

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5434. Boating Under the Influence Prohibited.

(a) It is unlawful for a person to operate a vessel on the waters of the Commonwealth if:

(1) the person is under the influence of intoxicating liquor or a controlled substance, or both; or

(2) the person has a Blood Alcohol Concentration (BAC) of 0.08 percent or more as measured by a breath or blood test.

(b) It is unlawful for a person to operate a vessel on the waters of the Commonwealth when, due to the consumption of an intoxicating liquor or a controlled substance, or both, the person's ability to operate the vessel is visibly impaired.

(c) It is unlawful for the owner of a vessel or a person in charge or in control of a vessel to authorize or knowingly permit the vessel to be operated on the waters of the Commonwealth by a person who is under the influence of intoxicating liquor or a controlled substance, or both, or who has a Blood Alcohol Concentration (BAC) of 0.08 percent or more as measured by a breath or blood test.

(d) It is unlawful for the operator of a vessel to possess an open container of alcohol.

Source: PL 19-05, § 4.