

shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

Sec. 2. **REPEALER.** Minnesota Statutes 1978, Sections 144.59; 144.60; 144.61; 144.62; 144.63; 144.64; and 144.65 are repealed.

Sec. 3. This act is effective the day following final enactment.

Approved April 15, 1980

CHAPTER 568—H.F.No. 1201

An act relating to waters; providing for watercraft licensing and safe operation; altering certain definitions; changing license fees; authorizing a temporary certificate; altering certain safety requirements; providing an outline for distributing water safety enforcement funds; amending Minnesota Statutes 1978, Sections 361.02, by adding subdivisions; 361.03, Subdivisions 3 and 12, and by adding a subdivision; 361.10; 361.12; 361.13, Subdivision 1; 361.141, Subdivision 1; 361.15, Subdivision 1; 361.16, Subdivision 1; 361.18; 361.20; 361.21, Subdivision 2, and by adding a subdivision; 361.215; 361.24; and 361.27, Subdivision 1; repealing Minnesota Statutes 1978, Section 361.15, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 361.02, is amended by adding subdivisions to read:

Subd. 14. "Length" of a watercraft means the straight-line distance from the foremost part of the craft to the aftermost part of the craft, measured parallel to the centerline, excluding sheer. Bowsprits, outboard motor brackets, rudders or other attachments are not included in the measurement.

Subd. 15. "Rent" when used in conjunction with watercraft means to make available to others in connection with a business.

Subd. 16. "Sailboard" means a single passenger, nonmotorized watercraft using a surfboard type hull and a free sail system which, without capsizing, allows the sail to lie flat in the water when not being supported by the operator.

Sec. 2. Minnesota Statutes 1978, Section 361.03, Subdivision 3, is amended to read:

Subd. 3. **FEE FOR LICENSE.** The fee for each watercraft license issued after December 31, ~~1974~~ 1980 for the following periods a period of three calendar years , or ~~portions~~ a portion thereof, shall be as follows:

~~(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.~~

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(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.

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

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

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

(a) Any watercraft 19 feet in length or less which is rented or leased or offered for rent or lease, \$6 each;

(b) Canoes, kayaks, sailboats, sailboards and rowing shells 19 feet in length or less, \$7 each;

(c) All other watercraft 19 feet in length or less, \$12 each;

(d) Watercraft more than 19 feet but less than 26 feet in length, \$20 each;

(e) Watercraft 26 feet but less than 40 feet in length, \$30 each;

(f) Watercraft 40 feet in length and over, \$40 each;

(g) Dealer's license, regardless of the number of watercraft owned by the dealer, \$30 per dealer;

(h) Any watercraft more than 19 feet in length for hire with an operator, \$50 each;

(i) Any watercraft used by a nonprofit organization for teaching boat and water safety, \$3 each; and

(j) Transfer or duplicate, \$3 each.

Sec. 3. Minnesota Statutes 1978, 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.

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(b) Watercraft from a country other than the United States which have 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.

(c) Watercraft owned by the United States, a state, or a political subdivision thereof except watercraft used for recreational purposes .

(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. 4. Minnesota Statutes 1978, Section 361.03, is amended by adding a subdivision to read:

Subd. 14. TEMPORARY CERTIFICATE. A person who applies for a watercraft license may be issued a temporary license certificate valid for the period of time specified by the commissioner.

Sec. 5. Minnesota Statutes 1978, Section 361.10, is amended to read:

361.10 CAPACITY OF WATERCRAFT. Subdivision 1. CAPACITY PLATE REQUIRED. Every watercraft manufactured for sale in Minnesota after ~~January 1, 1972~~ December 31, 1980 , except canoes, kayaks, sailboats, sailboards, inflatable boats and those exceeding ~~19~~ 20 feet in length shall have affixed permanently thereto by the manufacturer a capacity plate which shall contain such information relating to maximum safe carrying and power capacity specifications as shall be prescribed by the commissioner. The information contained on the capacity plate shall, at a minimum, comply with the established standards and regulations of the United States Coast Guard. 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. **CERTIFICATION.** The information appearing on a capacity plate shall be deemed to warrant certify 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 has correctly and faithfully specified the maximum safe carrying and horsepower capacity and that such the 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.

