

EMERGENCY ASSISTANCE

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ROAD CONDITIONS

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An Internationally Accredited Agency





Missouri's lakes and rivers offer a wide range of possibilities. Residents and visitors alike enjoy canoeing, sailing, boating (including personal watercraft), skiing, and fishing on the state's lakes and rivers. However, 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. 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 306 RSMo.

lowing: involuntary manslaughter, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree;

- c) a person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses and any of the following: involuntary manslaughter, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree.

A chronic offender is guilty of a class B felony.

A "persistent offender" is:

- a) a person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses;
- b) a person who has pleaded guilty to or has been found guilty of involuntary manslaughter, assault in the second degree, assault of a law enforcement officer in the second degree.

A persistent offender is guilty of a class D felony.

A "prior offender" is:

- a) a person who has pleaded guilty to or has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

A prior offender is guilty of a class A misdemeanor.



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.

Please, don't operate any vessel if you've consumed alcohol. Always wear a life jacket.

Section 306.118 RSMo.

An “intoxication-related boating offense” includes operating a vessel while intoxicated; operating a vessel with excessive blood alcohol content; involuntary manslaughter; assault with a vessel in the second degree; or assault of a law enforcement officer in the second degree.

An “aggravated offender” is:

- a) a person who has pleaded guilty to or has been found guilty of three or more intoxication-related boating offenses;
- b) a person who has pleaded guilty to or has been found guilty of one or more intoxication-related boating offenses and any of the following: involuntary manslaughter, assault with a vessel in the second degree, or assault of a law enforcement officer in the second degree.

An aggravated offender is guilty of a class C felony.

A “chronic offender” is:

- a) a person who has pleaded guilty to or has been found guilty of four or more intoxication-related boating offenses;
- b) a person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the fol-



Effects of Alcohol

- **Judgment** — Judgment is the first thing affected by alcohol.
- **Reaction Time** — Impairment of reaction time occurs at low BAC levels.
- **Vision** — When drinking, an individual can lose his or her ability to perceive details on an object in motion and can experience loss of control of eye movement.
- **Comprehension** — When alcohol is involved, the ability to perceive hazards and process information is impaired.
- **Coordination** — Motor skills of individuals with alcohol in their blood are lessened.
- **Boat Operation** — The ability to operate a vessel, such as steering and speed control, etc., is 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 306.109 RSMo.

This statute prohibits alcoholic drinking devices and containers on Missouri's rivers. Specifically, "No person shall possess or use any large volume alcohol containers that hold more than four gallons of an alcoholic beverage on the rivers of this state." Violation of this law is a class A misdemeanor. This section does not apply to the Mississippi River, Missouri River, or Osage River.

Section 306.110 RSMo.

No person shall operate any motorboat or watercraft, or manipulate any water skis, surfboard, or other waterborne device while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.



Section 306.111 RSMo.

A person commits the crime of operating a vessel while intoxicated if he or she operates a vessel on the Mississippi River, Missouri River, or the lakes of this state while in an intoxicated condition. Operating a vessel while intoxicated is a class B misdemeanor.

A person commits the crime of involuntary manslaughter with a vessel if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause the death of any person. Involuntary manslaughter with a vessel is a class C felony.

A person commits the crime of assault with a vessel in the second degree if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause physical injury to any other person. Assault with a vessel in the second degree is a class D felony.

For purposes of this section, a person is in an intoxicated condition when he or she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

Section 306.112 RSMo.

A person commits the crime of operating a vessel with excessive blood alcohol content if such person operates a vessel on the Mississippi River, Missouri River, or the lakes of this state with .08 percent or more by weight of alcohol in such person's 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 and may be shown by chemical analysis of the person's blood, breath, urine, or saliva.

Operating a vessel with excessive blood alcohol content is a class B misdemeanor.

