

CHAPTER 636—H.F.No.695

[Coded in Part]

An act relating to safety in the use of waters of this state; amending Minnesota Statutes 1969, Sections 361.02, Subdivisions 6 and 7; 361.03, Subdivisions 2, 3, 5, 6, 8, 11, and 12; 361.05; 361.09, Subdivision 2; 361.10; 361.11; 361.12; 361.13; 361.15, Subdivisions 1 and 2; 361.16, Subdivision 1; 361.18; 361.19; 361.20; 361.21, by adding a subdivision; 361.24, Subdivision 1; 361.25; 361.26; Minnesota Statutes 1969, Chapter 361, by adding sections; repealing Minnesota Statutes 1969, Sections 361.03, Subdivision 4; 361.04; 361.14; and 361.15, Subdivisions 3, 4, and 5.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 361.02, Subdivision 6, is amended to read:

Subd. 6. **WATERS AND WATERCRAFT SAFETY; REVISION.** "Operator" means ~~every~~ the person who operates or is in actual physical control has charge of the navigation or use of a watercraft.

Sec. 2. Minnesota Statutes 1969, Section 361.02, Subdivision 7, is amended to read:

Subd. 7. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boat during the duck hunting season, ~~(b) sailboat, (c) canoe, (d) (b) rice boat during the harvest season, or (e) (c) seaplane.~~

Sec. 3. Minnesota Statutes 1969, Section 361.03, Subdivision 2, is amended to read:

Subd. 2. **APPLICATION, ISSUANCE, REPORTS.** Application for a watercraft license shall be made to the commissioner, ~~or a county auditor or his agent~~, in such form as the commissioner shall prescribe, and shall state the name and address of every owner of the watercraft and be signed by at least one owner. Upon receipt of the application and the appropriate fee, hereinafter provided, a license shall be issued in such form as the commissioner shall prescribe. ~~The county auditors and their agents shall make such reports relating to the issuance of licenses as the commissioner shall require.~~

Sec. 4. Minnesota Statutes 1969, Section 361.03, Subdivision 3, is amended to read:

Subd. 3. **FEES FOR LICENSE.** The fee for each watercraft license issued after December 31, ~~1969~~ 1971 for the following periods, or portions thereof, shall be as follows:

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(a) Any canoe, kayak, or sailboat used by a non-profit organization where a substantial part of the usage is in teaching watercraft safety, \$2 for three calendar years.

~~(a)~~ (b) Any watercraft which is rented or leased or offered for rent or lease, \$3 for three calendar years for each watercraft 19 feet in length or under, measured from transom top to point of the bow; \$25 for three calendar years for each watercraft over 19 feet, measured from transom top to point of the bow. Any motorboat which is hired or offered for hire, with an operator, \$25 for three calendar years.

~~(b)~~ (c) For each watercraft—26 19 feet in length or under, measured from transom top to point of the bow, \$5 for three calendar years; for each watercraft over—26 19 feet, measured from transom top to point of the bow, \$10 for three calendar years.

~~(c)~~ (d) Dealer's license \$15 for three calendar years, regardless of the number of watercraft owned by such dealer.

~~(d)~~ (e) Duplicate licenses or transfer of a license may be obtained at a cost of \$1 \$2.

Sec. 5. Minnesota Statutes 1969, Section 361.03, Subdivision 5, is amended to read:

Subd. 5. **DISPOSITION OF RECEIPTS.** ~~All money received by the county auditors and their agents pursuant to sections 361.01 to 361.28 shall be promptly deposited and transmitted to the commissioner in the same manner as money received from the sale of game and fish licenses. All money received by the commissioner shall be deposited with the state treasurer and shall be expended only as may be authorized by law for administration and enforcement of sections 361.01 to 361.28 chapter 361, inspection of watercraft, and acquisition and development of sites for public access to the waters of this state.~~

