-12)	Yes (§52-7-12)	<u>1st offense</u> : minimum fine of \$300 up to \$1,000, imprisonment for a minimum of 10 days up to 12 months, minimum 40 hours community service, 12 months of probation; <u>2nd offense (w/in 10 years)</u> : minimum fine of \$600 up to \$1,000, imprisonment for a minimum of 90 days up to 12 months, minimum 30 days community service, 12 months of probation; <u>3rd offense (w/in 10 years)</u> : minimum fine of \$1,000 up to \$5,000, imprisonment for a minimum of 120 days up to 12 months, minimum 30 days community service, 12 months of probation; <u>4th offense or subsequent conviction (w/in 10 years)</u> : minimum fine of \$1,000 up to \$5,000, imprisonment for a minimum of 1 year up to 5 years, minimum 60 days community service, 5 years of probation. <u>For all offenses</u> : completion of DUI Alcohol or Drug Use Risk Reduction Program and clinical evaluation (and completion of substance abuse treatment program if recommended) (§52-7-12)
Hawaii	<u>Haw. Rev. Stat. §291E-61</u>	Applies to all vehicles, including vessels (i.e., all watercrafts used or capable of being used as a means of transportation on or in the water) (§§291E-1; E-61)	Applies to alcohol and/or drugs (§291E-61)	0.08 or presence of any drug sufficient to impair ability to operate vehicle (§291E-61)	Test of blood, breath, or urine (§291E-11)	Yes (§§ 291E-11, E-15)	<u>1st offense</u> : 14-hour minimum substance abuse rehab program, 1-year license revocation, and either 72 hours community service, minimum of 48 hours up to 5 days imprisonment, and/or minimum fine of \$150 up to \$1,000 fine; <u>2nd offense (w/in 5 years)</u> : minimum of 18 months up to 2 years license revocation, minimum \$500 up to \$1,500 fine, and either 240 hours community service or a minimum of 5 and up to 30 days imprisonment; <u>3rd offense (w/in 5 years)</u> : minimum fine of \$500 up to \$2,500, 2-year license revocation, minimum days up to 30 days imprisonment (§291E-61)
Idaho	<u>Idaho Code §67-7034</u>	Applies to vessels (i.e., all watercraft including a seaplane on the water, but does not include: float houses,	Applies to alcohol, drugs, and/or any	0.08, 0.02 for under 21 y.o. (§67-7034)	Analysis of blood, breath, or urine or other	Yes (§67-7037)	Guilty of a misdemeanor, fine up to \$1,000, incarceration up to 6 months, and successful completion of course on safe boating (§ 67-7033)



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		diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, beach and water toys) (§§ 67-7003; 7034)	other intoxicating substances (§67-7034)		bodily substance (§67-7034)		If causes bodily harm to another, guilty of a felony punishable by up to 5 years in jail, up to \$5,000 fine, revocation of license for 1-2 years, and ordered to pay restitution (§67-7035)
Illinois	625 Ill. Comp. Stat. 45/5-16	Applies to vessels or watercrafts (i.e., all watercraft used or capable of being used as a means of transportation on water, except a seaplane on water, air mattress or similar device, and boats used for concession rides in artificial bodies of water designed and used exclusively for such occasions) (§§625 ILCS 45/1-2; 45/5-16)	Applies to alcohol, drugs, and/or intoxicating compounds (§625 ILCS 45/5-16)	0.08 or any level of drugs (§625 ILCS 45/5-16)	Chemical test of blood, breath, other bodily substance, or urine (§ 625 ILCS 45/5-16)	Yes (§625 ILCS 45/5-16)	Class A misdemeanor; Class 4 felony if previous conviction or results in bodily injury; Class 2 felony if results in death then punishable for a minimum of 3 up to 14 years imprisonment (§625 ILCS 45/5-16)
Indiana	Ind. Code §35-46-9-6	Applies to motorboats, including watercrafts and sailboats with mechanical motors/engines and sailboats, and personal watercrafts (§§35-46-9-3; 6)	Applies to alcohol, controlled substances, and/or if individual is otherwise intoxicated (§§35-46-9-6; 2)	0.08 (§35-46-9-6)	Chemical test of blood, breath, urine, or other bodily substance (§35-46-9-1)	Yes (§35-46-9-8)	<u>1st offense</u> : Class C misdemeanor; <u>2nd and subsequent offense or serious bodily injury</u> : level 6 felony. If results in death, Level 5 felony (§35-46-9-6)
Iowa	Iowa Code §462A.14	Applies to motorboats (i.e., any vessels propelled by an inboard, inboard-outdrive, or outboard engine) or sailboats; vessels include any watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice (including ice boats)) (§§462A.14; 2)	Applies to alcohol and/or drugs (§462A.14)	0.08 (§462A.14)	Chemical test of breath, blood, or urine (§462A.14A)	Yes (§§462A.14A-B)	<u>1st offense</u> : a serious misdemeanor punishable by a minimum of 48 hours imprisonment, \$1,000 fine, prohibition of operation for 1 year, substance abuse evaluation and treatment and a course for drinking drivers; <u>2nd offense</u> : aggravated misdemeanor punishable by a minimum of 7 days imprisonment, minimum fine of \$1,500 up to \$5,000, prohibition of operation for 2 years, substance abuse evaluation and treatment, and a course for drinking drivers;



