

IN THE OPEN

Tighter drunk boating law still on Legislature's radar

Lowering the legal limit to .08 has solid support, but bill has been held up.

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Iowa's drunk boating law could still change this summer.

Boaters may have to wait until the end of the legislative session to know if the blood-alcohol content level will change on July 1 from .10 to .08, which would match the law for operating a motor vehicle.

A bill to lower the boating blood-alcohol content level passed the Iowa Senate last year by a 50-0 vote, but has stalled in the House.

Rep. Mike May, R-Spirit Lake, said he supports the bill, Senate File 49, and that it was on the calendar for House debate earlier this session.

"But then, it disappeared from the calendar. I've been asking to have it put back on," he said.

"That is rare for a bill that is passed unanimously. The fact the bill passed ... with that vote says to me the public is in favor of that change."

The bill's sponsor in the Senate, Sen. David Johnson, R-Ocheyedan, said Friday the bill is alive and listed as eligible for debate.

House Majority Leader Kevin McCarthy, D-Des Moines, said there's a 50 percent chance the bill will be debated this legislative session, which could last through the end of April or into early May. McCarthy helps set the debate agenda.

Debate has been held up in part because of issues such as the state budget and smoking legislation, McCarthy said.

"I would say two-thirds of my chamber is supportive of .08, but felt there were some things in the bill that needed work," he said.

Water safety advocates Phil Petersen of the Iowa Great

Iowa laws about alcohol, boating

- It is not illegal to consume alcohol on a boat, or while driving a boat, or to have open containers on the boat.
- First offense for operating a boat with a blood-alcohol level of .10 or greater is a serious misdemeanor that requires no less than 48 hours in jail, a fine of \$1,000, prohibition of motorboat or sailboat privileges for one year, substance abuse evaluation and treatment, and enrollment in a course for drunken drivers.
- Second offense is an aggravated misdemeanor that requires no less than seven days in jail, a fine of no less than \$1,500, suspension of boat operating privileges for two years, substance abuse evaluation and treatment, and a drunken driving course.
- Third and each subsequent offense is a class D felony with a sentence of no less than 30 days but not more than a year in jail, a fine of no less than \$2,500, suspension of boat operating privileges for six years, substance abuse evaluation and treatment, and a drunken driving course.
- The fines and jail time are stiffer for boating while intoxicated and causing injury or death.
- In Iowa, a conviction for boating while intoxicated does not affect the person's motor vehicle driver's license. There are some states, such as Minnesota and Indiana, where it is tied to that license.

Source: Iowa Department of Natural Resources

Lakes Water Safety Council in Spirit Lake and David Mote of Des Moines, a legislative liaison with the Coast Guard Auxiliary, said they are frustrated the bill has not been debated in the House.

Petersen has lobbied legislators and House leadership, including McCarthy, about at least allowing the bill to come

up for debate.

The 2005 death of Perry dentist Michael Brosnahan in an accident caused by a drunk operator in another boat and the discrepancy in blood-alcohol limits prompted an attempt to change the law last year.

Advocates of the bill point out that Iowa is among fewer than 10 states that have blood alcohol levels above .08.

Registration records show the number of boats in Iowa has risen by 11 percent in 10 years. Iowa is considered the safest state for boating in a 22-state region, but 21 percent of the 179 accidents from 2004-2006 were alcohol-related.

Jill Brosnahan, wife of the late Michael Brosnahan, has said lowering the blood-alcohol limit should be "a no-brainer."

Mike Fogue, an avid angler and boat salesman at Waters Edge Marine in Johnston, said some of his colleagues would disagree, but he is in favor of the legislation.

"I think it's more dangerous to drink and drive in a boat," he said. "At least in a car, a person has brakes. You don't even have brakes on a boat."

Some legislators were concerned last year about how a change in the law would affect an angler in a small-engine boat.

Conservation Officer Gary Owen with the Iowa Department of Natural Resources said passing the law would be helpful in the Iowa Great Lakes area.

"In the profession, we call drinking and boating double trouble," he said. "Operating a boat requires more . . . abilities than operating a car. There are no lanes, no guidelines, you don't have brakes."

The sun, waves pounding the boat and the wind can all increase the effect of alcohol on a boat operator, Owen said.

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