

thence east parallel with government lines 20 rods, thence north 8 rods, thence west 20 rods to the place of commencing;

all subject to a roadway easement over the westerly side of the above described property, containing 10.03 acres more or less.

Approved April 24, 1959.

CHAPTER 592—S. F. No. 371

[Coded]

An act for an act relating to safety in the use of the waters of the state, requiring licensing of certain watercraft and establishing fees therefor, prohibiting certain activities, requiring permits for certain activities, prescribing safety requirements, authorizing the commissioner of conservation to promulgate regulations relating thereto, prescribing duties of county sheriffs and the commissioner of conservation in relation thereto, providing penalties for violations, establishing the boat and water safety fund, and appropriating money for the purpose of this act; repealing Minnesota Statutes 1957, Sections 157.15, 361.01 to 361.50, and 621.47.

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

Section 1. [361.51] **Policy of state.** It is the policy of this state, which is blessed with an abundance of water, to promote its full use and enjoyment by all of the people, now and in the future, to promote safety for persons and property in connection with the use of the waters of the state, to promote uniformity of laws relating to such use and to conform with any requirements of the United States relating thereto.

Sec. 2. [361.52] **Definitions.** Subdivision 1. For the purposes of this act, the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subd. 3. "Owner" means a person, other than a lien holder, having the property in or title to a watercraft. The term includes a person entitled to the use or possession of

such craft, subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

Subd. 4. "Dealer" means any person engaged in the business of manufacturing or selling new and unused watercraft or used watercraft, or both, having an established place of business for the sale, trade and display of such watercraft, and having in his possession watercraft for the purpose of sale or trade.

Subd. 5. "Operate" means to navigate or otherwise use a watercraft.

Subd. 6. "Operator" means every person who operates or is in actual physical control of a watercraft.

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) rice boat during the harvest season, (e) seaplane.

Subd. 8. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

Subd. 9. "Underway or in use" means any watercraft in operation or use when not securely fastened to a dock or other permanent mooring.

Subd. 10. "Commissioner" means the commissioner of conservation acting directly or through his authorized agents.

Subd. 11. "License" means the authentic document used to designate the numbers assigned a watercraft and to renew same.

Subd. 12. "Waters of this state" means any waters capable of substantial beneficial public use, and any waters to which the public has access, which are within the territorial limits of this state, including boundary waters.

Subd. 13. "Horsepower" means the power rating established for a motor by the manufacturer thereof, or, if no rating is so established, then the rating established by the commissioner.

Sec. 3. [361.53] Watercraft licenses. Subdivision 1. **General requirements.** Except as hereinafter provided, no person shall after July 1, 1959, operate, or give permission for the operation of, any watercraft for which a license

fee is prescribed in subdivision 3 on the waters of this state unless a license for such watercraft has been issued and is in effect in accordance with this act. The license number assigned a watercraft shall remain the same if continually renewed, and the licensee of each watercraft shall purchase the watercraft license numbers assigned and affix same as may be prescribed by the commissioner.

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 for two years, 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.

Subd. 3. Fees for license. The fee for each watercraft license for one calendar year, or portion thereof, shall be as follows:

(a) Any watercraft which is rented or offered for rent 75 cents.

(b) For each watercraft 16 feet in overall length or under 75 cents, and an additional fee of 25 cents for each foot over 16 feet.

(c) Dealer's license \$5.00, regardless of the number of watercraft owned by such dealer.

(d) Duplicate licenses may be obtained at a cost of 75 cents.

Subd. 4. Fees for issuance. The county auditors, their agents and agents of the commissioner shall receive the same fee for each license he issues as may be provided by law for the issuance of game and fish licenses.

Subd. 5. Disposition of receipts. All money received by the county auditors and their agents pursuant to this act 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 this act, inspection of water-

craft, and acquisition and development of sites for public access to the waters of this state.

Subd. 6. Expiration, renewal, new licenses. Licenses issued hereunder shall expire on December 31 of the year following the year of issuance 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 this act 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.