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							<u>3rd and subsequent offense</u> : class D felony punishable by a minimum of 30 days up to 1 year imprisonment, minimum fine of \$2,500 up to \$7,500, prohibition of operation for 6 years, substance abuse evaluation and treatment, and course for drinking drivers; class D felony for serious injury; class B felony for death (§462A.14)
Kansas	<u>Kan. Stat. Ann. §32-1131</u>	Applies to vessels (i.e., any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water) (§§32-1131; 1130; 1102)	Applies to alcohol and/or drugs (§32-1131)	0.08 or amount that renders person incapable of safely operating a vessel; 0.02 for under 21 y.o. (§32-1131)	Test of blood, breath, urine, or other bodily substance (§32-1132)	Yes (§32-1132)	<u>1st offense</u> : misdemeanor punishable by imprisonment for up to 1 year and minimum fine of \$100 up to \$500; <u>2nd and subsequent offense</u> : misdemeanor punishable by imprisonment for a minimum of 90 days up to 1 year and minimum fine of \$100 up to \$500; all convictions require completion of a boater safety education course (§32-1131)
Kentucky	<u>Ky. Rev. Stat. Ann. §235.240</u>	Applies to motorboats, vessels (i.e., all watercraft, other than a seaplane on the water), water skis, surfboards, or similar devices (§§235.240; 235.010)	Applies to alcohol or substances that impair ability (§235.240)	0.08; 0.02 if less than 21 y.o. (§235.240)	Tests accepted by state's evidentiary mandate (§235.240)	Yes (§§235.240; 235.990)	<u>1st offense</u> : \$200-\$250 fine or imprisonment for 24-hours; <u>2nd offense</u> : \$350-\$500 fine or imprisonment for 48-hours; <u>3rd and subsequent offense</u> : \$600-\$1,000 fine or imprisonment for a minimum of 30 days or both; for all offenses may be ordered to take a safe-boating course (§235.990)
Louisiana	<u>La. Stat. Ann. §14:98</u>	Applies to watercrafts, vessels, or any other means of conveyance (§14:98)	Applies to alcohol, any controlled substance, and/or other drugs (§14:98)	0.08; 0.02 for under 21 y.o. (§§14:98; 98.6)	Chemical test of blood, breath, urine, or other bodily substance (§14:98; 32:661.1)	Yes (§§14:98.7; 32.661.1)	<u>1st offense</u> : minimum fine of \$300 up to \$1000, minimum imprisonment of 10 days up to 6 months; <u>2nd offense</u> : minimum fine of \$750 up to \$1000, minimum imprisonment of 30 days up to 6 months, and greater penalties if second offense occurred within 1 year of prior offense; <u>3rd offense</u> : fine of \$2,000, minimum imprisonment of 1 year up to 5 years; <u>4th and subsequent offense</u> : \$5,000 fine, minimum imprisonment of 10 years up to 30 years, and court can order that vehicle be seized, impounded, and sold at auction. Court may modify penalties (e.g., probation) in certain scenarios (§§14:98.1 98.2-98.4) Different penalties for under 21 y.o. (§14:98.6)
Maine	<u>Me. Stat. tit. 12, §10701</u>	Applies to watercrafts (i.e., any type of vessel, boat, canoe or craft capable of being used as a means	Applies to intoxicating liquor and/or drugs (§10701)	0.08; > 0.00 for under 21 y.o. (§10701)	Chemical test of blood, breath, or urine	Yes; penalties for refusal	<u>1st offense</u> : minimum fine of \$400 and 48 hours incarceration; <u>2nd offense (w/in 6 years)</u> : minimum fine of \$600 and 7 days incarceration;



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		of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft) (§§10701; 13001)			(§§10702; 10703)	(§§10701; 10702)	3 rd and subsequent offense (w/in 6 years): minimum fine of \$1,000 and 30 days incarceration. Court may also order alcohol or drug education, evaluation, and treatment programs (§10701)
Maryland	<u>Md. Code Ann., Nat. Res. §8-738</u>	Applies to vessels (i.e., all watercraft, including an ice boat but not a seaplane, capable of being used as a means of transportation on water or ice (§§8-738; 701)	Applies to alcohol, drugs and/or controlled dangerous substances (§8-738)	Cannot operate under the influence or impaired by alcohol, but 0.08 is considered prima facie evidence of operation under the influence (§§ 8-738; 11-174.1)	Analysis of blood or breath (§8-738)	Yes (§8-738)	For "under the influence" of alcohol: <u>1st offense</u> : not more than \$1,000 fine or not more than 1-year imprisonment, or both; <u>2nd offense</u> : not more than \$2,000 or not more than 2 years imprisonment, or both; <u>3rd and subsequent offense</u> : not more than \$3,000 or not more than 3 years imprisonment, or both; for all under the influence violations, court may prohibit operation of vessel for up to 1 year. Different penalties for "impaired" by alcohol or drugs: <u>1st offense</u> : fine of not more than \$500 or imprisonment for not more than 2 months, or both; <u>2nd and subsequent offense</u> : fine of not more than \$1,000 or imprisonment of not more than 1 year, or both. (§8-738)
Massachusetts	<u>Mass. Gen. Laws ch. 90B, §8</u>	Applies to vessels (i.e., all watercrafts, except seaplanes, used or capable of being used as a means of transportation on water (90B §§1; 8)	Applies to intoxicating liquor or marijuana, narcotic drugs, depressant or stimulant substances (90B §8)	0.08 (90B §8)	Chemical test of blood or breath (90B §8)	Yes (90B §8)	<u>1st offense</u> : minimum fine of \$100 up to \$1000 or not more than 2.5 years imprisonment, or both; <u>2nd offense (w/in 6 years)</u> : minimum fine of \$300 up to \$1000 fine and 14 days imprisonment up to 2.5 years, or both with no opportunity for suspension/parole; <u>3rd offense (w/in 6 years)</u> : minimum fine of \$500 up to \$1000 or 6 months imprisonment up to 2.5 years, with no opportunity for reduction or suspension/parole; <u>4th offense (w/in 10 years)</u> : minimum fine of \$500 up to \$1000 or 1 year imprisonment up to 2.5 years, with no opportunity for reduction or suspension/parole;



