

## DON'T DRINK AND BOAT!



So mid-summer is here, and for many people in the Atlanta area, that means heading out to the Lake! I must admit that I have never been a "lake" person. I don't really like the water. I don't fish, and I quickly tire of simply riding around in a boat.

Friends can tell you that in spite of repeated invites to their lake homes, I have rarely trekked up to Lanier, Hartwell or any of the other lakes in Georgia. When I do go to the lake, usually something unfortunate happens. Not in a really bad sense, but things like: being caught in lightning and torrential downpours; boat malfunction; or being caught in a massive traffic jam that took us 5 hours to get from Duluth to Lake Hartwell. It just seems like a dark cloud always follows me to the lake!

However, I do know that many folks really enjoy the lake life. They have fishing boats, ski boats, jet skis, pontoons, and some people I know even have mini yachts! I am sure they enjoy the lake safely. I thought I would remind everyone of some of the laws they need to be aware of while boating this summer.

One of the best places to go for boater education is the Georgia Department of Natural Resources web site. Go to [www.georgiawildlife.org](http://www.georgiawildlife.org) and follow links to "Boater Education." There you can find the *Boaters Safety Handbook*, which contains information such as boating basics, and also contains various boating laws and regulations.

In 2008, according to the Georgia DNR web site, there were 11 boating fatalities on Georgia waterways, with 5 of those occurring on Lake Lanier. There were 169 BUIs, with 48 on Lake Lanier; and there were 86 serious injuries, with 34 on Lanier.

Perhaps the most serious mistake a boater can make is **BUI, or Boating under the influence**. BUI is similar in many ways to DUI. A person is BUI when they "operate, navigate, steer, or drive any moving vessel while under the influence of alcohol to the extent that it is less safe for the person to operate, navigate, etc. such moving vessel."

The **blood alcohol limits** are: Under 21: .02; Over 21: .10 This is different from the .08 limit for auto drivers. And it should go without saying that you can also be BUI while **under the influence of drugs**.

**ARTICULABLE SUSPICION TO STOP VESSEL:** In a DUI case, the officer must have a reasonable suspicion that a crime has been committed in order to justify the stop. That is not the case in a BUI situation. According to Georgia law, "officers can stop and board any vessel for the purpose of inspection and determining compliance with safety equipment." The Georgia Supreme Court has held that an officer may stop and board a vessel **without suspecting any wrongdoing!**

**Implied Consent:** Anyone who operates a boat (the term "boat" includes any moving water vessel) has given their implied consent to submit to a chemical test of blood, breath, or urine for the purposes of determining whether they are under the influence of alcohol or drugs, just as while operating a car. A person can also refuse to take any test, just as in a DUI case.

A person who refuses to submit to a chemical test can be subjected to suspension of his privilege to operate a vessel on Georgia waters. **A PERSON'S DRIVER'S LICENSE, HOWEVER, IS NOT SUSPENDED FOR REFUSING A CHEMICAL TEST IN A BUI CASE.**

**Penalties:** A person convicted of BUI is sentenced like any other misdemeanor, meaning the maximum sentence is a \$1000 fine and 12 months in jail. Also, their privilege to operate a vessel is suspended for a minimum of 30 days, maximum one year.

**FELONY BOATING LAWS:** When a person is killed or seriously injured as a result of BUI, that crime results in a felony crime, which can be punished by up to 15 years in prison! Georgia also has a **Feticide by vessel law**: "A person commits the offense of feticide by vessel if he causes the death of an unborn child so far developed as to be ordinarily called "quick" by any injury to the mother of such child through a violation such as BUI." The penalty for such crime is 2 to 15 years in prison.

As with the operation of any vehicle or vessel, the operation of a "boat" requires the mind to be fully aware and coherent. Boats are fun, and boating is fun! But just as you would not want the captain of, say, the Staten Island Ferry to be drunk while he takes you across the Sound, so you have the responsibility of the safety of your passengers, too. **SAFE BOATING!**

## JOIN MRGADUI AT ATHFEST!



Join me for 2009 Athfest, June 25-28. AthFest is a 501(c)(3) non-profit annual music and arts festival in downtown Athens, Georgia that largely showcases the Athens area musical and artistic community. Much of AthFest is free while wristbands or cover charges are required for certain events. AthFest's mission is to educate citizens and visitors about music and arts in general, and about Athens music and arts in particular.

### General 2009 Schedule [Times Subject to Change & Items May Be Added]

<b>Thurs., June 25</b>	Flagpole Athens Music Awards
<b>Fri., June 26</b>	Artist Market
	Outdoor Stages
	Club Crawl
<b>Sat., June 27</b>	KidsFest
	Artist Market
	Outdoor Stages
	Club Crawl
<b>Sun., June 28</b>	KidsFest
	Outdoor Stages
	Artist Market

### For more info go to:

[http://www.athfest.com/index.php?option=com\\_content&view=article&id=76&Itemid=77](http://www.athfest.com/index.php?option=com_content&view=article&id=76&Itemid=77)



Have you checked out my blog?

[defendingdriversrights.com](http://defendingdriversrights.com)

If you had, you might know about the Sport of Giving Runfest

## REMEMBERING DAD (AND MOM)



June 21 is Father's Day; Mother's Day was in May. It seems to me that in our country in the 1980s or so, a trend began where it became in vogue in psychology circles to blame one's parents for all of one's problems. I do not subscribe to such nonsense. Sure, there are many instances of parental abuse, of parental negligence, of parental neglect. No parent is perfect. Every parent makes mistakes. Some parents are better than others. But just as no one person is completely evil, no one parent is completely bad.

Rather than focusing and complaining on our parents faults, maybe we should focus on their humanness and on their kindness to us. Here are some examples:

1. Without our parents we would not have been born into this precious human life;
2. When we were born, had our parents not given us their constant care, there is no way we could have survived; we could not take of ourselves at all; our parents fed us, clothed us, bathed us, cleaned our poop, and protected us from danger;
3. They taught us how to talk and how to take care of our basic needs. We learned so many small but necessary skills from them, such as how to walk, how to tie our shoes, how to cook, how to clean up after ourselves.
4. Our parents spent their hard earned money for our food, shelter and clothing, toys and other enjoyments.
5. Our parents helped us with education.
6. Due to their kindness, they gave us the tools we needed to become adults.

If your parents are still alive, take the opportunity today to thank them for their kindness to you.

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Atlanta Law Practice dedicated exclusively to aggressive defense of those accused of DUI and serious traffic offenses since 1980.

**PHONE: 770-923-4948**

**WEBSITE: [www.mrgadui.com](http://www.mrgadui.com)**

**EMAIL: [mickey@mrgadui.com](mailto:mickey@mrgadui.com)**