



Safe Boating

Know the Laws – Breaking Them Could be Costly

Introduction

The following are boating (vessel) offence excerpts from the Criminal Code, Canada Shipping Act, Vessel Operation Restriction Regulations, Small Vessel Regulations and Ontario Liquor License Act. They were sourced using the online applications, **Shield Basic Ontario, Justice Laws Website** and the web site of **Ontario Ministry of Transportation**.

Please Note that the following information is for awareness purposes only and is not intended to be used as a definitive source. Contact your local OPP detachment for certainty.

Operation of boats while impaired

In Ontario, the fines and penalties for operating a boat while under the influence of alcohol or drugs are the same as those applicable to operating a motor vehicle while under the influence of alcohol or drugs. There is NO difference between impaired driving and impaired boating.

The OPP take impaired driving offences VERY seriously even on the water.

Understand that an Ontario boater convicted of operating a boat while under the influence of alcohol or drugs may have their driver's license suspended for a minimum of 1 year. Additionally, Ontario's Ignition Interlock Program will also apply to those convicted of drunk boating.

Boat passengers may consume alcohol on board a boat in Ontario so long as the boat has a permanent toilet, permanent cooking facilities, permanent sleeping facilities and it is anchored or alongside a dock.

Zero Blood Alcohol Content (BAC)

The Zero BAC law means that certain drivers cannot have any presence of alcohol in their blood or presence of cannabis, as well as other drugs that can be detected using approved drug screening equipment, while they drive. This law applies to: all drivers age 21 or under; and novice drivers of any age (G1 or G2 licenses)

BAC tests in the Warn Range (0.05 - 0.08) or failed Standard Field Sobriety Test or Violating Zero Tolerance:

Number of instances	Consequences
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First time	<ul style="list-style-type: none"> • 3-day licence suspension (cannot be appealed) • \$250 administrative monetary penalty
Second time (within 5 years)	<ul style="list-style-type: none"> • 7-day roadside licence suspension (cannot be appealed) • \$350 administrative monetary penalty • Mandatory education program
Third and subsequent times (within 5 years)	<ul style="list-style-type: none"> • 30-day licence suspension (cannot be appealed) • \$450 administrative monetary penalty • Mandatory treatment program • Six-month ignition interlock • Mandatory medical evaluation

BAC over 0.08 OR refusal to take a drug or alcohol test OR you are deemed impaired following the results of a Drug Recognition Expert evaluation:

- 90-day licence suspension
- 7 day vehicle impoundment
- \$550 administrative monetary penalty
- \$281 licence reinstatement fee
- Mandatory treatment program
- Ignition interlock device for at least six (6) months

Additional Penalties if convicted in Court:

Number of instances	Consequences
First Offence	<ul style="list-style-type: none"> • at least \$1000 fine • one year licence suspension
Second Offence	<ul style="list-style-type: none"> • at least thirty (30) days of imprisonment • three year licence suspension
Third Offence	<ul style="list-style-type: none"> • at least one hundred twenty (120) days of imprisonment • prohibited to drive for life

Other Boating Offences

Operating power-driven vessel at a speed over 10 km/h within 30 m of shore in specified waters (Vessel Operation Restriction Regulations 2(7))

No person shall operate a power-driven vessel at a speed in excess of 10 km/h within 30 m of the shore in the following waters:

(a) the waters of Ontario, Manitoba, Saskatchewan and Alberta;

Set Fine: \$200.00

Safe Operation (Vessel Operation Restriction Regulations 15(1))

A person who operates a vessel shall

(a) take into account any circumstances that could pose a danger to the vessel or to other vessels; and (b) avoid endangering the safety of persons involved in any activity in any waters.

Set Fine: \$500.00

Dangerous operation: Criminal Code of Canada 320.13

(1) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public.

(2) **Operation causing bodily harm.** As a result causes bodily harm.

(3) **Operation causing death.** As a result, causes death to another person

Punishment

Everyone who commits an offence under subsection (1)

(a) if prosecuted as an indictable offence, liable to imprisonment for a term not exceeding ten (10) years; or

(b) if punishable on summary conviction, to imprisonment for a term of not more than two (2) years.

Everyone who commits an offence under subsection (2) - causing bodily harm

Number of instances	Consequences
First Offence	<ul style="list-style-type: none">• at least \$1000 fine
Second Offence	<ul style="list-style-type: none">• at least thirty (30) days of imprisonment
Each subsequent offence	<ul style="list-style-type: none">• at least One Hundred twenty (120) days of imprisonment

(i) if prosecuted as an indictable offence (more serious), liable to imprisonment for a term not exceeding fourteen (14) years; or

(ii) if punishable on summary conviction (less serious), liable to imprisonment for a term of not more than two (2) years.

Everyone who commits an offence under subsection (3) - causing death: the minimum penalties are the same as for dangerous driving causing bodily harm but the maximum jail term is life.

Operating vessel in a careless manner, without due care and attention or without reasonable consideration for other persons (Small Vessel Regulations, section 1007)

No person shall operate a vessel in a careless manner, without due care and attention or without reasonable consideration for other persons.

Set Fine: \$350.00

Operating non-human-powered pleasure craft without personal flotation device or lifejacket of appropriate size for each person on board (Small Vessel Regulations, sections 3 and 204(a))

3. No person shall operate or permit another person to operate a vessel unless the safety equipment required by these Regulations is carried on board the vessel and the equipment meets the requirements of these Regulations.

204. A pleasure craft shall carry on board

(a) a personal flotation device or lifejacket of an appropriate size for each person on board;

Set Fine: \$200.00

NOTE: For each additional device or lifejacket missing add \$100.00 to the fine.

Operating non-human-powered pleasure craft without prescribed vessel safety equipment on board (Small Vessel Regulations, sections 3 and 206)

3. No person shall operate or permit another person to operate a vessel unless the safety equipment required by these Regulations is carried on board the vessel and the equipment meets the requirements of these Regulations. Visit website for Section 206

Set Fine: \$200.00

Proof of Competency (Competency of Operators of Pleasure Craft Regulations SOR/99-53, sections 3(1)(a), 3(1)(b), 3(2.1), 3(3))

Failure to have proof of competency; failure to have proof of competency on board; allow a person to operate a pleasure craft without competency; failure by a non-resident to have on board a proof of residency.

Set Fine: \$250.00

Operating vessel if you are under age	\$250
Failing to have proof of competency on board	\$250
Failure to have the required pleasure craft licence on board	\$250
Altering/Defacing/Removing hull serial number	\$350
Operating a boat in a careless manner, without due care and attention for others	\$350
Operating a vessel in an unsafe manner	\$500

Operators must recognize that certain behaviours constitute criminal offences that are punishable (could lead to fines or possible imprisonment). The following offences are also in violation of the Criminal Code of Canada (Contraventions Act):

- Operating a vessel in a dangerous manner.
- Consumption of alcohol/drugs while operating a vessel, in some provinces.
- Operating a vessel while impaired (alcohol/drugs).
- Towing water-skiers after dark (one hour after sunset, to sunrise).
- Failure to stop at the scene of an accident.
- Failure to comply with demand (demand to stop).
- Sending false distress signals.
- Operating an unseaworthy vessel.
- Tying up to a buoy.
- Operating a vessel while disqualified/prohibited.
- Failing to stop a pleasure craft at the request of an enforcement officer.