



Boat Talk: Rules on drinking and boating different than drinking and driving

Published: Saturday, May 26, 2012, 7:36 AM Updated: Saturday, May 26, 2012, 11:57 AM



By **Heidi Fenton | hfenton@mlive.com**

If you're anything like me, you looked at the **90-degree temperatures** forecast for this weekend and thought of one thing: those icy-cold Lake Michigan waters.

Ahhh ... summer.

With a busy holiday weekend ahead, we decided today was the day to launch "Boat Talk," a weekly column aimed at answering your questions about do's and don'ts on Michigan waterways.

We'll be talking with Frank Jennings Jr., the U.S. Coast Guard's recreational boating and water safety program manager for the Great Lakes, and other marine safety specialists to address the things on your mind.

I'll sprinkle in a few of my own questions, but please don't be shy. See something this weekend that makes you stop and wonder—is that really legal? Let me know. We'll find out.



Enlarge

Cory Morse | cmorse1@mlive.com

Ryan Decker helps launch an 83 foot Cheoy Lee yacht at Grand Haven Storage in Grand Haven Friday, May 25, 2012. Decker is a seasonal worker with Grand Haven Storage, which offers boat storage condominiums. (Cory Morse | Mlive.com)

For now, let's start off with a few topics that may be of use to you this Memorial Day.

[2012 Boating Season begins](#) gallery (6 photos)

First off: That beer cooler in the back of the boat. What's the deal with open intoxicants and legal drinking on the water anyway?

Michigan law does not prohibit drinking on the water. Passengers—and the watercraft operator—can openly cruise around with a bottle or two. But that's where the leniency stops. Just as operating a motor vehicle under the influence is illegal, so is jumping behind the wheel of a boat.

A **blood-alcohol content of 0.10 percent or greater** constitutes operating under the influence.

According to Jennings, a breathalyzer test proving that limit is not necessarily needed to take a person into custody. Coast Guard officials will conduct field sobriety tests and may also take into consideration whether the boater appears to be disoriented, confused or smells of alcohol.

Even if the boater refuses a breath test (Michigan law does say that by operating a vessel on Michigan waters, you have **consented to be tested**), he said, "We can still detain them and bring them back to shore."

If an operator's blood-alcohol level tests greater than 0.07 percent but less than 0.10 percent, a DNR officer will consider that fact along with other signs to **determine whether someone may be under the influence**.

Coast Guard officials often will stop a boat for safety and equipment checks if the driver is seen drinking, said Dan Kehrein, a boatswain's mate 2nd Class with the Grand Haven station.

Jennings urges boaters to consider how being out in the elements may heighten the effects of drinking.

"Even a couple of beers, once you combine that with the sun beating down and the wind on your face, is going to increase the effects of alcohol on the operator," he said.

Jennings urges the owner of the boat to use caution, as expecting a passenger who doesn't know the ins and outs of the boat to control it properly could lead to danger — especially on crowded waters.

Which brings us to the next question — those crowded waters. The noise level out there can get quite high. That guy blaring Britney Spears from his loud speakers? Can he really do that?

According to Jennings, Michigan law does not address music volume or most other loud noise. However, many inland lakes have private rules that offer specific restrictions.

Even in places without those guidelines: public nuisance laws still come into play. Authorities will respond to complaints and disruptions on the water.

Got a question about boating? Email hfenton@mlive.com.

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