Sec. 6. Minnesota Statutes 1969, Section 361.03, Subdivision 6, is amended to read:

Subd. 6. **EXPIRATION, RENEWAL: NEW LICENSES.** Licenses issued hereunder shall expire on December 31 of the year of expiration and may be renewed in the manner provided for original issuance. No new license shall be issued for any watercraft which has previously been licensed ~~under sections 361.01 to 361.28 chapter 361~~ except in accordance with this section, unless notice of abandonment of such watercraft shall have been given as hereinafter required at least one year prior to the date of application for such new license or unless the application is accompanied by satisfactory proof that the watercraft has been continually outside this state at least one year prior to such date. Any holder of a license shall notify the commissioner in writing within 30 days if his address no longer

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conforms to the address appearing on his license, upon such form as the commissioner shall prescribe.

Sec. 7. Minnesota Statutes 1969, Section 361.03, Subdivision 8, is amended to read:

Subd. 8. **TRANSFER OF OWNERSHIP, DESTRUCTION OR ABANDONMENT OF WATERCRAFT.** Within 15 days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any watercraft, written notice thereof shall be given to the commissioner in such form as he shall prescribe. Every owner or part owner of a watercraft to whom ownership is transferred shall, upon failure to give such notice, be subject to the penalties imposed by ~~sections 361.01 to 361.28~~ chapter 361. Failure to give such notice of transfer of ownership shall terminate the license without further action. Every notice of transfer of ownership shall also be accompanied by the duplicate license fee and, upon receipt thereof, the commissioner shall issue a duplicate license.

Sec. 8. Minnesota Statutes 1969, Section 361.03, Subdivision 11, is amended to read:

Subd. 11. **SUSPENSION OR REVOCATION OF LICENSE.** The commissioner may suspend or revoke the license of any watercraft rented, leased, or hired, or offered for rent, lease, or hire which does not comply with the standards of safety for such watercraft which the commissioner shall prescribe, or for which the owner thereof fails to keep a record of the name and address of the person renting, leasing, or hiring such watercraft, the identification number thereof, the date and time the person takes possession, and the expected time of return thereof. Such record shall be preserved for at least six months.

Sec. 9. Minnesota Statutes 1969, Section 361.03, Subdivision 12, is amended to read:

Subd. 12. **EXEMPTIONS.** No license hereunder shall be required for the following described watercraft:

(a) Watercraft which is covered by a license or number in full force and effect pursuant to federal law or a federally-approved licensing or numbering system of another state, and which has not been within this state for more than 90 consecutive days, the aforesaid 90 consecutive days shall not include days in which a watercraft is laid up at dock over winter or for repairs at any Lake Superior port, or any other Minnesota port.

(b) Watercraft from a country other than the United States temporarily using the waters of this state which have not been within this state for more than 90 consecutive days, the aforesaid 90

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consecutive days shall not include days in which a watercraft is laid up at dock over winter or for repairs at any Lake Superior port, or any other Minnesota port.

(c) Watercraft owned by the United States, a state, or a political subdivision thereof.

(d) Ship's lifeboat.

(e) Watercraft which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

Sec. 10. Minnesota Statutes 1969, Section 361.05, is amended to read:

361.05 OPERATION GENERALLY. Any person who, by operating a watercraft in a reckless or grossly negligent manner, causes personal injury to another or damages the property of another, shall be punished by a fine of not more than \$100, or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment. It is unlawful to operate or permit the operation of a watercraft or to use any device relating to the use of the watercraft in the following ways:

(1) In a careless or heedless manner in disregard of the rights or safety of others;

(2) In a reckless or grossly negligent manner, so as to cause personal injury to another or damage to the property of another;

(3) Upon the waters of this state without the equipment required by Minnesota Statutes, Sections 361.01 to 361.29, and the rules and regulations promulgated pursuant thereto;

(4) A watercraft which is loaded with passengers or cargo beyond its safe carrying capacity, or which is equipped with any motor or other propulsion machinery beyond its safe power capacity.

