

## Linking BUI with drivers licenses

### Results Overview



Date: 2/24/2009 11:45 AM PST  
Responses: Completes  
Filter: No filter applied

#### 1. State



#	Response
1	Oklahoma
2	Georgia
3	TX
4	Utah
5	North Carolina
6	West Virginia
7	WI
8	Pennsylvania
9	Maine
10	California
11	South Dakota
12	Alaska
13	New Mexico
14	Louisiana
15	RI
16	Delaware
17	Hawaii
18	Maine-Coastal
19	Florida
20	Idaho
21	New Jersey
22	Maryland
23	New York
24	IOWA
25	District of Columbia
26	Nebraska
27	Massachusetts
28	Indiana
29	Connecticut
30	Arkansas
31	Montana
32	New Hampshire
33	Oregon
34	Tennessee
35	Kansas
36	Michigan
37	Arizona
38	COLORADO
39	Virginia
40	North Dakota
41	Ohio
42	Washington
43	WY



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2. Does BUI include non-powered boats in your state?			
Yes		27	63%
No		16	37%
Total		43	100%

3. Does your state link vehicle driver's license suspension or revocation to a boating under the influence (BUI) charge or conviction? If YES, complete questions four through six. If NO, complete questions seven through nine.			
Yes		10	23%
No		33	77%
Total		43	100%

4. IF YES to #3, does a person who refuses a breath test during a BUI contact also face administrative revocation of their driver's license in addition to the criminal charge?			
Yes		6	55%
No		5	45%
Total		11	100%

5. IF YES to #3, can a person lose driving privileges if they have been charged or convicted solely of BUI (they have not been convicted of at least one vehicular DUI)?			
Yes		10	83%
No		2	17%
Total		12	100%

8. IF NO to #3, what do you think the feasibility that your state will enact laws within the next five years linking BUI offenses with vehicular driver's license suspension or revocation? If you answer LIKELY, you are finished with the survey. If not, please continue.			
LIKELY		1	3%
POSSIBLY		14	42%
NOT LIKELY		18	55%
Total		33	100%

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6. IF YES to #3, please describe any reliable information your state may have that shows vehicle driver's license suspension or revocation has been effective in reducing the frequency of BUI offenses.

#	Response
1	No info available.
2	no information available
3	Our Department does not track this information. The licensing agency is Department of Motor Vehicles. They may be contacted at DMV Public Information (916) 657-6560 or www.dmv.ca.gov.
4	Unknown.
5	Unable to do so at this time. Want to clarify though, that the statute we have does differentiate between BUI and DUI. Motorboat operators and motor vehicle operators under the influence are charged under the same statute with the same penalties.
6	The HAawaii Revised Statutes were revised and BUI was included under DUI. We attempted to use the statute last year when setting up BUI check points but the prosecutor's office was reluctant to take on the cases because it was never done before and they had some issues with the field tests that would be used.
7	I don't believe there has been any real effect due to the lack of media campaign advertising that fact. We plan to promote that in the upcoming season.
8	I don't have the totals for 2008 yet, but for 2007, boating violations (Including BUI) contributed to the suspension of 357 drivers license. Some of our operation violations such as hazardous operation result in points being assessed on drivers license the same as moving violations In most of the 357 cases there was a combination of penalty points for vehicle and boating violations
9	Too early to tell. The statute is relatively new.

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7. IF NO to #3, if your state tried and failed to enact laws linking BUI and driver's licenses, please list below the reasons you believe the attempt failed.