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							5 th and subsequent offense (w/in 10 years): minimum fine of \$1000 up to \$1500 or 2.5 years imprisonment up to 10 years, with no opportunity for reduction or suspension/parole (90B §8)
Michigan	Mich. Comp. Laws §324.80176	Applies to motorboats (including vessels propelled wholly or in part by machinery) (§§324.80176; 324.80103)	Applies to alcoholic liquor and/or controlled substances (§324.80176)	0.08; 0.02 for < 21 y.o. (§324.80176)	Preliminary chemical breath analysis then other tests of blood, breath, or urine to be collected by licensed physician, nurse or medical technician (§§324.80180; 324.80181)	Yes (§§324.80180 ; 324.80187)	1 st offense: punished by one or more of the following: not more than 45 days of community service, not more than 93 days imprisonment, minimum fine of \$100 up to \$500; 2 nd offense (w/in 7 years): minimum fine of \$200 up to \$1000 and either community service for a minimum of 10 days up to 90 days and may be imprisoned for not more than 1 year or imprisonment for a minimum of 48 hours or note more than 1 year and community service for not more than 90 days; 3 rd and subsequent offense: guilty of felony, imprisonment for not less than 1 year up to 5 years or a minimum fine of \$500 up to \$5000, or both (§324.80177)
Minnesota	Minn. Stat. §86B.331 and 169.20 Subd. 1a.	Applies to motorboats in operation (i.e., watercraft propelled by any manner of machinery, including watercraft temporarily equipped with detachable motors). Does not include a motorboat that is anchored, beached, or securely fastened to a dock or permanent mooring, or to a motorboat that is being rowed or propelled by other than mechanical means. (§86B.331; 86B:005)	Applies to alcohol, controlled substances, and hazardous substances which affect the nervous system, brain, or muscles (§86B.331)	0.08; any amount of controlled substances other than marijuana or tetrahydrocanna binols (§86B.331)	Preliminary screening breath test; chemical test of blood, breath, or urine (§§86B.331; 169A.20; 169A.41)	Yes (§§86B.331; 169A.20; 169A.50-53)	A person convicted for violating §169A.20 is prohibited from operating a motorboat for a period of 90 days between May 1 and October 31, extending over 2 consecutive years if necessary. A person who refuses to submit to a lawful demand for testing is prohibited from operating a motorboat for one year. (§86B.331). Law distinguishes between felony (§169A.275) and nonfelony (§169A.276) violations <i>Nonfelony Violations</i> 1 st offense: misdemeanor; 2 nd offense (w/in 10 years): minimum 30 days of incarceration, or 8 hours/day community work service (for each day less < 30 days that the person is ordered to serve); 3 rd offense (w/in 10 years): minimum 90 days of incarceration or program of intensive supervision combination; 4 th offense (w/in 10 years): minimum 180 days of incarceration or program of intensive supervision combination;



