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NEW ACT INCREASES PENALTIES FOR BOATING CRIMES IN S.C.

A measure designed to put South Carolina boaters on notice about the penalties of boating crimes became law today when Gov. Jim Hodges signed the Boating Reform and Safety Act on the State House grounds.

The act is called Drew's Law for 11-year-old Joseph Drew Smith who was killed nearly two years ago when two boats collided on Lake Murray and whose death prompted the legislation. The new law will be enforced by the S.C. Department of Natural Resources (DNR). Before signing the legislation, Governor Jim Hodges said, "We've got to do everything we can to assure that our waterways stay safe for people to enjoy. No family should have to face tragedy because of reckless behavior that can be prevented."

The law cracks down on boaters who endanger the lives of other boaters, swimmers and water skiers and assesses penalties for boating crimes and reckless operation of watercraft. The push for a stronger boating safety law originated with DNR officials and was advocated by the parents of Joseph Drew Smith. "Randall and Karen Smith showed tireless dedication and commitment to making South Carolina's waterways a safer place," according to DNR Director Paul Sandifer. Over the last two years, the Smith's formed Citizen's Concerned for Boating Safety, a private boating safety advocacy organization. The couple also attended and spoke at a series of six public hearings held last year around the state. They created a web-site and developed educational material that was distributed to members of the South Carolina State Legislature. The Smith's were present throughout the 1998 and 1999 legislative sessions and met repeatedly with legislators as proponents of the boating safety act. The plan won final legislative approval earlier this month.

"This is a major victory for boating safety and the boating public. The new law corrects deficiencies that have let bad boaters escape with light penalties for years. Dangerous and intoxicated boaters can now be taken off the water, before another innocent victim is injured or killed," Sandifer said.

Key provisions of the 1999 Boating Reform Act

- Previous penalties for reckless operation of watercraft in many instances were not comparable to the penalties for the same violations committed by drivers of vehicles. **It raises penalties so that boating offenses carry the same penalty as the equivalent motor vehicle offenses.** For example, it increases Felony BUI penalty from maximum 10 years in jail and \$25,000 fine to a maximum 25 years in jail and a \$25,000 fine, in those cases involving death.
- Removes BUI from the "negligent operation" statute and **creates a separate offense for "operating under the influence."** Continues to allow officers to place operators who are "under the influence" under arrest and **allows the officer to take the subject into custody and administer a mandatory Datamaster (breath alcohol content) test.** Previously, a Datamaster test could only be given if an accident had already occurred.

- **Refusal to take the Datamaster test results in automatic suspension of boating privileges.**
- **It allows the DNR to suspend someone's boating privileges.** Before this was at the discretion of the court.
- Creates a "reckless operation" (50-21-111) charge and gives examples. **A person convicted of reckless operation, in addition to any other penalties, is required to take a boating education class and to reimburse the department for the expense of the class, and also to have his/her boating privileges suspended until boating course is completed.** Second offense, within a five year period, is automatic suspension of boating privileges for ninety days with boating education course required.
- In the case of **negligent operation, any person convicted three times in a five year period will have their boating privileges suspended until a boater education course is completed and must reimburse the department for the expense.**
- **Provides for alcohol abuse classes for BUI same as DUI.**
- **Increases penalty for leaving the scene of an accident (failure to provide assistance) substantially.** In addition to potential fines, the possible jail time has increased from up to 30 days in jail to up to one year in jail for failing to stop in accidents causing property damage or bodily injury, from up to 30 days to up to ten years in cases involving great bodily injury and from up to 30 days to up to twenty-five years in accidents causing death.
- **Provides a substantial penalty for anyone operating a boat while under suspension.** Penalties for operating under suspension for violations such as "negligent" or "reckless" operation are monetary and may result in fines of up to \$425 or 30 days imprisonment. Penalties for operating under suspension for BUI, or BUI where an accident resulting in death or serious injury has occurred, include mandatory jail-time of up to 30 days, first offense; up to six months, second offense; and up to three years, third offense.

In addition to the Boating Safety Act a boating registration renewal fee increase will be used to put more DNR officers on the water. Registration renewal fees have increased from \$10 to \$30, beginning July 1, 1999. DNR will use the additional revenue to hire up to 27 more officers within the next year. While these officers will have a variety of duties and responsibilities, emphasis will be placed on boating enforcement.

Currently there are more than 412,000 registered watercraft in South Carolina. We rank eighth in the nation in the number of registered boats, third per capita.