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ADMINISTRATIVE
HEARINGS

1 **Department of Natural Resources**

2 **Adopted Permanent Rules Relating to Boat and Water Safety**

3 **6110.1100 RENTAL OF WATERCRAFT.**

4 Subpart 1. **Condition and equipment of rental watercraft.** Condition and equipment
5 of rental watercraft:

6 A. No watercraft which is in a broken, rotten, or otherwise hazardous condition,
7 including any accessory equipment, shall be rented or offered for rent.

8 B. No watercraft shall be rented or offered for rent unless it meets the flotation
9 requirements for its year of manufacture, found in Code of Federal Regulations, title 33,
10 part 183, subparts F, G, and H.

11 C. No watercraft shall be rented or offered for rent unless it is free of spilled
12 gasoline and oil.

13 D. No watercraft which has been rented shall be permitted to depart from the
14 premises at which it was rented if it is loaded beyond its safe carrying capacity or
15 powered beyond its safe power capacity.

16 E. No other number, letter, design, or insignia shall be displayed on either side of
17 any such watercraft which is closer than 24 inches to any part of the watercraft license
18 number or validation decal.

19 F. The owner of a business which rents, leases, or hires out watercraft shall provide
20 for each person on board the watercraft all lifesaving devices required by law or these
21 rules, as well as all other required safety equipment for each watercraft.

22 [For text of subp 2, see M.R.]

23 **6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE;**
24 **SAFETY EQUIPMENT.**

25 [For text of subps 1 and 2, see M.R.]

1 Subp. 3. **Personal flotation (lifesaving) devices.** Flotation devices:

2 [For text of items A to C, see M.R.]

3 D. All personal flotation devices required by this subpart shall be:

4 [For text of subitems (1) to (3), see M.R.]

5 (4) either readily accessible or worn with the following exceptions:

6 [For text of units (a) and (b), see M.R.]

7 (c) Type IV personal flotation devices must be immediately available.

8 "Readily accessible" means easily retrievable within a reasonable amount of time in
9 an emergency. "Immediately available" means easily reached in time of emergency.
10 Personal flotation devices located in locked containers, under heavy objects or left in
11 shipping bags are not considered readily accessible or immediately available; and

12 (5) of the appropriate size for the intended wearer, if the device is designed to be
13 worn, and in compliance with any use restrictions listed on the U.S. Coast Guard
14 approval label.

15 [For text of subps 4 to 7, see M.R.]

16 **6110.1400 CAPACITY PLATE INFORMATION.**

17 Subpart 1. **Information required.** The manufacturer's capacity plate required by law
18 shall comply with the U.S. Coast Guard safe loading and powering standards for the
19 year of manufacture, as set forth in Code of Federal Regulations, title 33, part 183,
20 subparts B, C, and D.

21 Subp. 2. **Method to determine capacity information.** The method used for
22 determining capacity information shall comply with the U.S. Coast Guard safe loading
23 and powering standards for the year of manufacture, as set forth in Code of Federal
24 Regulations, title 33, part 183, subparts C and D.

25 Subp. 3. **Definitions.** The terms "safe power capacity" and "safe carrying capacity"

1 used in Minnesota Statutes, section 86B.311, subdivision 1, shall be that capacity
2 displayed on the manufacturer's capacity plate. If no such plate exists, the method
3 referred to in subpart 2 shall be used to determine the capacity.

4 **6110.1500 WATERWAY MARKERS.**

5 Subpart 1. **In general.** Except as hereinafter provided, or as otherwise provided by
6 law, all waterway markers placed in or upon the waters of the state by public authority
7 or under a permit issued by the sheriff of any county for the purposes hereinafter set
8 forth shall have the form, size, lighting, reflectorization, and coloration prescribed
9 therefor. When referring to lights on a waterway marker, "flashing" means not more
10 than 30 flashes per minute and "quick-flashing" means at least 60 flashes per minute.

11 Subp. 2. **Channel marker buoys.** Channel marker buoys:

12 [For text of item A, see M.R.]