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							<p>5th and subsequent offense (w/in 10 years): minimum 1-year incarceration or program of intensive supervision combination (§169A.275)</p> <p><i>Felony Violations</i> (1st degree driving while impaired under circumstances described in §169A.24): imprisonment for a minimum of 3 years and fine of not more than \$14,000 and driver's license revocation (§169A.276)</p>
Mississippi	Miss. Code Ann. §59-23-1 et seq.	Applies to watercrafts (i.e., motorized vessels with a motor of 25 horsepower or greater used for transportation on public waters, and personal watercraft (jet skis)) (§§59-23-3; 59-23-7)	Applies to intoxicating liquor or any other substances that impair ability to operate a watercraft (§59-23-7)	0.08 (§59-23-7)	Chemical test of blood, breath, urine, or other bodily substance (§§59-23-3; 59-23-5)	Yes (§59-23-5)	<p>1st offense: minimum fine of \$250 up to \$1,000 or 24-hour imprisonment, or both, and completion of a boating safety education course;</p> <p>2nd offense (w/in 5 years): minimum fine of \$600 up to \$1,000 and minimum 48-hour imprisonment up to 1 year or minimum 10 days community service work up to 1 year; and revocation of ability to operate for 1 year;</p> <p>3rd offense (w/in 5 years): minimum fine of \$800 up to \$1000 fine and minimum 30 days imprisonment up to 1 year, and court order prohibiting operation for 2 years;</p> <p>4th and subsequent offense (w/in 5 years): minimum \$2,000 fine up to \$5,000 and minimum 90 days up to 5 years imprisonment, and court order prohibiting operation for 3 years. (§59-23-7)</p>
Missouri	Mo. Rev. Stat. §577.013	Applies to vessels (i.e., any boat or craft propelled by a motor or by machinery, or any boat or craft more than 12 feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars) (§§577.013; 556.061)	Applies to intoxicated condition (i.e., under the influence of alcohol, a controlled substance, and/or drug) (§§577.013; 577.001)	No specific amount required to be present in the blood for an offense of boating while intoxicated; 0.08 for the offense of boating with excessive blood alcohol content; for < 21 y.o., suspicion of 0.02 enough to warrant administration of	Chemical test of breath, blood, saliva, or urine (§§577.020)	Yes (§§577.020; 577.041)	<p>For the offense of boating with excessive blood alcohol content:</p> <p>1st offense: if the individual operated the vessel with 0.15 to 0.20, minimum imprisonment for 48-hours; if the individual operated the vessel with > 0.20, minimum imprisonment for not less than 5 days;</p> <p>2nd or subsequent offense: court may require the offender to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of 4 times/day as a condition of probation.</p> <p>Prior offenders may be subject to additional imprisonment before eligibility for parole, community service, treatment, etc. (§577.014)</p>



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
				testing (§§577.013; 577.014; 577.020)			
Montana	<u>Mont. Code Ann. §23-2-523</u>	Applies to motorboats or vessels (i.e., all watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on water) or manipulate waterskis, a surfboard, or a similar device or other contrivance (§§23-2-523; 23-2-502)	Applies to alcohol and/or drugs (§23-2-523)	0.08 (allows for a rebuttable influence that the person was under the influence) (§§23-2-535; 61-8-401)	Analysis of blood, breath, urine (§23-2-535)	No; but proof of refusal can be used as evidence in a criminal proceeding (§23-3-535)	Misdemeanor punished by a fine of not less than \$15 or more than \$500 or by imprisonment for a term up to 6 months, or both (§23-2-507)
Nebraska	<u>Neb. Rev. Stat. Ann. §37-1254.01 et seq.</u>	Applies to motorboats or personal watercraft (i.e., all watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water) (§§37-1254.01; 37-1203)	Applies to alcoholic liquor or drugs (§37-1254.01)	0.08 (§37-1254.01)	Chemical test of blood, breath, or urine (§37-1254.03)	Yes (§§37-1254.02; 09)	<u>1st offense</u> : Class II misdemeanor, 6-month suspension of physical control of the motorboat or personal watercraft; <u>2nd offense</u> : Class I misdemeanor, 2-year suspension of physical control of the motorboat or personal watercraft (§37-1254.01)
Nevada	<u>Nev. Rev. Stat. Ann. §488.400</u>	Applies to motorboats or vessels (i.e., any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water), or manipulate any water skis, surfboard or similar device (§§488.400; 488.035)	Applies to intoxicating liquor and/or any controlled substance (§488.410)	0.08 (§488.410)	Evidentiary test of blood, urine, breath, or other bodily substance (§488.460)	Yes (§488.460)	<u>1st offense</u> : Misdemeanor; <u>2nd or subsequent offense (in any jurisdiction)</u> : category B felony punishable by minimum imprisonment of 2 years up to 15 years, and minimum fine of \$2,000 up to \$5,000 (§§488.410; 488.427)
New Hampshire	<u>N.H. Rev. Stat. Ann. §265-A:1</u>	Applies to boats (i.e., every type of watercraft used or capable of being used as a means of transportation on the water) (§265-A:1; A:2)	Applies to intoxicating liquor or controlled drug, prescription drug, over-the-counter drug, or any other substances, natural or synthetic (§265-A:2)	0.08; 0.02 < 21 y.o. (§265-A:2)	Physical tests and examinations of blood, urine, or breath (§265-A:4)	Yes (§265-A:10)	One-year suspension from operating a boat from the date of conviction (§265-A:19) <u>Driving while intoxicated</u> : class B misdemeanor; punishable by minimum fine of \$500, IDCMP referral, and required to submit to an alcohol and drug abuse screening within 14 days of conviction; <u>Aggravated driving while intoxicated</u> : class A misdemeanor punishable by fine not less than \$750, minimum of 17 days imprisonment, IDCMP referral, substance use disorder evaluation,