Sec. 11. [361.055] AGE OF OPERATORS. Except in case of an emergency no person under the age of 13 years shall operate or be permitted to operate any watercraft propelled by a motor with a factory rating of more than 24 horsepower unless there is present in the watercraft in addition to the operator at least one person of the age of 15 years or over.

Sec. 12. Minnesota Statutes 1969, Section 361.09, Subdivision 2, is amended to read:

Subd. 2. No person shall be towed, or shall operate a watercraft towing a person on water skies, aqua-plane, surfboard, saucer or

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~~similar other~~ device on any waters of this state at any time from one hour and a half after sunset to sunrise of the day following.

Sec. 13. Minnesota Statutes 1969, Section 361.10, is amended to read:

361.10 CAPACITY OF WATERCRAFT. ~~No person shall operate a watercraft which is loaded with passengers or cargo beyond its safe carrying capacity, or which is equipped with any motor or other propulsion machinery beyond its safe power capacity.~~ Subdivision 1. CAPACITY PLATE REQUIRED. Every watercraft manufactured for sale in Minnesota after the effective date hereof, except canoes, sailboats, and those exceeding 19 feet in length shall have affixed permanently thereto by the manufacturer a capacity plate which shall contain such information as shall be prescribed by the commissioner. For purposes of this section "manufacture" means to construct or assemble a watercraft or alter a watercraft in such a manner as to change its weight and carrying capacity.

Subd. 2. WARRANTY. The information appearing on a capacity plate shall be deemed to warrant that the manufacturer, or the person affixing the capacity plate in accordance with specifications prescribed by the commissioner, as the case may be, has correctly and faithfully employed the method and formula for the calculation of maximum weight capacity prescribed by the commissioner and that the information appearing on the capacity plate with respect to maximum weight capacity and recommended number of persons is the result of the application of such method and formula, and with respect to information concerning horsepower limitations that such information is not a deliberate or negligent misrepresentation.

Subd. 3. VIOLATION. Failure to comply with the provisions of this section shall constitute a separate violation for each watercraft with respect to which such failure occurs.

Sec. 14. Minnesota Statutes 1969, Section 361.11, is amended to read:

361.11 RIDING ON GUNWALES OR DECKING. ~~No person shall ride or sit on the starboard or port gunwales or the decking over the bow, or transom of any motorboat less than 26 feet in overall length while underway, unless such boat is provided with adequate guards or railing to prevent passengers from falling overboard, and no person shall operate such a motorboat while any person is so riding or sitting.~~

Sec. 15. Minnesota Statutes 1969, Section 361.12, is amended to read:

361.12 LIQUOR, DRUGS, PHYSICAL OR MENTAL DISABILITY. No person shall operate or be in actual physical control of any

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watercraft while under the influence of intoxicating liquor, or narcotic or habit-forming drugs. No owner or other person having charge or control of any watercraft shall knowingly authorize or permit any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs to operate such watercraft. No ~~person~~ owner or other person having charge or control of any watercraft shall knowingly authorize or permit any person who by reason of any physical or mental disability is incapable of operating such watercraft, to operate such watercraft.

Sec. 16. Minnesota Statutes 1969, Section 361.13, is amended to read:

361.13 STOPPING AT SCENE OF ACCIDENT OR INCIDENT; REPORTS; LIABILITY. Subdivision 1. The operator of any watercraft involved in an accident or incident resulting in injury or death to any person or in damage to property shall, if he can do so without serious danger to the watercraft he is operating or the persons aboard, immediately stop at the scene of the accident or incident and render such assistance as may be practicable and necessary and shall give his name, address and license number of the watercraft he is operating and the name and address of the owner thereof to the person injured or the operator or occupants of the other watercraft or owner or occupant of the property involved, and shall promptly report the accident or incident to the sheriff of the county in which the accident or incident occurred. Sheriffs are required to report all accidents and incidents to the commissioner of natural resources, who shall transmit statistics on boating accidents and incidents to the secretary of the treasury.

