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# Captain's Corner

*Capt. Lyman Louis*

I was recently called to testify in a criminal case about a boat accident which has prompted this article. The case involved a "hit-and-run" incident where the victims are lucky to have survived relatively unscathed.

Last March, a fisherman took two of his buddies out for a day in his new aluminum boat. They were trolling up the Willamette off Sauvie Island—not far from the mouth—when another boat hit them amidships. The 25' fiberglass cruiser went over the top of the aluminum boat's transom, knocking the kicker engine and one passenger overboard.

While the occupants of the fishing boat were collecting themselves, checking for damage and injuries, the operator of the fiberglass cruiser made a run for it. He and his three passengers left the scene with a leaking boat and an aim to avoid responsibility for their actions.

There is little doubt that the operator's actions are wrong, but do you know what your responsibilities are in the event of a boating accident? What must be reported and to whom?

The State of Oregon requires boaters to exchange information and provide aid to any injured parties, including transportation to a hospital if necessary.

Leaving the scene of an accident prior to performing the operator's duties is a Class C felony, punishable by up to five years in jail and a \$100,000 fine.

If the accident has resulted in death, injury or property damage exceeding \$2000 it must be reported to the

Oregon State Marine Board on a Marine Board accident form within 48 hours if involving a death or any injury, or within 10 days if it caused property damage only.

Passengers have responsibilities as well. In Oregon, occupants are responsible for making an accident report should the operator be physically incapable of doing so.

In Washington State, a boat operator or owner must report any accident which caused damage over \$500, required medical treatment beyond first aid, loss of life or disappearance of any person while engaged in recreational boating.

Failure to comply in Washington can also result in imprisonment for up to five years or a \$10,000 fine or both.

In both states, if the accident is the result of contact with a fixed or floating object (e.g., a wing dam or a deadhead), and the damage is above their reporting threshold (\$2000 in Oregon and \$500 in Washington), then an accident report is required.

About 18 months ago I struck a submerged deadhead at speed and totaled my props. At a cost of \$800 a pair, had I been in Washington waters I would be obliged to file a report. (As it was, I was in the Multnomah Channel so no report was required.)

The Coast Guard also requires reporting of accidents where:

1. A person dies;
2. A person is injured or requires medical treatment beyond first aid, i.e. treatment at a medical facility or by a medical professional other than at the accident scene;
3. Damage to vessels totals \$2,000 or more or there is a complete loss of any vessel;

4. A person disappears from the vessel under circumstances that indicate death or injury.

As with the states, failure to make a report is punishable by fine and/or imprisonment. If a boater makes the appropriate report to the state, a second report is still necessary. The reports are independent and both **must** be completed.

Fortunately, boating accidents are on a downward trend and have been so for several years. The impact of safe boating advertising—including campaigns for wearing PFDs and against boating under the influence—have been positive.

Still, according to the US Coast Guard's annual boating statistics, 681 boaters were killed in 2001 including 24 in Washington (117 accidents) and 14 in Oregon (70 accidents).

Unfortunately, the Coast Guard estimates that only 10% of all accidents are reported. The actual impact of boating accidents is hard to determine but is much higher than reported.

So, what are the most likely accidents? Collisions with other boats account for more than ½ of all boat accidents. Of the almost 9,000 accidents reported to the Coast Guard in 2001, 4,151 involved a collision with another vessel. The next major category is collisions with a fixed object involving 747 boaters.

These statistics point out the single most important factor in boating accidents: keeping a look out.

It seems self-evident that you need to watch where you're going when you're operating any type of watercraft. But when 55% of all boat accidents involve collisions with other boats or fixed objects, something is not getting through.

Take precautions while you're boating. The operator of the boat needs to pay as much attention to their situation

on the water as they would if driving a car. Other occupants need to devote some time to keeping a lookout too.

When the traffic picks up, or if you're operating in a narrow waterway, slow down. There is no reason for anyone to barrel through a congested area and risk the lives and property of others. It's just not worth it.

As for the hit-and-run? The fishermen in the aluminum boat were okay—just a few minor injuries. The boat, however, was a total loss.

The perpetrator? His boat was totaled as well, and his passengers traumatized. I've just been informed that he was found guilty of felony hit and run. As of this writing the penalty phase of the trial was not completed so the sentence has not yet been written. In any case, he will not be allowed to operate a boat for a minimum of two years.

See you on the rivers,

Capt. Lyman Louis