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
							ordered to install an interlock device, driver's license suspension for a minimum of 18 months, and may require submission to random urinalysis (greater penalties if results in bodily injury). If within 2 years of prior conviction, mandatory sentence of not less than 60 consecutive days imprisonment, of which 30 days shall be suspended; <u>2nd offense (w/in 10 years)</u> : class A misdemeanor; punishable by minimum fine of \$750, driver's license revocation for minimum of 3 years; if w/in 2 years, minimum 60 days imprisonment, IDCMP referral, substance use disorder evaluation; if w/in more than 2 years but less than 10 years, minimum 17 days imprisonment and IDCMP referral; <u>3rd or offense</u> : revocation of driver's license for a minimum of 5 years, minimum of 180 imprisonment, and IDCMP evaluation; <u>4th or subsequent offense</u> : guilty of a felony; punishable by all the penalties of prior offenses; indefinite revocation of driver's license (§265-A:18)
New Jersey	N.J. Stat. Ann §12:7-46	Applies to vessels (i.e., power vessels or vessels 12 feet or greater in length) (§12:7-46)	Applies to intoxicating liquor, a narcotic hallucinogenic, or habit-producing drugs (§12:7-46)	0.08 (§12:7-46)	Chemical test of breath, blood, or urine (§12:7-55)	Yes (§§12:7-55; 12:7-57)	<u>1st offense</u> : if BAC 0.08% or higher but less than 0.10%, minimum fine of \$250 up to \$400 and 1-year suspension; if BAC is 0.10% or higher, minimum fine of \$300 up to \$500 and 1-year suspension; <u>2nd offense</u> : minimum fine of \$500 up to \$1,000, community service for a period of 30 days, minimum imprisonment of 48 hours up to 90 days, and 2-year suspension; <u>3rd or subsequent offense</u> : fine of \$1,000, imprisonment minimum of 180 days, except that the court may lower this term for each day not exceeding 90 days during which the person performs community service, 10-year suspension (§12:7-46)
New Mexico	N.M. Stat. Ann. §66-13-3	Applies to motorboats (i.e., any boat, personal watercraft or other type of vessel propelled by machinery, whether or not machinery is the principle source of propulsion; includes a vessel propelled or designed to be	Applies to intoxicating liquor or any drugs (§66-13-3)	0.08 (0.16 constitutes aggravated boating while under the influence) (§66-13-3)	Chemical test of blood or breath (§66-13-8)	Yes (§66-13-8)	<u>1st conviction</u> : Imprisonment for not more than 90 days or by a fine of not more than \$500, or both, boating safety course (additional penalties for aggravated offense); <u>2nd or subsequent conviction</u> : imprisonment for not more than 364 days or by a fine of not more than \$750, or both (additional penalties for aggravated offense) (§66-13-3)



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
		propelled by a sail, but does not include a sailboard or a windsurf board) (§§66-13-3; 66-13-2)					
New York	<u>N.Y. Nav. Law §49-a</u>	Applies to vessels (i.e., all watercraft or other artificial contrivance propelled in whole or in part by mechanical power and, which is used or capable of being used as a means of transportation over water) (§49-a; b)	Applies to alcohol or drugs (§49-a)	0.08; 0.02 < 21 y.o. (§49-a; b)	Chemical test of blood, breath, urine, saliva (§49-a; b)	Yes (§49-a; b)	For impairment by alcohol: <u>1st offense</u> : minimum fine of \$300 up to \$500, or by imprisonment for not more than 15 days, or both. <u>2nd offense (w/in 5 years)</u> : minimum fine of \$500 up to \$750, or imprisonment of not more than 30 days, or both. <u>3rd and subsequent offense (w/in 10 years)</u> : misdemeanor punishable by minimum fine of \$750 up to \$1,500, or by imprisonment of not more than 180 days, or both For all other violations: <u>1st offense</u> : misdemeanor punishable by imprisonment for not more than 1 year, minimum fine of \$500 up to \$1,000; <u>2nd offense (w/in 10 years)</u> : class E felony, punishable by imprisonment as defined in the penal law, by a minimum fine of \$1,000 up to \$5,000, or both; <u>3rd and subsequent offense (w/in 10 years)</u> : class D felony, punishable by minimum fine of \$2,000 up to \$10,000, imprisonment as defined in the penal law, or both (privileges and registration also subject to suspension for each offense) (different penalties if < 21 years old (§49-a; b)
North Carolina	<u>N.C. Gen. Stat. Ann. §75A-10</u>	Applies to motorboats or vessels (i.e., all watercraft or structure, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on water) or water skis, surfboard, or similar device (§§75A-10; 75A-2)	Applies to alcohol or impairing substances (§75A-10)	0.08 (§75A-10)	Chemical analysis of breath, blood, or other bodily fluid (§20-4.01)	No	Class 2 misdemeanor punishable by a fine of not less than \$250.00 (§75A-10)
North Dakota	<u>N.D. Cent. Code Ann. §20.1-13-07</u>	Applies to motorboats or vessels (i.e., any watercraft, other than a	Applies to intoxicating liquor, drug and/or substances	0.10 (§20.1-13-07)	Chemical test of blood, breath, or urine	Yes	Class B misdemeanor (§20.1-13)



