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ROAD CONDITIONS

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Missouri's lakes and rivers offer a wide range of possibilities. Residents and visitors alike enjoy canoeing, sailing, boating, skiing, fishing, or operating a personal watercraft on the state's lakes and rivers. But, nothing spoils an outing more than getting arrested for operating a boat while intoxicated or being involved in a boating crash. Alcohol is a contributing circumstance in approximately 27 percent of all fatal boating crashes and approximately 30 percent of all boating crashes in Missouri. Missouri law prohibits operating a vessel while intoxicated due to alcohol or any combination of alcohol, controlled substances, or drugs. "Intoxicated" is defined as having a BAC of .08 percent or higher. Alcohol is a contributing circumstance in many of the most serious boating crashes and drowning deaths every year. It's always safer to avoid alcohol while enjoying water activities.

Officers have the authority, with probable cause or by the use of sobriety checkpoints, to verify compliance with state laws. By operating a vessel on Missouri waters, you have consented to be tested for alcohol or drugs upon the request of a law enforcement official. If you refuse to be tested, you may be subject to arrest and punishment consistent with penalties described in Chapter 577 RSMo.

offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed.

A "habitual boating offender" is:

- a) a person who has been found guilty of five or more intoxication-related boating offenses;
- b) a person who has been found guilty of four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- c) a person who has been found guilty of three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- d) while boating while intoxicated, the defendant acted with criminal negligence to:
 - 1) cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water;
 - 2) cause the death of two or more persons;
 - 3) cause the death of any person while he or she has a blood alcohol content of at least .18 percent by weight of alcohol in such person's blood.

Members of the Missouri State Highway Patrol encourage you to enjoy Missouri's lakes and rivers. If your plans include alcohol, choose a sober boat operator before you choose to drink. Remember: The best defense against an intoxicated boater is a U.S. Coast Guard-approved life jacket and paying attention when boating.

Please, don't operate any vessel if you've consumed alcohol.

An "aggravated offender" is:

- a) a person who has been found guilty of three or more intoxication-related boating offenses;
- b) a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed.

A "chronic offender" is:

- a) a person who has been found guilty of four or more intoxication-related boating offenses;
- b) a person who has been found guilty of three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- c) a person who has been found guilty of two or more intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal



Effects of Alcohol

- **Reaction Time** — Impairment of reaction time occurs at low BAC levels.
- **Judgment** — Judgment is the first thing affected by alcohol.
- **Vision** — When drinking, an individual can lose his or her ability to perceive details on an object in motion and experience loss of control of eye movement.
- **Comprehension** — Perceiving hazards and processing information while boating is impaired when alcohol is involved.
- **Coordination** — Motor skills of individuals with alcohol in their blood are lessened.
- **Boat Operation** — Functions of operating a vessel, such as steering and speed control, etc., are impaired when under the influence of alcohol.
- **Emergency Response** — While vessel operators with alcohol in their blood may handle some driving skills, their ability to respond to emergency situations is limited.

Alcohol affects you more on the water than on land due to boating stressors. The water, movement of the boat, vibration from the boat's motor, noise, sun, and the wind are all considered boating stressors and enhance the effect of alcohol on your body.

If you are convicted of a BWI, you will be required to attend a certified boater safety course prior to being allowed to operate a vessel in Missouri.

Purchase Or Possession By A Minor (Chapter 311 RSMo.)

Missouri has "zero tolerance" for underage drinkers. Any person under the age of 21 who:

- purchases intoxicating liquor,
- attempts to purchase intoxicating liquor,
- possesses any intoxicating liquor,
- who is visibly intoxicated, or
- has a detectable blood alcohol content over .02%

is guilty of a misdemeanor and will be issued a summons.

For purposes of prosecution involving an illegal sale or transfer of intoxicating liquor to a person under 21 years of age, a manufacturer sealed container indicating there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

Missouri Statutes & Boating While Intoxicated

Section 577.024 RSMo

A person commits the offense of unlawful use of water skis and surfboards if such person manipulates any water skis or surfboard while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana. The offense of unlawful use of water skis and surfboards is a class B misdemeanor.

Section 577.013 RSMo

A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition. The offense of boating while intoxicated is a class B misdemeanor.

Boating while intoxicated is a class A misdemeanor if the defendant is a prior boating offender, or if a person less than 17 years of age is present in the vessel.



Boating while intoxicated is a class E felony if the defendant is a persistent boating offender, or if the defendant acts with criminal negligence to cause physical injury to another person.

Boating while intoxicated is a class D felony if the defendant is

an aggravated boating offender, acts with criminal negligence to cause physical injury to a law enforcement officer/emergency personnel, or acts with criminal negligence to cause serious physical injury to another person.

Boating while intoxicated is a class C felony if the defendant is a chronic boating offender, acts with criminal negligence to cause serious physical injury to a law enforcement officer/emergency personnel, or acts with criminal negligence to cause the death of another person.

Boating while intoxicated is a class B felony if the defendant is a habitual boating offender, or acts with criminal negligence to cause the death of a law enforcement officer/emergency personnel.

Boating while intoxicated is a class A felony if the defendant is found to be guilty for certain acts described under the habitual boating offender definition on more than one occasion.

Section 577.014 RSMo

A person commits the offense of boating with excessive blood alcohol content if he or she operates a vessel while having .08 percent or more by weight of alcohol in his or her blood.

As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood or 210 liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva, or urine.

Operating a vessel with excessive blood alcohol content is a class B misdemeanor unless the defendant's status is subject to enhancements defined under Section 577.001 RSMo.

Section 577.001 RSMo

An "intoxication-related boating offense" includes operating a vessel while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense.

