

Department of Natural Resources**Adopted Exempt Permanent Rules: Personal Flotation Devices and Water Surface Use Restrictions****6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.**

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

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

A. Every person on board a watercraft or waterfowl boat shall wear or have readily accessible a U.S. Coast Guard approved ~~Type I, H, or III~~ wearable personal flotation device. In addition to these devices, watercraft and waterfowl boats 16 feet or more in length, except canoes and kayaks, must also carry at least one U.S. Coast Guard approved ~~Type IV~~ throwable personal flotation device. A U.S. Coast Guard approved ~~Type IV~~ throwable personal flotation device may be carried in lieu of any personal flotation device required by this part, on nonmotorized watercraft operated by lifeguards within a marked swimming area, as defined in part 6110.1600.

~~B. A U.S. Coast Guard approved Type V personal flotation device may be carried in lieu of any personal flotation device required in this rule, if the Type V personal flotation device is approved:~~

~~(1) for the activity in which the watercraft is being used; and~~

~~(2) as a substitute for the type of personal flotation devices required to be on board the watercraft.~~

~~C.~~ B. Persons being towed by a watercraft on water skis or other devices shall be considered to be on board the towing watercraft for the purpose of personal flotation device requirements. A U.S. Coast Guard approved ~~Type I, H, or III~~ wearable personal flotation device must be either carried in the towing watercraft or worn by the person being towed.

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

- ~~(1) approved by the United States Coast Guard;~~
 - ~~(2) legibly marked with the approval number issued by the United States Coast Guard;~~
 - ~~(3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with all straps and fasteners present and in good condition;~~
 - ~~(4) either readily accessible or worn with the following exceptions:~~
 - ~~(a) those Type V devices which are required to be worn to be accepted as United States Coast Guard approved;~~
 - ~~(b) those cases designated by statute where wearing a Coast Guard approved Type I, II, III or V personal flotation device is mandatory; and~~
 - ~~(c) Type IV personal flotation devices must be immediately available.~~
- ~~"Readily accessible" means easily retrievable within a reasonable amount of time in an emergency. "Immediately available" means easily reached in time of emergency. Personal flotation devices located in locked containers, under heavy objects or left in shipping bags are not considered readily accessible or immediately available; and~~
- ~~(5) of the appropriate size for the intended wearer, if the device is designed to be worn, and in compliance with any use restrictions listed on the U.S. Coast Guard approval label.~~

C. All personal flotation devices required by this subpart must be:

- (1) approved by the U.S. Coast Guard;
- (2) legibly marked with any requirements and the approval number issued by the U.S. Coast Guard;

(3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with all straps and fasteners present and in good condition;

(4) of the appropriate size for the intended wearer, if the device is designed to be worn, and in compliance with any requirements listed on the U.S. Coast Guard approval label;

(5) for wearable devices, either readily accessible or worn, except when:

(a) devices are required to be worn to be accepted as U.S. Coast Guard-approved; or

(b) wearing a U.S. Coast Guard-approved wearable personal flotation device is mandatory; and

(6) for throwable devices, immediately available.

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

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

6110.3700 WATER SURFACE MANAGEMENT STANDARDS.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Emergencies.** In situations of local emergency, temporary special controls may be enacted by a county, city, or town for a period not more than ~~five~~ 30 days without the commissioner's approval. The commissioner shall be notified, however, as soon as practicable during this ~~five-day~~ 30-day period.

[For text of subp 10, see M.R.]