

Bill calls for drug, alcohol testing in boat fatalities

By Mike Hasten

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BATON ROUGE — Faced with a rising number of deaths on the state's waterways, Louisiana lawmakers have adopted legislation calling for testing the operators of any type of watercraft for drugs or alcohol abuse when a boating-related fatality occurs.

House Bill 232 by Rep. Mert Smiley, R-Port Vincent, was unanimously approved by both the House and Senate and then sent Thursday to the governor's office for signing into law.

Louisiana law already calls for testing drivers in automobile fatalities for drugs and alcohol, said Sen. Bob Kostelka, R-Monroe, who handled

the bill in the Senate.

"But when there's a fatality involving watercraft, there's no check," he said. "Now it will be required for all vehicles, including watercraft. You'd think it would be in the law already."

Kostelka said he handled the bill in honor of James Arthur "Trey" Altick, III, 15, of Monroe, who lost his life in a May 21, 2008, jet-ski accident. He was a passenger.

"He was a fine young man," Kostelka said of Altick.

The bill says that any time there is a fatality resulting from "a collision, crash, or other casualty in which a fatality occurs" the operator of the craft is "deemed to have given consent to, and shall be administered, a chemical test or tests of his blood, urine or

other bodily substance for the purpose of determining the presence of any abused substance or controlled dangerous substance" as spelled out in law "or any other impairing substance."

Kostelka said he checked with Robert Barham, secretary of the Department of Wildlife and Fisheries, and learned wildlife agents are trained to administer Breathalyzer tests and have the necessary equipment.

"I wanted to make sure his men are qualified and equipped to perform the tests," Kostelka said. "They're always the first ones on the scene."

As with automobile fatalities, the bill calls for a coroner to perform a toxicology screen on the victim or vic-

tims.

Smiley said he authored the bill because of a number of suspected alcohol-related boating deaths in his area.

Another boating-related bill in the legislative process is HB636 by Rep. Nickie Monica, R-LaPlace, which suspends the privilege to operate a watercraft when a test shows a blood alcohol level above the legal limit — 0.08 for adults or 0.02 if the person is under the age of 21.

It also requires every person 16 years of age or younger to wear a life jacket in a watercraft less than 26 feet in length that is under way. Current law says 12 years old.

The bill is headed to the Senate floor after being amended in the Senate Natural Resources Committee.