Subd. 2. The owner and operator of any watercraft shall be jointly and severally liable for any injury or damage occasioned by the negligent operation of such watercraft whether such negligence consists of a violation of the provisions of the statutes of this state, or neglecting to observe such ordinary care in such operation as the rules of common law require. The owner shall not be liable if such watercraft is being operated without his express or implied consent. It is presumed that such operation is with the knowledge and consent of the owner if at the time of the injury or damage it is under the control of his or her spouse, father, mother, brother, sister, son, daughter or other member of the owner's immediate family. Nothing contained in this subdivision shall be construed to relieve any other person from any liability which he would otherwise have, nor shall anything contained in this subdivision be construed to authorize or permit any recovery in excess of the injury or damage actually incurred.

Sec. 17. Minnesota Statutes 1969, Chapter 361, is amended by adding a section to read:

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[361.141] SAFETY EQUIPMENT. Subdivision 1. LIFESAVING DEVICES. Every person on board a watercraft, except a non-motorized canoe or kayak, shall wear or have readily accessible to him on board the watercraft for his personal use a lifesaving device of the sort approved by the U. S. Coast Guard. The commissioner may prescribe by regulation lifesaving devices approved by the U. S. Coast Guard, or other lifesaving devices, to be worn or carried on board canoes or kayaks. All such devices shall be in good and serviceable condition.

Subd. 2. RESPONSIBILITY FOR REQUIRED EQUIPMENT. The owner of a business which rents, leases, or hires out watercraft shall provide a lifesaving device required by this section for each person on board the watercraft.

Sec. 18. Minnesota Statutes 1969, Section 361.15, Subdivision 1, is amended to read:

361.15 LIGHTS. Subdivision 1. Each watercraft using the waters of this state, when underway or in use at any time between sunset and sunrise, shall carry and display the lights specified in this section or by the commissioner for such watercraft. "Visible", as used in this section, means visible on a dark night with clear atmosphere.

Sec. 19. Minnesota Statutes 1969, Section 361.15, Subdivision 2, is amended to read:

Subd. 2. Every watercraft under 26 feet when underway, shall carry on board from sunset to sunrise but not necessarily fixed to any part of the boat a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more and shall display such lantern or flashlight in sufficient time to avoid collision with another boat. The commissioner may further prescribe watercraft classifications and lighting systems, if needed to be in substantial compliance with federal law. Lights required under this system shall be displayed by watercraft of each class.

Sec. 20. Minnesota Statutes 1969, Section 361.16, Subdivision 1, is amended to read:

361.16 HORN OR WHISTLE; SIREN. Subdivision 1. Motorboats 26 16 feet or more in overall length shall carry a power, hand or mouth operated horn or whistle capable of producing a sound for at least two seconds and audible for at least one-half mile. The operator of such motorboats shall, only when reasonably necessary to ensure safe operation, sound such horn or whistle. Each watercraft 26 feet or more in overall length using the waters of this state shall carry such a horn or whistle as prescribed by the commissioner.

Sec. 21. Minnesota Statutes 1969, Section 361.18, is amended to read:

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361.18 DEVICE FOR ARRESTING BACKFIRE. No motor other than a detachable outboard motor shall be used on any watercraft unless its each carburetor is fitted with a U.S. Coast Guard approved device for arresting backfire.