Subd. 7. Loss or destruction, duplicate license. Upon receipt of affidavit of loss or destruction of a license issued hereunder, together with the duplicate license fee, the commissioner shall issue a duplicate license.

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 shall, upon failure to give such notice, be subject to the penalties imposed by this act. 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.

Subd. 9. Dealer's license. Distinguishable licenses shall be issued to any dealer, upon application and payment of the appropriate fees as provided in subdivisions 2 and 3, and any watercraft owned by the dealer, may, subject to all of the provisions of this act, be operated thereunder on the waters of this state for demonstration purposes or any other purpose incident to the usual and customary conduct of the business of manufacturing, selling or trading of watercraft.

Subd. 10. Watercraft owned by state or political subdivision. Distinguishable licenses shall be issued without the payment of a fee for watercraft owned by the State of Minnesota or a political subdivision thereof upon application therefor.

Subd. 11. Suspension or revocation of license. The

commissioner may suspend or revoke the license of any watercraft rented or offered for rent which does not comply with the standards of safety for such watercraft which the commissioner shall prescribe.

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 ninety consecutive days, the aforesaid ninety 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.

(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.

Subd. 13. Licensing by political subdivisions. No political subdivision of this state shall require licensing of watercraft covered by this act.

Sec. 4. [361.54] Operation of watercraft in careless manner or at excessive speed. Any person who operates a watercraft in a careless or heedless manner so as to endanger the person or property of another, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead, is guilty of a misdemeanor.

Sec. 5. [361.55] Reckless or grossly negligent operation of watercraft causing injury or damage. 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 ninety days or by both such fine and imprisonment.

Sec. 6. [361.56] Reckless or grossly negligent operation of watercraft causing death. Any person who, by op-

erating a watercraft in a reckless or grossly negligent manner, causes a human being to be killed, under circumstances not constituting murder in the first, second or third degree, or manslaughter in the first or second degree, is guilty of criminal negligence in the operation of a watercraft resulting in death. A person convicted of a crime defined herein shall be punished by imprisonment in a state penal institution for a term not exceeding five years, or in the workhouse or county jail for not more than one year, or by a fine of not more than \$1,000 or by both a fine and imprisonment in a state penal institution or a fine and imprisonment in the workhouse or county jail.

Sec. 7. [361.57] **Obstruction of navigation; advertising; buoys.** No person shall operate any watercraft in a manner which shall obstruct or tend to obstruct the normal and ordinary navigation of the waters of this state. No person shall use any fixed or anchored structure on the waters of this state, not a part of a dock or pier which extends from the shore, for advertising purposes. No person shall moor, attach or hold in any manner a watercraft to any buoy, other than a mooring buoy, or any other marking device or guide placed in the waters of this state pursuant to lawful authority.

Sec. 8. [361.58] **Swimming or bathing areas.** No person shall operate a watercraft within a water area which has been marked off or set aside as a swimming or bathing area as prescribed by commissioners regulations.

Sec. 9. [361.59] **Towing person on water skis or other device.** Subdivision 1. No person shall operate a watercraft on any waters of this state, towing a person on water skis, aqua-plane, surfboard, saucer, or similar device, unless there is in such watercraft either another person in addition to the operator in a position to continually observe the person being towed or instead of such observer, the boat is equipped with either a curved rear view mirror placed so that the operator may continually observe the person being towed or a safety warning device approved by the Commissioner.

Subd. 2. No person shall be towed, or shall operate a watercraft towing a person on water skis, aqua-plane, surfboard, saucer or similar 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. 10. [361.60] **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.

Sec. 11. [361.61] Riding on gunwales or decking. No person shall ride or sit on the starboard or port gunwales or the decking over the bow 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. 12. [361.62] Liquor, drugs, physical or mental disability. No person shall operate or be in actual physical control of any 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 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. 13. [361.63] Stopping at scene of accident or incident; reports. 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 conservation, who shall transmit statistics on boating accidents and incidents to the Secretary of the Treasury.