13 B. Where channel marker buoys are placed to indicate the location of a well
14 defined boating channel, an all green buoy and an all red buoy shall be placed in
15 opposition to each other to indicate the course of the channel is located between them.
16 The red buoy or marker shall be situated on the right side of the channel when heading
17 towards shore, or when heading upstream. A green flashing light shall be used in
18 conjunction with a green buoy if it is to be lighted. When reflectorization is used with a
19 green buoy, it shall be green in color and no less than a three-inch wide strip shall
20 completely surround the buoy and shall be located at the top of the buoy. Number
21 designations shall be odd. A red flashing light shall be used in conjunction with a red
22 buoy if it is to be lighted. When reflectorization is used with a red buoy, it shall be red in
23 color and no less than a three-inch wide strip shall completely surround the buoy and
24 shall be located at the top of the buoy. Number designations shall be even. Red buoys
25 may have a conical (nun) shape to the top of the buoy. Daymarks (signs) may also be
26 used in place of buoys. The colors, lighting, minimum height above water, and

1 numbering for daymarks shall be the same as for buoys with the same designation. Red
2 daymarks shall be triangular in shape and green daymarks shall be rectangular in
3 shape.

4 Subp. 3. **Shoreward obstruction (point) buoy.** A buoy indicating that a watercraft
5 should not pass between it and the nearest shore shall have a circular transverse
6 cross-section measuring not less than nine inches in diameter and shall extend at least 36
7 inches above the surface of the water. Each such buoy shall be marked with alternating
8 vertical black and white stripes. White reflectorization may be used on a minimum of
9 the upper three inches of the white vertical stripe. A white quick-flashing light shall be
10 used if the buoy is lighted.

11 Subp. 3a. **Mid-channel or safe water buoy.** A buoy indicating the center or midpoint
12 of a channel shall have a circular transverse cross-section measuring not less than nine
13 inches in diameter and shall extend at least 36 inches above the surface of the water.
14 Each such buoy shall be marked with alternating vertical red and white stripes and may
15 have a red spherical top mark approximately the same diameter as the diameter of the
16 buoy. White reflectorization may be used on a minimum of the upper three inches of the
17 white vertical stripes. Red reflectorization may be used on a minimum of the upper
18 three inches of the red vertical stripes. A white flashing light shall be used if the buoy is
19 lighted. A daymark (sign) may be used in place of a buoy and must extend out of the
20 water a minimum of 36 inches. The daymark must be octagonal in shape with a white
21 border, white on the left side and red on the right side of the sign as it faces the boater.

22 [For text of subp 4, see M.R.]

23 Subp. 5. **Regulatory and information signs and buoys.** Regulatory and information
24 signs and buoys:

25 A. No regulatory or informational signs or buoys may be placed in or upon the
26 waters of this state, except by public authority or under a permit issued by the sheriff of

1 the county. All such signs and buoys shall be colored white except as hereinafter
2 provided.

3 When a buoy is used as a regulatory or informational marker (except in private
4 swimming areas), it shall have two orange-colored horizontal bands completely around
5 the buoy's circumference, one such band at the top, and the other just above the
6 waterline. The appropriate geometric shape(s) indicating the buoy's purpose and any
7 lettering or numerals shall be placed between these horizontal bands. The buoy itself
8 shall have a circular transverse cross section of at least nine inches and shall extend at
9 least 36 inches above the surface of the water. Except for danger areas, a white flashing
10 light shall be used on all buoys or signs in this subpart, if the buoy or sign is lighted. If
11 lighted, buoys or signs that mark danger areas must display a white quick-flashing
12 light.

13 [For text of items B to H, see M.R.]

14 I. Every waterway marker driven into the bottom of a lake or stream, or attached
15 to a post so driven, shall extend at least 36 inches above the surface of the water. The
16 surface of the water shall be considered to be the normal high watermark during the
17 local boating season.

18 J. Any sign may be reflectorized, provided that the entire displayed surface is
19 uniformly reflectorized.

20 [For text of item K, see M.R.]

21 [For text of subps 7 and 8, see M.R.]

22 6110.1900 REPORTS.

23 Subpart 1. **Accident reports.** Each county sheriff shall report to the commissioner of
24 natural resources:

25 A. each watercraft accident involving either a fatality, personal injury requiring
26 treatment beyond first aid, or property damage that meets the U.S. Coast Guard

1 reportability requirements found in Code of Federal Regulations, title 33, section 173.55;
2 and

3 B. all drownings.

4 Reports shall be submitted on forms provided by the commissioner and forwarded
5 within ten days of the accident.

6 [For text of subp 2, see M.R.]

7 **REPEALER.** Minnesota Rules, part 6110.1300, is repealed.