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
		seaplane on the water, used or capable of being used as a means of transportation on water) (§§20.1-13-07; 20.1-01-02)	(§20.1-13-07)		(§20.1-13.1-01)	(§§20.1-13.1-01; 20.1-13.1-02)	
Ohio	<u>Ohio Rev. Code Ann. §1547.11</u>	Applies vessels or water skis, aquaplanes, or similar devices ("vessel" is not defined) (§1547.11)	Applies to alcohol and/or a drugs of abuse (§1547.11)	0.08 (also outlines additional concentration levels for various substances and testing methods); 0.02 for persons < 21 y.o. (§1547.11)	Whole blood, blood serum or plasma, urine, or breath (§1547.11)	Yes (§1547.11)	First degree misdemeanor: <u>1st offense</u> : minimum of three days' imprisonment (may sentence to more) and minimum fine of \$150 up to \$1,000; <u>2nd offense (w/in 10 years)</u> : minimum 10 days' imprisonment (may sentence to more) and minimum fine of \$150 up to \$1,000 (in connection with any offense the court may require completion of educational programs as part of the sentence); <u>3rd offense (w/in 10 years)</u> : minimum 30 days' imprisonment up to 1 year and minimum fine of \$150 up to \$1,000 (§1547.99)
Oklahoma	<u>Okla. Stat. Ann. tit. 63, §4210.8</u>	Applies to vessels (not defined) (§4210.8)	Applies to alcohol or other intoxicating substances (§4210.9)	0.08 (§4210.9)	Test of blood, saliva, or urine (§4210.9)	Yes (§4210.9)	<u>1st offense</u> : Misdemeanor and fine not to exceed \$1,000; <u>2nd or subsequent offense</u> : minimum fine of \$1,000.00 up to \$2,500 (§4210.9)
Oregon	<u>Or. Rev. Stat. Ann. §830.325</u>	Applies to boats (i.e., all watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes) (§830.325)	Applies to intoxicating liquor, cannabis, or controlled substance (§830.325)	0.08 (§830.510)	Chemical test of breath, blood, or urine (§830.510; 520)	Yes (§830.505; 550)	Class A misdemeanor (§830.990)
Pennsylvania	<u>30 Pa. C.S.A. §5502</u>	Applies to watercrafts (i.e., all devices used on the water or ice or capable of being used as a means of transport on water or ice; including boats, motorboats, iceboats, all terrain or amphibious	Applies to alcohol and/or controlled substances (§5502)	0.08; 0.02 for persons < 21 y.o. (§5502)	Chemical test of breath, blood, or urine (§5125)	Yes (§§5125; 5502)	<u>1st offense</u> : mandatory minimum term of 6 months' probation, fine of \$300, successful completion of approved boating safety course; <u>2nd offense</u> : minimum 5 days imprisonment, minimum fine of \$300 up to \$2,500, and successful completion of an approved boating safety course;



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
		vehicles when they are operated on water and all such other devices; does not include seaplanes) (§§102; 5502)					3 rd offense and subsequent offense: minimum 10 days imprisonment, minimum fine of \$500 up to \$5,000, and successful completion of an approved boating safety course (increased penalties if results in bodily injury or death) (§5502)
Rhode Island	46 R.I. Gen. Laws Ann. §46-22.2-3	Applies to watercrafts (i.e., devices for transportation by water) (§§46-22-2.3; 46-22.2-2)	Applies to intoxicated (i.e., alcohol, a controlled substance, any drug other than alcohol or a controlled substance or a combination thereof) (§§46-22.2-3; 46-22.2-2)	0.08 (§46-22.2-3)	Chemical test of blood, breath, or urine (§46-22.2-3)	Yes (§46-22.2-5)	<p><i>Misdemeanor:</i> <u>1st offense:</u> (i) <i>0.08 but less than 0.10</i>—subject to a minimum fine of \$100 up to \$250; may be required to perform 10 to 60 hours of public community restitution and/or attend boating safety course, as well as suspension of right to operate for up to 45 days; (ii) <i>0.10 but less than 0.15 (or second violation of between 0.08 and 0.10)</i>—subject to minimum fine of \$100 up to \$300; 10 to 60 hours of public community restitution and/or imprisonment for up to 1 year; suspension of right to operate for 3-6 months; required attendance at a boating safety course; and/or alcoholic or drug treatment; (iii) <i>0.15 or more or under the influence of drugs, toluene, or other controlled substance:</i> mandatory fine of \$500; 20-60 hours public community restitution and/or imprisonment for 1 year; suspension for 3-6 months; required attendance at a boating safety course; and/or alcohol or drug treatment.</p> <p><i>Misdemeanor:</i> <u>2nd offense (w/in 5 years):</u> (i) <i>0.08 but less than 0.15 or level unknown</i>—minimum fine of \$400; suspension for 1-2 years; minimum of 10 days up to 1-year imprisonment; may require alcohol or drug treatment; (ii) <i>0.15 or more, or under the influence of drug, toluene, or any controlled substance</i>—minimum of 6 months up to 1-year imprisonment; minimum fine of \$1,000; mandatory suspension of right to operate for 2 years; may require alcohol or drug treatment.</p> <p><i>Felony:</i> <u>3rd or subsequent offense (w/in 5 years):</u> (i) <i>0.08 but less than 0.15</i>—minimum fine of \$400; suspension for 2-3 years; minimum 1 year up to 3 years' imprisonment; alcohol or drug treatment required; seizure of the of watercraft; additional boating safety</p>



