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## **New law sets tough penalties for those who drink and boat**

### **Hitting the waves while impaired can mean losing driver's licence for a year**

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WITH A REPORT BY KAREN HOWLETT

Now it's none for the road, and none for the lake or the waterway.

Enforcing some of the toughest drunken-driving laws in the world, Canada has for years seen a decline in motorists' impairment rates, with little mystery as to why.

Research shows drivers are increasingly aware that a first offence brings an automatic criminal conviction, an equally automatic licence suspension for at least a year and a host of other unpleasant, expensive consequences, including stratospheric insurance premiums. But boating is different, right?

Not now. Not in Ontario.

In what's believed to be a first in North America, a private member's bill passed unanimously by the legislature Thursday means that Ontario powerboaters convicted of operating a vessel while impaired will lose their motor vehicle driver's licence for at least a year.

As with driving a car, a second offence will bring a three-year suspension.

"This will be the drunken boater's worst nightmare because it will impede on your lifestyle in two ways," predicted Ontario Provincial Police Staff Sergeant Brad Schlorff, a 25-year veteran of marine policing who has helped investigate dozens of boating fatalities.

As before, anyone convicted of driving a powerboat with a blood-alcohol reading of at least .08 milligrams of alcohol for each 100 millilitres of blood will be barred from driving such craft for at least three months. (Canoes and sailboats are exempt from the regulations.) What's new that is Breathalyzer-toting marine police will now be able to issue on-the-spot licence suspensions to anyone whose breath reading is at least .05.

But on top of that, all the penalties accruing to drunken driving on the roads will kick in. That means a criminal record that -- barring a pardon -- lasts a lifetime and among other things makes entry to the United States extremely problematic. As well, the cost of motor-vehicle insurance -- if you can get it -- will rise at least fivefold.

Introduced by backbench Liberal MPP David Zimmer, who represents the Toronto riding of Willowdale, the new legislation is in the form of an amendment to the provincial Highway Traffic Act. The first reading was last year, followed by public hearings in the fall of 2005.

And while private member's bills rarely become law, Mr. Zimmer says the success of this one reflects widespread concern among cottagers, boaters, police, tourism officials and insurance agencies.

Particularly useful, he said, was some articulate lobbying by Collingwood lawyer Ken Crompton, whose 27-year old son, Pete, was killed by a drunken boater on Muskoka's Lake Joseph three years ago, in a tragedy that also left one of Pete's companions badly injured.

"It was clear to me throughout that any credibility I brought to this issue was because of Pete," Mr. Crompton said in an interview.

Over all, marine fatalities in Ontario look to be declining slightly. In 2001, 35 were reported to the OPP, with alcohol playing a role in 14, a 40-per-cent share. Last year, there were 29, with alcohol blamed in one-quarter of the cases.

But those totals include a number of deaths unrelated to recreation. And among cottage-country boaters, alcohol still accounts for an estimated 40 per cent of deaths on the water.

The big challenge lies in altering public perception about impaired boating, says Mr. Zimmer, who owns a Muskoka-area cottage and has seen first-hand what can happen when booze and boats mix.

Whereas the message about the perils of driving a car while drunk seems to be getting through, "the same caution doesn't seem to apply with drinking and boating," he said. "The sun's out, or the moon and stars, there's a big lake out there, and every season, as sure as night follows day, there are fatalities."

Mr. Crompton concurred, citing "a disconnect between abusing alcohol when you're driving a car and when you're operating a boat."

Passed in a flurry of last-minute activity on the final day of the legislative session at Queen's Park, the bill garnered all-party support and takes effect immediately, just as the cottage season gets into full swing.

"I think it's a great idea; a boat can be just as dangerous as a motor vehicle if somebody is impaired when it comes to their control of it," Ontario Premier Dalton McGuinty told reporters yesterday. "It tells me we are just as concerned about safety on the water as we are on land."

Motorists can already lose their driver's licences for non-car-related offences. Failure to make family-support payments can bring a suspension. So can operating a snowmobile while impaired.

And there is no significant cost to widening the net to catch drunken boaters, since marine police are in place. What's changed are the long-term consequences.

"This will be a huge deterrent," Staff Sgt. Schlorff said. "People really cherish their driver's licences."

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