Sec. 14. [361.64] Rental, safety equipment. Subdivision 1. Where watercraft is for rental the person owning such watercraft shall have available for the use of those renting such safety equipment as life preservers, ring buoys, buoyant vests or buoyant cushions for each person on board which complies with all U.S. Coast Guard regulations, if any.

There shall be posted by sign notice the availability of such equipment, for rental.

Subd. 2. The provisions of subdivision 1 shall apply and become effective only as to waters in each county upon approval by the county board of such county, after first having a public hearing on the question for all those desiring to be heard, the approval to be by resolution duly adopted by the favorable vote of not less than three-fifths of all members of said board. Where the waters are located in more than one county, then the county boards of the several counties affected shall act jointly and as one body, after the public hearing, and a majority of such joint body is sufficient for the approval.

Sec. 15. [361.65] **Lights; Coast Guard regulations.** 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 for such watercraft. "Visible", as used in this section, means visible on a dark night with clear atmosphere.

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.

Subd. 3. All watercraft operating in waters under the jurisdiction of the United States Coast Guard shall comply with United States Coast Guard regulations.

Subd. 4. Watercraft 26 feet or more in overall length shall display such lights as may be required by the U.S. Coast Guard for watercraft of the same length and type.

Subd. 5. Dinghies, tenders and other watercraft whose principal function is as an auxiliary to other larger watercraft may, when so operating, carry, in lieu of other lights required by this section, a flashlight visible to other craft in the area in which it is operating.

Sec. 16. [361.66] **Horn or whistle; siren.** Subdivision 1. Motorboats 26 feet or more in overall length shall carry a power, hand or mouth operated horn or whistle capable of producing a sound for a 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.

Subd. 2. No siren shall be carried or used on any watercraft other than patrol watercraft. Any siren carried or used in violation of this subdivision may be removed and seized by the sheriff and shall thereupon become the property of the county in which seized and may be used or disposed of as the county board may determine.

Sec. 17. [361.67] **Muffler.** No motor shall be used on any watercraft unless it is equipped with an efficient muffler, underwater exhaust or other device which at all times adequately muffles or suppresses the sound of the exhaust of the motor so as to prevent excessive or unusual noise, and no motor shall be equipped with any cut-out.

Sec. 18. [361.68] **Device for arresting backfire.** No motor other than a detachable outboard motor shall be used on any watercraft unless its carburetor is fitted with a U.S. Coast Guard approved device for arresting backfire.

Sec. 19. [361.69] **Fire extinguisher; ventilation.** 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.

Sec. 20. [361.70] **Race or other competition or exhibition.** No person shall hold or sponsor any race, regatta, tournament or other competition or exhibition, or any trial therefor, without first having obtained a written permit therefor from the sheriff. The sheriff, in such permit, may exempt watercraft from any of the provisions of this act relating to the operation and equipment of watercraft while participating in the event authorized.

Sec. 21. [361.71] **Hazards to navigation; removal of buoys or structures.** Subdivision 1. The commissioner may require that a written permit be obtained for the placement of any structure or device which, in his opinion, constitutes a hazard to navigation.

Subd. 2. Except as authorized by the commissioner, no person shall obstruct, remove, damage or destroy any buoy or structure placed in the waters of this state in accordance with this act or by authority of the United States.

Sec. 22. [361.72] **Penalties for violations.** Subdivision 1. Any person who shall violate any provision of this act, or any regulation of the commissioner promulgated pursuant to this act, or who shall operate any watercraft which

does not conform to the provisions of this act, shall unless a different penalty is specifically prescribed, be guilty of a misdemeanor and be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days.

Subd. 2. In addition to any other penalties authorized by this act, any operator may, in the discretion of the court, upon conviction for a violation of any provision or regulation relating to the manner of operation of a watercraft, be prohibited from operating a watercraft for a period of not more than 90 days. Upon a second conviction for any such violation within a period of one year, the court shall prohibit the operator from operating a watercraft for 90 days.

