



Western Region Resource Table

This table provides a brief overview of state boating under the influence (BUI) laws, with concise summaries of key provisions and hypertext links to state statutes, for all eleven Western Region States.

Column II “BUI Statutes” provides citations and hyperlinks to the legal authorities. **Column III**, “Penalty,” tracks enforcement provisions applicable to first offenses. Additional penalties may apply for subsequent BUI offenses or if the offender has previously committed other crimes in the jurisdiction (e.g., DUI). **Column IV**, “Implied Consent,” indicates whether operating a watercraft in the state implies consent to submit to field sobriety and breath, blood, or urine blood-alcohol content (BAC) testing. **Column V**, “Driver’s License,” tracks whether BUI conviction is associated with the privilege to operate a motor vehicle (i.e., whether BUI conviction can result in revocation of a driver’s license). **Column VI**, “Boater Registration,” tracks whether the state provides for revocation of an otherwise valid watercraft registration as a consequence of BUI conviction.

I. State	II. BUI Statutes	III. Penalty	IV. Implied Consent	V. Driver’s License	VI. Boater Registration
AK	ALASKA STAT. ANN. §§ 28.35.030; 28.35.031	<i>Incarceration:</i> Minimum 72 hours <i>Fine:</i> Minimum \$1,500 (less cost of ignition device) <i>Other:</i> Ignition interlock device (IID) for six months. ⁱ Court may order taking of drug intended to prevent alcohol consumption during incarceration/probation. Mandatory alcohol safety action program (if available in area).	Yes	Yes	No, but court may order forfeiture of watercraft

I. State	II. BUI Statutes	III. Penalty	IV. Implied Consent	V. Driver's License	VI. Boater Registration
AZ	ARIZ. REV. STAT. ANN. §§ 5-395; 5-395.01; 5-395.03	<i>Incarceration:</i> Minimum 10 days (may be suspended w/ treatment program) <i>Fine:</i> \$250 + \$1,000 additional assessments, restitution if ordered <i>Other:</i> Mandatory drug/alcohol screening	Yes	No	No
CA	CAL. HARB. & NAV. CODE §§ 655; 655.1(b); 655.5; 668(e); 668.1	<i>Incarceration:</i> Maximum 6 months (probation available) <i>and/or</i> <i>Fine:</i> Maximum \$1,000 <i>Other:</i> Court may impose alcohol/drug screening and treatment completion as probation condition (with costs if able to pay). Boating safety course.	Yes ⁱⁱ	No ⁱⁱⁱ	No
CO	COLO. REV. STAT. ANN. § 33-13-108.1	<i>Incarceration:</i> Minimum 5 days, maximum 1 year <i>Fine:</i> \$200–\$1,000 ^{iv} <i>Other:</i> 96 hours of community service. Sentence may be suspended pending completion of alcohol/drug treatment program and abstinence from alcohol for 1 year (probation available for treatment, can be up to 2 years).	Yes	No	No, but may not operate for 3 months
HI ^v	HAW. REV. STAT. §§ 291E-11; 291E-61; 291E-1	One or more of: 1) <i>Incarceration:</i> Minimum 48 hours, maximum 5 days 2) <i>Fine:</i> \$150–\$1,000 (possible surcharges of \$50) 3) <i>Community Service:</i> 72 hours <i>Other:</i> Mandatory 14 hour substance abuse program.	Yes	Yes, but may operate with IID	No, but loss of privilege to operate (may with IID)
OR	OR. REV. STAT. ANN. §§ 830.325; 830.505; 830.550; 830.815; 830.990; 830.994; 161.615; 161.635	<i>Incarceration:</i> Maximum 1 year (Class A misdemeanor) <i>Fine:</i> Maximum \$6,250 <i>Other:</i> Prohibition on operating a boat for 1 year, mandatory boating safety course.	Yes	No ^{vi}	Yes, inability to register for 1 year
NV	NEV. REV. STAT. ANN. §§ 488.400; 488.410; 488.450; 488.460; 488.950; 193.150	<i>Incarceration:</i> Maximum 6 months <i>and/or</i> <i>Fine:</i> Maximum \$1,000 <i>Other:</i> Court may impose community service in lieu of incarceration and fine and may prohibit operation of boat in interstate waters until successful completion of boating safety course.	Yes	No	No