Sec. 22. Minnesota Statutes 1969, Section 361.19, is amended to read:

361.19 FIRE EXTINGUISHER AND VENTILATION. Subdivision 1. Inboard motorboats, houseboats, and other motorboats carrying or using fuel or other inflammable or toxic fluid in any enclosure of the boat shall be equipped with a fire extinguisher and an efficient natural or mechanical ventilation system which will remove gases prior to and during the time any person occupies the watercraft. shall be provided with such number, size, and type of fire extinguishers as may be approved by the commissioner. Fire extinguishers approved by the commissioner shall comply with requirements of the U. S. Coast Guard. Such extinguisher shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

Subd. 2. Each watercraft described in subdivision 1 shall be provided with such means for properly and efficiently ventilating the bilges of the engine and fuel tank compartments as prescribed by the commissioner so as to remove any explosive or flammable gases.

Sec. 23. Minnesota Statutes 1969, Section 361.20, is amended to read:

361.20 RACE OR OTHER COMPETITION OR EXHIBITION. No person shall hold or sponsor any scheduled or public race, regatta, tournament or other competition or exhibition, or any trial therefor, on water or ice thereon, whether or not involving watercraft, without first having obtained a written permit therefor from the sheriff of the county in which such event is to originate . The sheriff, in such permit, may exempt watercraft from any of the provisions of sections 361.01 to 361.28 chapter 361 relating to the operation and equipment of watercraft while participating in the event authorized. If the sheriff refuse such permit, the person applying therefor may appeal such refusal to the commissioner.

Sec. 24. Minnesota Statutes 1969, Section 361.21, is amended by adding a subdivision to read:

Subd. 3. No person shall place buoys or other waterway markers unless the markers conform with the uniform marking system established by the commissioner.

Sec. 25. Minnesota Statutes 1969, Chapter 361, is amended by adding a section to read:

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[361.215] ENFORCEMENT AUTHORITY. Any sheriff or conservation officer may stop and detain for a reasonable time any motorboat observed to have committed a violation of Minnesota Statutes, and is empowered to issue a summons and complaint for violations of chapter 361 in the same manner as for violations of game and fish laws. All watercraft used in the enforcement of this section shall be duly marked through the flying of a pennant of such size and marking as shall be prescribed by the commissioner.

Sec. 26. Minnesota Statutes 1969, Section 361.24, Subdivision 1, is amended to read:

361.24 DUTIES OF SHERIFFS, CONSERVATION OFFICERS, AND COUNTY BOARDS. Subdivision 1. It shall be the duty of the sheriff of each county and conservation officers of the department of natural resources to enforce the provisions of sections 361.01 to 361.28 chapter 361. It shall be the duty of the sheriff of each county to maintain a program of search, rescue, posting and patrol, and inspection of watercraft for rent, lease, or hire. He shall prohibit the use of any watercraft for rent, lease, or hire which does not comply with the standards of safety for such watercraft which the commissioner shall prescribe. He shall investigate all watercraft accidents and drownings and report his findings to the commissioner in such form as the commissioner shall prescribe. The county board may authorize the employment of such additional personnel as it deems necessary to carry out the provisions of this section.

Sec. 27. Minnesota Statutes 1969, Section 361.25, is amended to read:

361.25 REGULATIONS. The commissioner shall promulgate, adopt, in the manner provided in Minnesota Statutes, Section 15.0411 to 15.0422, and shall publish in the manner prescribed in Minnesota Statutes, Section 97.53, Subdivision 2, regulations relating to the application for, and form and numbering of watercraft licenses and the size, form, reflectorize material and display of watercraft license numbers which shall comply with the requirements of the federal watercraft numbering system, placement and regulation of docks, piers, buoys, mooring or marking devices and other structures in the waters of this state, rules of the road for watercraft navigation and standards for equipment used in the towing of persons on water skis, aqua planes, surfboards, saucers, and other devices, standards for lights, signals, fire extinguishers, bilge ventilation, and lifesaving equipment, standards of safe load and power capacity, accounting, procedural and reporting requirements for county sheriff, designation of and swimming or bathing areas, standards of safety for watercraft offered for rent, lease, or hire; and such other regulations as he deems necessary to carry out the provisions of sections 361.01 to 361.28 chapter 361. ~~The provisions of this section shall not be construed to authorize the commissioner to interfere with or change~~