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Sec. 6. Minnesota Statutes 1978, Section 361.12, is amended to read:

361.12 ALCOHOL, DRUGS, PHYSICAL OR MENTAL DISABILITY. Subdivision 1. No person shall operate or be in actual physical control of any watercraft while under the influence of ~~intoxicating liquor~~ alcohol, as provided in section 169.121, subdivision 1 or narcotic or habit-forming drugs a controlled substance, as defined in section 152.01, subdivision 4. 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~~ alcohol, narcotic or habit-forming drugs or a controlled substance to operate such watercraft.

Subd. 2. No 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. 7. Minnesota Statutes 1978; Section 361.13, Subdivision 1, 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~~ U.S. Coast Guard.

Sec. 8. Minnesota Statutes 1978, Section 361.141, Subdivision 1, is amended to read:

361.141 SAFETY EQUIPMENT. Subdivision 1. PERSONAL FLOTATION OR LIFESAVING DEVICES. ~~Every person on board a watercraft, except a nonmotorized 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. Watercraft using the waters of this state shall be equipped with the number and type of personal flotation or lifesaving devices prescribed by the commissioner.~~

Sec. 9. Minnesota Statutes 1978, Section 361.15, Subdivision 1, is amended to read:

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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. 10. Minnesota Statutes 1978, Section 361.16, Subdivision 1, is amended to read:

361.16 **SOUND-PRODUCING DEVICES; SIREN.** Subdivision 1. ~~Motorboats 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. Motorboats 16 feet or more in overall length using the waters of this state shall carry such sound-producing devices as prescribed by the commissioner. The operator of a motorboat shall sound these devices only when reasonably necessary to insure safe operation.~~

Sec. 11. Minnesota Statutes 1978, Section 361.18, is amended to read:

361.18 **DEVICE FOR ARRESTING BACKFIRE.** No motor other than a detachable outboard motor shall be used on any watercraft unless each carburetor is fitted with a U.S. Coast Guard approved device for arresting or safely deflecting backfire which is approved or prescribed by the U.S. Coast Guard. All such devices must be maintained in serviceable condition.

Sec. 12. Minnesota Statutes 1978, 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 the~~ permit, may exempt watercraft from any of the provisions of this chapter relating to the licensing, operation and equipment of watercraft while participating in the event authorized. If the sheriff ~~refuse such~~ refuses the permit, the person applying therefor may appeal ~~such the~~ refusal to the commissioner.

Sec. 13. Minnesota Statutes 1978, Section 361.21, Subdivision 2, is amended to read:

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 sections 361.01 to ~~361-28~~ 361.29 or by authority of the United States.

Sec. 14. Minnesota Statutes 1978, Section 361.21, is amended by adding a subdivision to read:

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Subd. 4. The marking of certain hazards to navigation on, in or adjacent to the waters of this state by a governmental agency shall not incur upon that agency or any other agency a duty for the marking of all navigational hazards.

Sec. 15. Minnesota Statutes 1978, Section 361.215, is amended to read:

361.215. **ENFORCEMENT AUTHORITY.** Any sheriff or conservation officer may stop, inspect and detain for a reasonable time any ~~motorboat~~ watercraft observed to ~~have committed~~ a in violation of Minnesota Statutes ~~or rules~~, and is empowered to issue a summons and complaint for violations of this chapter in the same manner as for violations of game and fish laws. All watercraft used primarily in the enforcement of this section shall be duly marked so as to be visible from both sides of the craft. The markings shall at a minimum identify the operating agency and be of a contrasting color to the background. Lettering used for identification, other than that used in an agency symbol, shall be of block character and not less than three inches in height. Watercraft which are used primarily for enforcement of fish and wildlife laws, when coincidentally enforcing this section, shall either be duly marked through the flying of a pennant of such size and marking as shall be prescribed by the commissioner, or through marking of the craft itself pursuant to this section. As used in this section "inspect" shall not mean the authority to board a watercraft.

Sec. 16. Minnesota Statutes 1978, Section 361.24, 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 this chapter. It shall be the duty of the sheriff of each county to maintain a program of search, rescue, ~~posting and buoying or marking,~~ patrol, removal of hazards to navigation, and inspection of watercraft for rent, lease, or hire. He shall prohibit the use of any watercraft or safety equipment for rent, lease, or hire which does not comply with the standards of safety for such watercraft or equipment 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 sections 361.01 to ~~361.28~~ 361.29, during the biennium beginning on the following July 1. The commissioner shall review such proposed budgets and incorporate into the budget for department of natural resources such parts thereof as he deems necessary and equitable for each county ~~the total of which shall not exceed 75 percent of the anticipated receipts from the sale of watercraft licenses during such biennium.~~ The amount appropriated allocated 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. The commissioner shall publish a report annually showing these expenditures, copies of which shall be distributed to all participating counties.

