

How to Avoid Boating Under the Influence Charges

Boating under the influence (BUI) is just as dangerous as driving under the influence (DUI). <https://www.fightduicharges.com/what-to-do-for-a-boat-dui/> For this reason, all states have BUI laws just as they do DUI laws. The only way to...

Part 1 of 3:

Avoiding Alcohol or Drugs

1.



Don't drink alcohol. The easiest way to avoid a BUI charge is to not drink alcohol if you intend to operate the boat. Remember that it takes a while for alcohol to work its way through your system. A couple of drinks on the dock can stay in your blood for a long time.

1. If you want to drink, then appoint someone the 'designated driver' of the boat.^[2]
2. You should realize that you don't actually have to be operating the boat at the time that you get arrested. For example, the police could consider you 'in care and control' of the boat even if you are asleep on it.^[3]



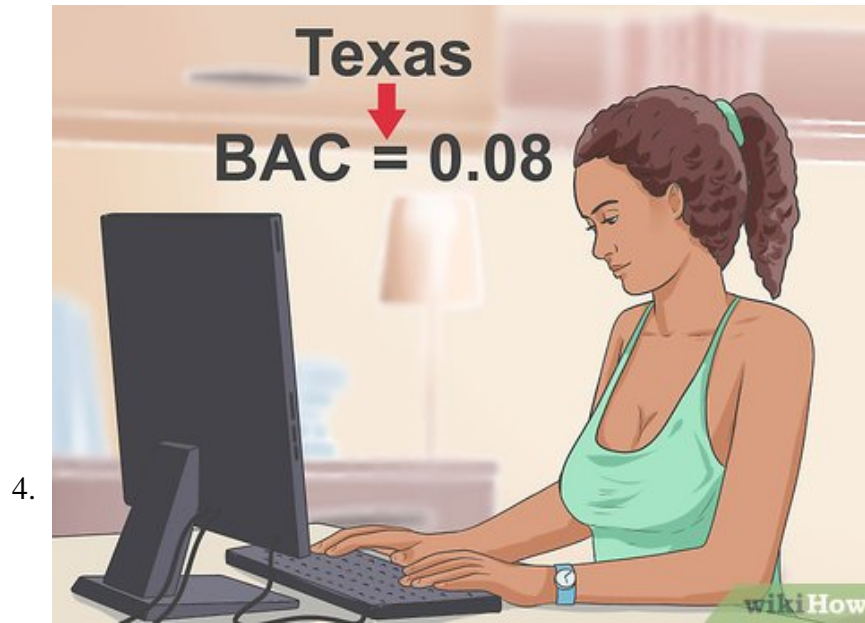
Enjoy alternatives to alcohol. You can have just as much fun out on the water drinking iced tea, lemonade, water, or soda. These beverages will also keep you cooler than alcohol will.^[4]

1. Also bring a variety of food and snacks so that you can satisfy your cravings without resorting to alcohol.



Plan meals carefully. You might decide to dock somewhere and have a meal on land. You might naturally want an alcoholic beverage, or two, during your meal. However, you should plan your meals so that enough time passes before you get back on the boat.

1. As an estimate, give yourself one hour for each drink. If you had two drinks, then wait two hours from when you stopped drinking.^[5]
2. It is always best simply not to drink. You might find that even a little alcohol impairs you more out on water, since you are exposed to the sun and also may become disorientated because of the water spray and glare.



Identify your state's maximum blood alcohol content. Each state has a cut-off point for considering you legally intoxicated. In Texas, for example, it is illegal to operate a boat with a BAC of 0.08 or higher.^[6]

1. Any boat operator under 21 should have no alcohol in their blood.



Check what watercraft your state law applies to. In most states, the BUI laws will apply to almost any motorized or non-motorized watercraft. For example, the following may be covered by your state's BUI laws:^[7]

1. sailboats
2. jet skis
3. inflatable boats or rafts
4. dinghies
5. kayaks (in some states)
6. canoes (in some states)

6.



Ask passengers to wear life jackets. If passengers on the boat want to drink, then you should make sure that they drink while wearing life jackets. People lose their coordination as their blood alcohol content rises. Also, drinking in the hot sun can make people light-headed.

1. Most people who die in boating accidents drown because they are not wearing life jackets. Ask your guests to put on a life jacket before getting in the boat.^[8]

Part 2 of 3:

Getting Arrested

1.



Remain silent. If you are pulled over for BUI, then you should realize that you have a right to remain silent. You should exercise that right. The worst thing you could do is try to talk your way out of a ticket

or arrest.^[9]

1. You may have to provide some basic information, such as your name.
2. You should also get the officer to tell you why you were stopped. You can ask, 'Is anything the matter?'
3. Instead of answering your question, the officer might pepper you with additional questions: 'Do you know why I stopped you?' 'Anyone been drinking on this boat?' Try to shrug these questions off. Say, 'I don't know why you stopped me.'

2.



Stay calm. You should follow directions and not get agitated. Some people become aggressive when they drink, so this is all the more reason not to drink when out on a boat. If the police officer wants you to do something, then it is best to comply.

1. Resistance usually escalates the situation. Instead, remain polite in all of your interactions.^[10]

3.



Consider taking a breathalyzer. The police will probably ask you to take a breathalyzer test. It is your choice. If you know you haven't been drinking, then you should take it. If you refuse to take the test, then you should know the consequences, which will differ depending by state.