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~~any buoys, mooring or marking devices maintained by and at the expense of any county board.~~

Sec. 28. Minnesota Statutes 1969, Section 361.26, is amended to read:

361.26 APPLICATION OF STATE LAW; LOCAL REGULATIONS; SURFACE USE REGULATIONS OF THE COMMISSIONER. Subdivision 1. The provisions of ~~sections 361.01 to 361.28 chapter 361~~, and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regulated by ~~sections 361.01 to 361.28 chapter 361~~ shall take place thereon. Nothing in ~~sections 361.01 to 361.28 chapter 361~~ shall be construed as limiting the authority of any political subdivision of this state to adopt regulations, not inconsistent with ~~sections 361.01 to 361.28 chapter 361~~ and the regulations of the commissioner, relating to the use of waters not included in the definition of waters set forth in section 361.02, subdivision 12, which are within its jurisdiction the territorial boundaries of the political subdivision, except that a city of the first class of over 200,000 or the park board thereof, may forbid the use of motorboats or boats with motors attached thereto on its lakes.

Subd. 2. (a) Upon request of a county, city, village, borough, or town, the commissioner may, if he determines it to be in the public interest, establish regulations relating to the use of watercraft on waters of this state which border upon or are within, in whole or in part, the territorial boundaries of the governmental unit.

(b) Such regulations shall be established in the manner provided by Minnesota Statutes 1969, Section 15.0411 to 15.0422, but shall not be submitted to the attorney general nor filed with the secretary of state until first approved by resolutions of the county boards of a majority of the counties affected by the proposed regulations.

(c) Such regulations may restrict any or all of the following: (1) the type and size of watercraft which may use the waters affected by the regulation, (2) the areas of water which may be used by watercraft, (3) speed of watercraft, (4) times permitted for use of watercraft, or (5) minimum distance between watercraft. When establishing regulations the commissioner shall consider the physical characteristics of the waters affected, their historical uses, shoreland uses and classification, and any other features unique to the waters affected by the regulations.

(d) The commissioner shall inform the users of the waters of the regulations affecting them at least two weeks before the effective date of the regulations by distributing copies of the regulations and by posting of the public accesses of the waters. However, the failure

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of the commissioner to comply with this paragraph shall not affect the validity of the regulations or any conviction for violation of the regulations.

(e) The cost of publishing regulations and of marking and posting waters pursuant to this subdivision shall be paid by the counties affected by the regulations, as apportioned by the commissioner.

(f) Regulations or ordinances relating to the use of waters of this state enacted by a local governmental unit before the effective date of this act shall continue in effect until repealed by the local governmental unit or superseded by a regulation of the commissioner promulgated pursuant to this subdivision.

Sec. 29. **REPEALER.** Minnesota Statutes 1969, Sections 361.03, Subdivision 4; 361.04; 361.14; and 361.15, Subdivisions 3, 4, and 5, are repealed.

Sec. 30. **EFFECTIVE DATE.** This act is effective January 1, 1972. However, before this effective date the commissioner may promulgate regulations and standards to take effect on the effective date of this act.

Approved June 1, 1971.

CHAPTER 637—H.F.No.759

An act relating to welfare; providing for consolidation of the separate provisions authorizing collection of the costs of care provided to mentally ill and mentally retarded state hospital patients; amending Minnesota Statutes 1969, Sections 246.50, Subdivisions 3, 5, 6, and 7; 246.51; 246.54; repealing Minnesota Statutes 1969, Sections 252.041 to 252.046.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 246.50, Subdivision 3, is amended to read:

Subd. 3. **PUBLIC WELFARE; MENTALLY ILL OR DEFICIENT STATE HOSPITAL PATIENTS; COSTS.** "State hospital" means a state hospital for the mentally ill or mentally deficient now existing or hereafter established.

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