SENATE JUDICIARY
Exhibit No. 2
Date 1-23-07
Bill No. SB 143

Senate Bill 143
January 23, 2007
Presented by Jim Kropp
Senate Judiciary Committee

Mr. Chairman and committee members, for the record I am Jim Kropp, Chief of Law Enforcement of Montana Fish, Wildlife & Parks (FWP). SB 143 would revise boating under the influence (BUI) laws to make enforcement similar to enforcement of driving under the influence (DUI) laws.

Montana enacted a law in 1959 that prohibited the operation of any motorboat or vessel, or manipulation of any water-skis, surfboard, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana. Enforcement of this prohibition is difficult because the law does not require a person suspected of BUI to submit to necessary blood alcohol tests, or authorize an officer to take any action if the person refuses to submit to a Breathalyzer test. This gap in law enforcement creates a serious public safety problem.

The number of registered boats in Montana has doubled since 1972 and Montana continues to see a steady increase of registered boats. Currently Montana has 70,000 permanently registered boats an increase of over 20,000 from 1996 registration numbers. New technology advancements has brought different varieties of watercraft that travel at a much higher speeds. Montana averages around 20 reported boating accidents each year. Coast Guard Statistics indicate alcohol is involved in a third of all recreational boating fatalities nationwide.

Better enforcement of BUI laws in not merely an issue of safety on the water. Many boaters in Montana trailer their boat to where they recreate. If a boater is operating their boat under the influence, they will probably operate their vehicle with a boat in tow on the way home under the influence. SB 143 will make the following changes in statute:

- A person who operates a motorboat or sailboat on waters open to the public is considered to have given consent to a test or tests of the person's blood or breath for purposes of determining any measured amount or detected presence of alcohol (implied consent).
- Establish consequences for refusal to submit to tests.
- Increase penalties for second and third convictions.
- Prohibit a person from operating a motorboat or sailboat upon conviction or refusal to submit to tests.

Along with increased enforcement and education of the boating public on these new laws the laws will deter boaters from operating under the influence and increase public safety.

I urge your support for SB 143.