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Subd. 3. The commissioner shall require a county to submit a budget containing proposed activities that would adequately carry out the provisions of chapter 361. If the county fails to submit a budget or fails to carry out the proposed activities after submitting a budget, the commissioner may allocate all or a portion of the county's share back to the department of natural resources or to political subdivisions within the county, including lake conservation districts in part or in whole within the county, that the commissioner determines will provide watercraft safety enforcement, supervision, marking, regulation, search and rescue, and information on waters wholly or partially within their boundaries. The commissioner may require such budgets or reports on the expenditure of the funds as he deems necessary. If at any time, the county sheriff determines that additional outside assistance is necessary on a temporary, nonrecurring basis for the purposes of boat and water safety, he may request such assistance from the commissioner. The commissioner may then allocate emergency funding to the county, provide materials or equipment on a temporary loan basis, or hire temporary personnel as he deems necessary.

Subd. 4. The amount of funds to be allocated pursuant to subdivisions 2 and 3 shall be determined by the commissioner on the basis of the following criteria:

(a) The number of watercraft using the waters wholly or partially within the county.

(b) The number of watercraft using particular bodies of water, wholly or partially within the county in relation to the size of the body of water and the type, speed and size of the watercraft utilizing the water body.

(c) The amount of water acreage wholly or partially within the county.

(d) The overall performance of the county in the area of boat and water safety.

(e) Special considerations, such as volume of transient or nonresident watercraft use, number of rental watercraft, extremely large bodies of water wholly or partially in the county or any other factor as determined by the commissioner.

The commissioner may require reports from the counties, make appropriate surveys or studies or utilize local surveys or studies to determine the criteria required in allocation funds.

Sec. 17. Minnesota Statutes 1978, Section 361.27, Subdivision 1, is amended to read:

361.27 BOAT AND WATER SAFETY ACCOUNT; FINES AND FORFEITED BAIL MONEY. Subdivision 1. All license fees received under sections 361.01 to ~~361.28~~ 361.29 shall be deposited in the state treasury and credited to the general fund for the purpose of boat and water safety. Not exceeding 75 percent of such moneys may. A portion of these funds shall be utilized by the department of natural resources to carry out the provisions of sections 361.01 to

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361.29 and a portion shall be paid to such counties and in such an amount as the commissioner may shall determine and be used to defray the expenses of enforcement of the provisions of sections 361.01 to ~~361.28~~ 361.29 and the expenses of a county sponsored or administered watercraft and swimming safety instructional program. The commissioner may withhold up to \$25,000 per biennium of the allocation for the purpose of payments to counties and other political subdivisions for specific boat and water safety projects beyond the capability of previously allocated funds. Counties and other political subdivisions shall make application for payment of these funds on such forms and for such purposes as the commissioner shall prescribe.

Sec. 18. **REPEALER.** Minnesota Statutes 1978, Section 361.15, Subdivision 2, is repealed.

Sec. 19. **EFFECTIVE DATE.** This act shall be effective on January 1, 1981.

Approved April 15, 1980

CHAPTER 569—H.F.No. 2187

An act relating to local government; authorizing conveyance of certain parcels of land in the city of Brooklyn Center; permitting the acquisition and financing of data processing equipment by Local Government Information Systems and its members; providing for sewer charges by the city of Brooklyn Center on an equitable basis.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. CONVEYANCE OF STATE LANDS; CITY OF BROOKLYN CENTER. Subdivision 1. The governor, upon recommendation of the commissioner of transportation, may transfer and convey, by quitclaim deed in the form the attorney general approves and in the name of the state of Minnesota, to the city of Brooklyn Center, Minnesota, for any purpose, notwithstanding Minnesota Statutes, Section 161.44, approximately 2.7 acres of land in the city of Brooklyn Center that is no longer needed for trunk highway purposes, for a consideration of \$1. The deed shall include a provision waiving any obligation of the city of Brooklyn Center to use the land described in subdivision 2 for a public purpose.

Subd. 2. The land authorized to be conveyed in subdivision 1 is situated in the state of Minnesota, county of Hennepin, and the city of Brooklyn Center, and is further described as follows:

All of Tract A described below:

Tract A. That part of Lot 1, Exhibit "A" showing subdivision of land belonging to the estate of Eliza A. Henderson, in Section 34, Township 119 North, Range 21 West, according to the plat thereof on file and of record in the office of the county recorder in and for the county of Hennepin described as

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