1. In some states, refusing to take the breathalyzer, by itself, will cause your license to be suspended.^[11]
2. In other states, you can be fined for refusing to take the breathalyzer. However, your license might not be suspended.
3. Before going boating, you should research your state law so that you know what punishment awaits if you refuse the breathalyzer.



Tell the officer you want to talk to an attorney. If you are arrested, you will be given 'Miranda' warnings. These warnings inform you that you have the right to remain silent, the right to an attorney, the right to have an attorney appointed for you, and that anything you say can be used against you in court.^[12]

1. If you say you want to speak to an attorney, then all questioning should stop. However, if you decide to start up the conversation again, then the police can continue to question you.
2. Once you request an attorney, it is best to stop talking until the attorney arrives.

Part 3 of 3:

Striking a Plea Deal

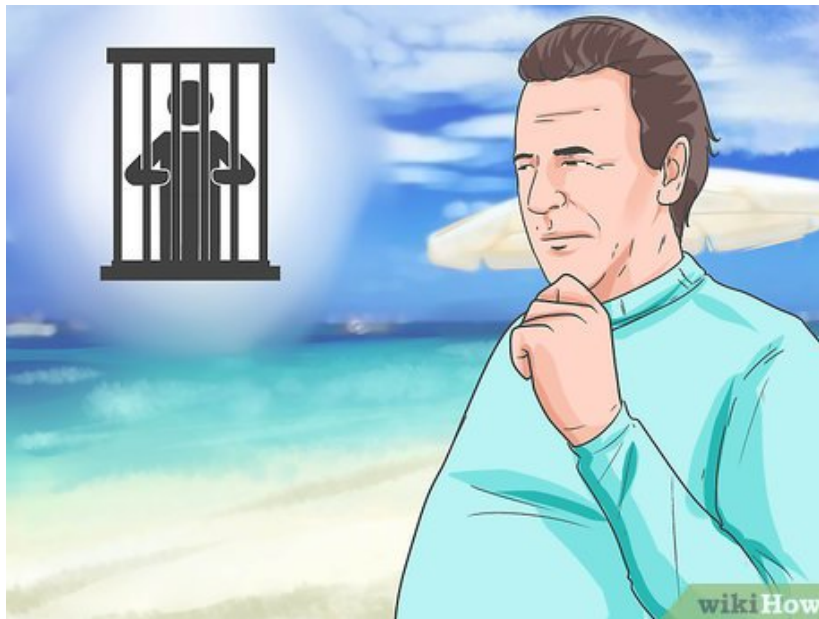
1.



Hire a lawyer. You might be able to get the district attorney to drop the charges against you, or potentially reduce the severity of the charge.^[13] However, to make the strongest argument, you need to hire a lawyer. Only an experienced local lawyer will know how to defend you.

1. You should hire locally. If you live in a city but was boating in a small town, you should get a lawyer from the town where you were arrested. He or she will be familiar with the local prosecutor.
2. Make sure that the person has experience in BUI or DUI cases.^[14] You would benefit from having someone who specializes in this area.

2.



Identify the consequences of a conviction. A conviction for BUI is usually just as severe as a conviction for DUI. You could face the following consequences if you are convicted:^[15]

1. You could serve time in jail.
2. Your boat license could be suspended.

3. You will have a criminal record. If you are convicted of a felony, then you could lose your voting rights.
4. You could be fined.
5. You might suffer higher car or boat insurance premiums.



Ask about 'diversion programs.' Some states have diversion programs, which may be available to those arrested for BUI.^[16] In a diversion program, you agree to perform certain conditions, such as doing community service or taking classes. At the completion, the prosecutor dismisses your criminal charges.^[17]

1. Typically, a diversion program is only available to a first-time offender. Also, you must not have caused property damage or injured a person because you were operating the boat under the influence.
2. Each state's program is different. You should talk to your attorney and check if diversion is available.

4.



Understand how the prosecutor approaches plea bargains. Plea bargaining is common. Almost nine out of ten criminal cases are resolved with pleas. In order to decide whether to offer you a plea bargain, a prosecutor will consider the following factors:^[18]

1. The seriousness of your offense. If you harmed someone because of your BUI, then you are less likely to get a plea.
2. The strength of the evidence against you. If the police have a breathalyzer reading above the legal limit, then they probably have strong evidence. However, you might not have given a breathalyzer. In that case, the prosecutor might have to rely on the officer's judgment that you were drunk. In that situation, the evidence is much weaker, especially if you made no incriminating statements.
3. The likelihood a jury will find you guilty. If the evidence is weak, then a jury is less likely to convict you.

5.



Accept a plea offer. Your lawyer can't accept the plea offer for you.^[19] Instead, he or she must get your permission, but you can give permission ahead of time. For example, you might agree ahead of time to plead guilty to a misdemeanor charge.

6.



Appear before the judge. A judge needs to approve the plea agreement.^[20] Accordingly, you and your attorney will need to attend a hearing. You should definitely look your best and be on your best behavior.

1. Dress well. You should wear 'business casual' at a minimum. This means dress pants and a button up shirt for men and dress slacks or skirt with a nice blouse or sweater for women.
2. Don't interrupt the judge when he or she is speaking. Always listen quietly.

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