#	Response
1	Little legislative and public support.
2	Political will - we do suspend a person "privilege" to operate a vessel, with increased fines if they are caught operating while suspended
3	No
4	haven't tried Lack of interest in legislature
5	Yes, just no support in legislature in the past. There is a renewed interest in doing something now, because of snowmobiles, but our position will be to include all of our recreational vehicles.
6	No attempt due to opposition from Department of Transportation
7	Not aware of this move. There has been discussion no succesful attempts in the legislature to succeed.
8	Yes, but was removed during legislative session in order to pass DUI legislation.
9	Never attempted
10	No direct link to operating a boat
11	General Assembly members were not interested in linking the BUI with drivers licenses. Failed to get out of committee.
12	Legislative will
13	Not that I know of.
14	N/A
15	We made the attempt to link boating violations to driver's licenses, but the legislature was reluctant to do so for various reasons. If I can recall correctly, it was related essentially to the right/privilege debate between driving and boating.
16	My feel is that the legislature doesn't like to limit recreational opportunities and doesn't see the seriousness of recreational infractions in the same light as vehicular.
17	It's never been tried
18	It hasn't been tried yet.
19	N-A
20	Have not tried!!!! Have tried to enact legislation to have implied consent and increased fines for 2nd and 3rd offense. It failed because the legislation wasn't originated from boaters.
21	N/A
22	Our state has not tried to link BUI and driver's licenses.
23	Boating is viewed as a recreation not a transportation regardless of the outcome. Also the definition of a vehicle in traffic laws do not include a vessel, thus to require a BUI against a D.L. would require a D.L. to operate a boat.
24	State did not attempt.
25	N/A
26	N/A
27	NA
28	We have not tried.

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9. IF NO to #3, if you answered POSSIBLY or NOT LIKELY that your state will enact laws linking BUI offenses with vehicular driver's license suspension or revocation within the next five years, please list the actual or potential barriers to passing these laws.

#	Response
1	Not perceived as amjor public safety issue. Recreational environment. Very little public or legislative support for the measure.
2	Politicians in a backward state
3	Public not ready to accept that boating offenses have a link to vehicle offenses.
4	We don't make enough BUI arrest in WV to make this a issue.
5	Legislators concern that it is excessive.
6	Lack of support from Dept of Transportation and state legislature
7	Full Legislative Support to linking the motor vehicle operation privelege to the unlawful use of recreational vehicles.
8	Public sentiment to additional restrictions.
9	Attempting to link BUI to vehicles in NM will be difficult due to the fact that NM has very strict DWI laws as it is.
10	reluctance to increase penalties
11	General Assembly members do not feel BUI is a serious offense since operating a boat is a recreational activity.
12	Legislative attitude to outdoor recreation
13	Boating is considered a recreational activity unrelated to a person's privilege to operate a vehicle. Our state legislature has not been at all interested in linking boating-related violations of any kind to a person's driving privilege, and I don't foresee that changing.
14	Very consevative Legislative Body re. Recreational/Boating Law changes
15	The same thought exists in regard to the seriousness of boating under the influence as compared to driving under the influence.
16	Same as #7. Have to change the legislatures mind set.
17	Legislators look at boating as the "last bastion" of privacy and recreation...preferally free of gov't interference/intervention.
18	Low BUI violations in DC. Lack of boating accidents where BUI was a contributing factor.
19	A person's livelyhood may depend on his driver's license (e.g. truck driver). This person may be the best truck driver on the planet. However, when he recreates by boating he is the worlds' worst; drunk, negligent, wake violations, etc. A link to the guy's drivers license would impact his livlyhood just because he can't boat well. One of my State Senators used this as an example. Can't say that I can debate that logic.
20	The legislature has historically demonstrated resistance to changes in boater's rights and privelages.
21	Too many Reps and Senators enjoy their "leisure time" on the lakes. BUI doesn't hold the same weight as DWI - this is terrible but the right person hasn't been killed yet by a BUI offender.
22	We will need to get a boating group to step up and push the legislation.
23	Lack of legislative support
24	Imperceptions or misinformation about the dangers associated with BUI on the part of legislators and the public.
25	Same as number 7 as well as very little public support or department support on such a major issue. Be very unlikely to find a legislator to carry the bill.
26	ARizona recently passed increased OUI penalties for the state...measures barely passed. Recent elections made liklihood of furhter OUI legislation unlikley.
27	Unknown
28	Never been considered in Virginia, so we do not know how it would be received.
29	Currently, the two offenses are tracked by different agencies - the data is maintained in such a way that watercraft offenses must be requested from a different reporting system than traffic violations and most other court dispositions.
30	1. The Legislature here has a strong position about expanding state government. 2. Boat owners and clubs would find a link to their vehicle DL unacceptable. They did not want our 'mandatory boater education card' associated with the drivers license. We had considered having a code on the DL to indicate completion of boating course.
31	Culture. The Wyoming public don't see boating under the influence as a big issue. We have had no cases that would serve to change this perception. Currently the alcohol concentration is .10 for boats and .08 for automobiles.