I. State	II. BUI Statutes	III. Penalty	IV. Implied Consent	V. Driver's License	VI. Boater Registration
NM	N.M. STAT. ANN. §§ 66-13-3 ; 66-13-8 ; 66-13-12	<i>Incarceration:</i> Maximum 90 days (possible probation up to 1 year) <i>and/or</i> <i>Fine:</i> Maximum \$500 (minimum \$65 for lab fee) <i>Other:</i> Mandatory boating safety course.	Yes	No	No
TX	TEX. PENAL CODE ANN. § 49.06 . TEX. TRANSP. CODE ANN. §§ 524.011 ; 524.022 ; 724.011	<i>Incarceration:</i> Minimum 72 hours, maximum 180 days <i>and/or</i> <i>Fine:</i> Maximum \$2,000	Yes ^{vii}	Yes – 90 days suspended license ^{viii}	No
UT ^{ix}	UTAH CODE ANN. §§ 41-6a-501 , -502 , -503 , -505 , -509 , -518 -520 ; 53.3.220 ; 76-3-204 , -301	<i>Incarceration:</i> Minimum 48 hours <i>or</i> work program minimum 48 hours <i>or</i> home confinement; maximum incarceration 6 months <i>Fine:</i> \$700–\$1,000 <i>Other:</i> Mandatory drug/alcohol screening. Court may order substance abuse treatment or probation with IID	Yes	Yes – 120 days suspended license	No ^x
WA	WASH. REV. CODE ANN. §§ 79A.60.040 ; 46.61.5055 ; 46.61.506 ; 9.92.020	<i>Incarceration:</i> Maximum 1 year (gross misdemeanor) <i>and/or</i> <i>Fine:</i> Maximum \$5,000, restitution if ordered	Yes	No ^{xi}	No
TOTAL:			Yes = 11 No = 0	Yes = 4 No = 7	Yes = 1 No = 10

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This document was originally developed by Daniel G. Orenstein, JD, Deputy Director, Western Region Office, at the Sandra Day O'Connor College of Law at Arizona State University and Jeffrey Roseberry, JD Candidate 2012, Sandra Day O'Connor College of Law at Arizona State University. This document was updated by Kim Weidenaar, JD, Deputy Director, Network for Public Health Law--Western Region, and Brenna Carpenter, JD Candidate 2017 and legal researcher at the Sandra Day O'Connor College of Law at Arizona State University.

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ⁱ Ignition interlock device requirement was added in 2008, originally 12 months and reduced to 6 in 2010.

ⁱⁱ Not explicit, but penalty for refusal (see CAL. HARB. & NAV. CODE §§ 655.1(b); 655.5).

ⁱⁱⁱ BUI conviction may enhance later DUI penalties. See CAL. VEH. CODE [§ 23620](#) (West 2011); *Cinquegrani v. Department of Motor Vehicles*, 77 Cal.Rptr.3d 816, 820-22 (Cal. Ct. App. 2008).

^{iv} Penalty increased from minimum \$100 to \$200 in 2003, and maximum incarceration increased from 180 days to 1 year.

^v Hawaii consolidated DUI and BUI into one uniform statute in 2002 (*State v. Ruggiero*, 160 P.3d 703, 720 (Haw. 2007)).

^{vi} Out-of-state BUI convictions can increase DUI penalty. OR. REV. STAT. ANN. ([§ 813.010\(5\)\(a\)\(C\)](#)).

^{vii} Implied consent in Texas was held to be invalid when the defendant explicitly refused to provide a blood sample; see *Cole v. State*, 454 S.W.3d 89 (Tex. Ct. App. 2014)

^{viii} License suspension provision added in 2009.

^{ix} Penalties increased in 2002 when DUI and BUI were merged into same statutes. *Recent Legislative Developments*, 2003 UTAH L. REV. 772 (2003).

^x Revocation for one year was a penalty prior to statute update and merger in 2002.

^{xi} BUI conviction may enhance later DUI penalties. WASH. REV. CODE ANN § 46.61.5055 (14)(iv).