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
							assessment fine of \$500 (additional penalties if caused death or serious injury or if offender is under 18 years of age) (§46-22.2-3)
South Carolina	S.C. Code Ann. §50-21-112	Applies to moving motorized water devices (i.e., motorboat boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device) or water device undersail; vessel means all watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water (§§50-21-112; 50-21-10)	Applies to alcohol and/or any drug or substances which cause impairment (§50-21-112)	0.08 (§50-21-114)	Chemical test or analysis of breath, blood, or urine (§50-21-114)	Yes (§50-21-114)	1st offense: guilty of a misdemeanor; fine of \$200 or imprisonment for not less than 48 hours up to 30 days, or 48-hours public service, 6-month suspension; 2nd offense: minimum fine of \$2,000 up to \$5,000, and imprisonment for not less than 48-hours up to 1 year, may require minimum 10 days' public service, 1-year suspension; 3rd offense: minimum fine of \$3,500 up to \$6,000 and imprisonment for not less than 60 days up to 3 years, 2-year suspension; each violation requires enrollment in alcohol/drug assessment and participation in boating safety program (§50-21-112)
South Dakota	S.D. Codified Laws §42-8-45	Applies to boats (i.e., all watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water) (§§42-8-45; 42-8-2)	Applies to alcohol, marijuana, any controlled drug and/or substance (§42-8-45)	0.08 (§42-8-45)	Chemical analysis of blood, breath, or other bodily substance (§42-8-45.6)	Yes (but no apparent penalty for refusal) (§42-8-45.6)	Class 1 misdemeanor (§42-8-45)
Tennessee	Tenn. Code Ann. §69-9-217	Applies to vessels (i.e., all watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water) subject to registration or any commercial vessel (§§69-9-217; 69-9-204)	Applies to any intoxicant, marijuana, narcotic drug, or drug producing stimulating effect on central nervous system (§69-9-217)	0.08 (§§69-9-217; 55-10-401)	Test of blood, urine, or breath (§69-9-217)	Yes (§69-9-217)	Class A misdemeanor: 1st offense: minimum fine of \$250 or more than \$2,500, and imprisonment up to 11 months and 29 days; operating privileges may also be suspended for up to 1 year; 2nd offense (w/in 10 years): minimum fine of \$500 up to \$2,500, imprisonment up to 11 months and 29 days, and operating privileges suspended for 2 years; 3rd and subsequent offense (w/in 10 years): minimum fine of \$1,000 up to \$5,000, imprisonment for minimum of 30 days up to 11 months and 29 days, and operating privileges suspended for minimum of 3 years up to 10 years (§69-9-219)
Texas	Tex. Penal Code Ann. §49.06	Applies to watercraft (i.e., vessel, one or more water skis, an aquaplane, or another device used	Applies to any intoxicant (i.e., under the influence of	0.08 (§49.01)	Analysis of blood, breath,	No	1st offense: Class B misdemeanor; minimum term of 72-hours imprisonment (§49.06);



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
		for transporting or carrying a person on water, other than a device propelled only by the current of water) (§§49.01; 49.06)	alcohol, a controlled substance, a drug, and/or a dangerous drug) (§§49.01; 49.06)		or urine (see §49.04)		<u>2nd related offense</u> : Class A misdemeanor, minimum term of 30 days' imprisonment (greater penalties for assault, serious injury, etc.) (§49.09) <u>3rd or subsequent offense or prior conviction for intoxication manslaughter</u> : Third degree felony (§49.09), which carries a penalty of 2-to-10 years in prison and a fine not to exceed \$10,000. (§12.34).
Utah	Utah Code Ann. §41-6a-502	Applies to vehicles (i.e., all off-highway vehicles and motorboats); motorboat means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion (§§41-6a-501; 41-6a-502; 73-18-2)	Applies to alcohol and/or any drug (§41-6a-502)	0.05 (§41-6a-502)	Chemical test of blood or breath (§41-6a-502)	Yes (§41-6a-524)	<u>1st and 2nd offenses</u> : Class B misdemeanor or class A misdemeanor if the person: (1) has also inflicted bodily injury upon another; (2) had a passenger under 16 years of age in the vehicle at the time of the offense; or (3) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense; penalties include minimum <u>1st offense penalties</u> : 48-hours imprisonment, minimum 48-hours compensatory-service work program, participation in screening and assessment or education, minimum fine of \$700, and the court may order substance abuse treatment, probation, and/or 24-7 sobriety program participation; <u>2nd offense penalties (w/in 10 years)</u> : minimum 240 hours imprisonment, participation in screening and assessment or education, minimum fine of \$800, and the court may order substance abuse treatment and/or 24-7 sobriety program participation; <u>3rd offense (w/in 10 years) or 1st offense w/ serious bodily injury</u> : third degree felony (§§41-6a-503; 41-6a-505)
Vermont	Vt. Stat. Ann. tit. 23, §3323	Applies to vessels (i.e., all watercraft, other than a seaplane on the water or a racing shell or rowing scull occupied exclusively by persons over 12 years of age, used or capable of being used as a means of transportation on water) (§3323; 3302)	Applies to alcohol and/or drugs (§3323)	0.08 (§3323)	Analysis of breath or blood (§3323)	Yes (§§3324; 3326)	<u>1st offense</u> : 1-year maximum imprisonment, minimum fine of \$200 up to \$750 and suspension of privilege to operate a vessel (except a nonmotorized canoe and a nonmotorized rowboat), for 1 year; <u>2nd offense in 5 years</u> : 1-year maximum imprisonment, minimum fine of \$250 up to \$1,000, and suspension of privilege to operate a vessel (except a nonmotorized canoe and a nonmotorized rowboat), for 1 year (great penalties for offenses resulting in death or serious bodily injury) (§3317)

