



## Safe Boating

### Know the Laws – Breaking Them Could be Costly

#### Introduction

The following are boating (vessel) offence excerpts from the Criminal Code, Canada Shipping Act and Ontario Liquor License Act. They were sourced using the online applications, **BOATsmart** and **Shield Basic Ontario** and the web site of **Ontario Ministry of Transportation**.

**Please Note** that the following information is for awareness purposes only and is not intended to be used as a definitive source. Contact your local OPP detachment for certainty.

#### Operation of boats while impaired

In Ontario, the fines and penalties for driving a boat while under the influence of alcohol or drugs are the same as those applicable to operating a motor vehicle while under the influence of alcohol or drugs. There is NO difference between drunk driving and drunk boating.

#### The OPP take impaired driving offenses VERY seriously even on the water.

Understand that an Ontario boater convicted of operating a boat while under the influence of alcohol or drugs may have their driver's license suspended for a minimum of 1 year. Ontario's Ignition Interlock Program will also apply to those convicted of drunk boating.

Boat passengers may consume alcohol on board a boat in Ontario so long as the boat has a permanent toilet, cooking facilities, sleeping facilities and it is anchored or docked.

#### Zero Blood Alcohol Content (BAC)

The Zero BAC law means that certain drivers cannot have any presence of alcohol in their blood while they drive. This law applies to:

- all drivers age 21 or under
- novice drivers of any age

If you are caught with a BAC above zero, here is what will happen:

- your driver's licence will be suspended on the spot for 24 hours
- if convicted, your driver's licence will be suspended again for at least 30 days and you will receive a \$60-\$500 fine

If you are a novice driver and have your licence suspended for drinking and driving, your licence could be cancelled. You will also have to retake all your driving tests and repay all the fees.

**BAC tests in the Warn Range (0.05 - 0.08) or failed Standard Field Sobriety Test:**

Number of instances	Consequences
First time	<ul style="list-style-type: none"><li>• 3-day roadside licence suspension (cannot be appealed)</li><li>• \$198 administrative monetary penalty</li></ul>
Second time (within 5 years)	<ul style="list-style-type: none"><li>• 7-day roadside licence suspension (cannot be appealed)</li><li>• Mandatory education program</li><li>• \$198 administrative monetary penalty</li></ul>
Third and subsequent times (within 5 years)	<ul style="list-style-type: none"><li>• 30-day roadside licence suspension (cannot be appealed)</li><li>• Mandatory treatment program</li><li>• Six-month ignition interlock</li><li>• \$198 administrative monetary penalty</li></ul>

**BAC over 0.08 OR refusal to take a drug or alcohol test OR you are deemed impaired following the results of a Drug Recognition Expert evaluation:**

- 90-day licence suspension
- \$198 administrative monetary penalty
- 7 day vehicle impoundment

**Other Boating Offences**

**Operating power-driven vessel at a speed over 10 km/h within 30 m of shore in specified waters (Canada Shipping Act 2(7))**

No person shall operate a power-driven vessel at a speed in excess of 10 km/h within 30 m of the shore in the following waters:

(a) the waters of Ontario, Manitoba, Saskatchewan and Alberta;

**Set Fine: \$200.00**

**Operating vessel in an unsafe manner (Canada Shipping Act 15(1))**

A person who operates a vessel shall do so in a safe manner and

(a) shall take into account any circumstances that could pose a danger to the vessel or to other vessels; and (b) shall avoid endangering the safety of persons involved in any activity in any waters.

**Set Fine: \$500.00**

**Dangerous operation: Criminal Code of Canada**

249. (1) Every one commits an offence who operates

(a) a motor vehicle in a manner that is dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the place at which the motor vehicle is being operated and the amount of traffic that at the time is or might reasonably be expected to be at that place;

(b) a vessel or any water skis, surf-board, water sled or other towed object on or over any of the internal waters of Canada or the territorial sea of Canada, in a manner that is dangerous to the public, having regard to all the circumstances, including the nature and condition of those waters or sea and the use that at the time is or might reasonably be expected to be made of those waters or sea;

***Punishment***

(2) Everyone who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

**Operating vessel in a careless manner, without due care and attention or without reasonable consideration for other persons (Canada Shipping Act 1007))**

No person shall operate a vessel in a careless manner, without due care and attention or without reasonable consideration for other persons.

***Set Fine: \$350.00***

**Operating non-human-powered pleasure craft without personal flotation device or lifejacket of appropriate size for each person on board (Canada Shipping Act 3 and 204(a))**

3. No person shall operate or permit another person to operate a vessel unless the safety equipment required by these Regulations is carried on board the vessel and the equipment meets the requirements of these Regulations.

204. A pleasure craft shall carry on board

(a) a personal flotation device or lifejacket of an appropriate size for each person on board;

***Set Fine: \$200.00***

**NOTE: For each additional device or lifejacket missing add \$100.00 to the fine.**

**Operating non-human-powered pleasure craft without prescribed vessel safety equipment on board (Canada Shipping Act 3 and 206)**

3. No person shall operate or permit another person to operate a vessel unless the safety equipment required by these Regulations is carried on board the vessel and the equipment meets the requirements of these Regulations. Visit website for Section 206

***Set Fine: \$200.00***