Subd. 3. Any operator who shall operate a watercraft when such operation is prohibited pursuant to subdivision 2, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days.

Sec. 23. [361.73] **Violation as evidence.** In all civil actions a violation of any of the provisions of Sections 4 through 20, inclusive, by any of the parties thereto shall not be negligence per se but shall be prima facie evidence of negligence. No record of the conviction of any person for any violation of this act shall be admissible as evidence in any court in any civil action.

Sec. 24. [361.74] **Duties of sheriffs and county boards.** Subdivision 1. It shall be the duty of the sheriff of each county to enforce the provisions of this act and to maintain a program of search, rescue, posting and patrol, and inspection of watercraft for hire. He shall prohibit the use of any watercraft for 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.

Subd. 2. On or before September 1 of each even numbered year, the county board of each county shall submit to the commissioner its proposed budget to carry out the provisions of this act during the biennium beginning on the following July 1. The commissioner shall review such proposed budgets and incorporate into the budget for department of conservation such parts thereof as he deems necessary and equitable for each county, the total of which shall not exceed

seventy-five percent of the anticipated receipts from the sale of watercraft licenses during such biennium. The amount appropriated for each county shall be paid to such county and a separate accounting kept thereof. The commissioner may require each county to make such reports as to the expenditure of such funds as he deems necessary.

Sec. 25. [361.75] Regulations. The commissioner shall promulgate, 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, 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, and such other regulations as he deems necessary to carry out the provisions of this act. The provisions of this section shall not be construed to authorize the commissioner to interfere with or change any buoys, mooring or marking devices maintained by and at the expense of any county board.

Sec. 26. [361.76] Application of state law; local regulations. The provisions of this act, 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 this act shall take place thereon. Nothing in this act shall be construed as limiting the authority of any political subdivision of this state to adopt regulations, not inconsistent with this act and the regulations of the commissioner, relating to the use of waters within its jurisdiction, 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.

Sec. 27. [361.77] Boat and water safety account; fines and forfeited bail money. Subdivision 1. All license fees received in the state treasury under this act shall be credited to the boat and water safety account which is hereby established. All moneys paid into such account prior to July 1, 1961, are hereby appropriated to the commissioner and may be used to defray the expenses of carrying out the purposes enumerated in Section 3, subdivision 5. Not exceeding

seventy-five percent of such moneys may be paid to such counties and in such amount as the commissioner may determine and be used to defray the expenses of enforcement of the provisions of this act.

Subd. 2. All fines and forfeited bail money, from violations under this act collected from persons apprehended or arrested shall be paid by the justice of the peace, municipal court, or other person or officer collecting such fines, forfeited bail money or installments thereof, within 15 days after the last day of the month in which such moneys were collected, to the County Treasurer of the County where the violation occurred. One-half of such receipts shall be credited to the general revenue fund of the county. The other one-half of such receipts shall be transmitted by the County Treasurer to State Treasurer to be deposited to the credit of the boat and water safety account in the state treasury.

Subd. 3. In order to provide for the immediate implementation of this act and to defray the expenses of administration incident thereto, there is hereby appropriated to the commissioner from any moneys in the state treasury not otherwise appropriated the sum of \$50,000 to be available for expenditure upon enactment of this act and to remain available until expended.

Sec. 28. [361.78] **Personal property taxes.** The license fee on watercraft as imposed herein is not to be considered in lieu of personal property taxes thereon.

Sec. 29. Minnesota Statutes 1957, Sections 157.15, 361.01 to 361.50 and 621.47, are repealed.

Sec. 30. This act shall take effect upon enactment.

Approved April 24, 1959.

CHAPTER 593—S. F. No. 681

An act relating to information returns under the income tax law; amending Minnesota Statutes 1957, Section 290.41, Subdivision 2.

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

Section 1. Minnesota Statutes 1957, Section 290.41, Subdivision 2, is amended to read:

290.41 Subd. 2. **By persons or corporations.** Every