State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
Virginia	Va. Code Ann. §29.1-738	Applies to watercrafts (i.e., any vessel that is used or capable of being used as a means of transportation on water and is propelled by machinery, whether or not the machinery is the principal source of propulsion) or motorboat (§§29.1-738; 29.1-733.2)	Applies to alcohol, narcotic drugs and/or any other self-administered intoxicant or drug (§29.1-738)	0.08 (§§29.1-738; 18.2-266)	Chemical test of blood or breath (§29.1-738.3)	Yes (§29.1-738.2)	<u>1st offense</u> : Class 2 misdemeanor; 12-month operating suspension <u>2nd and subsequent offense</u> : Class 1 misdemeanor; 12-month operating suspension (additional penalties if < 21 yo) (§§29.1-738.4; 29.1-738.02)
Washington	Wash. Rev. Code Ann. §79A.60.040	Applies to vessels (i.e., all watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water; does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers) (§§79A.60.040; 79A.60.010)	Applies to intoxicating liquor, marijuana, and/or any drug (§79A.60.040)	0.08 (§79A.60.040)	Analysis of breath or blood (§79A.60.040)	Yes (§§79A.60.040; 79A.60.700)	A violation is a gross misdemeanor. For <u>3rd offense</u> : up to 90 days imprisonment or by a maximum fine of \$1,000, or both; <u>for all offenses</u> , court may order the defendant to pay restitution for any damages or injuries resulting from the offense (§§79A.60.040; 9.92.030)
West Virginia	W. Va. Code Ann. §20-7-18b	Applies to motorboats, jet skis or other motorized vessels (i.e., all watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water) (§§20-7-18b; 20-7-11)	Applies to alcohol, any controlled substances and/or any other drug (§20-7-18b)	0.08, <.02 for under 21 y.o. (§20-7-18b)	Preliminary breath analysis or secondary chemical test of blood, breath, or urine (§20-7-18c)	Yes (§20-7-18c)	<u>1st offense</u> : guilty of a misdemeanor, minimum 1-day imprisonment up to 6 months and minimum fine of \$100 up to \$500 (greater penalties for death or bodily injury); <u>2nd offense</u> : guilty of a misdemeanor, minimum 6 months imprisonment up to 1 year and minimum fine of \$1,000 up to \$3,000; <u>3rd offense</u> : guilty of a felony, minimum 1-year imprisonment up to 3 years and minimum fine of \$3,000 up to \$5,000 (§20-7-18b)
Wisconsin	Wis. Stat. Ann. §30.681	Applies to motorboats (i.e., any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion) (§§30.681; 30.50)	Applies to any intoxicant, controlled substances and/or alcohol (§30.681)	0.08; <.00 for under 21 y.o. (§30.681)	Chemical test of breath, blood, or urine (§30.684)	Yes (§30.683)	<u>1st offense</u> : minimum fine of \$150 up to \$300; <u>2nd offense (w/in 5 years)</u> : minimum fine of \$300 up to \$1,000 and 5 days' imprisonment up to 6 months; <u>3rd offense (w/in 5 years)</u> : minimum fine of \$600 up to \$2,000 and 30 days' imprisonment up to 1 year; <u>4th offense (w/in 5 years)</u> : minimum fine of \$600 up to \$2,000 and 60 days' imprisonment up to 1 year; <u>5th offense (w/in 5 years)</u> : minimum fine of \$600 up to \$2,000 and 6 months' imprisonment up to 1 year;



State	Citation	Definition of Vessel and Applicability	Alcohol, Drugs, and Other Substances	BAC Level Constituting Intoxication	Type of Testing	Mandatory Consent and Penalties for Refusal?	Penalties
							all offenses require submission to substance abuse evaluation and completion of boat safety course (§30.80)
Wyoming	Wyo. Stat. Ann. §41-13-206	Applies to watercrafts (i.e., any contrivance used or designed primarily for navigation on water) (§§41-13-206; 41-13-101)	Applies to alcohol and/or controlled substances (§41-13-206)	0.08 (effective as of July 1, 2019) (§41-13-206)	Chemical analysis of blood, urine, or breath (§41-13-206)	N/A	Misdemeanor punishable by a maximum fine of \$750, imprisonment for up to 6 months, or both, and may be refused the privilege of operating any watercraft for up to 2 years (§41-13-216)

SUPPORTERS



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