

CHAPTER 361

VESSELS NAVIGATING LAKES AND WATERS

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361.01 REGULATIONS FOR PREVENTING ACCIDENTS. The following regulations for preventing collisions shall be followed by vessels 26 feet or more in overall length navigating lakes and rivers in the state of Minnesota:

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel; and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The words "steam vessel" shall include any vessel 26 feet or more in overall length propelled by machinery.

A vessel is "under way" within the meaning of these rules, when she is not at anchor, or made fast to the shore, or ground.

The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

[1909 c 278 s 1; 1955 c 706 s 1] (2721)

361.02 LIGHTS; WITHIN WHAT HOURS. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

[1909 c. 278 s. 2] (2722)

361.03 LIGHTS WHILE UNDER WAY. A steam vessel, when under way, shall carry:

(1) On or in front of the foremast, or, if a vessel without a foremast, then in the fore part of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(2) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(3) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(4) The said green and red side lights shall be fitted within board screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

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(5) All steam vessels, except sea-going vessels and ferry boats, shall carry in addition to green and red lights required by clauses (2), (3), and screens as required by clause (4), a central range of two white lights. The head light shall be so constructed as to show an unbroken light through 20 points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after light so as to show all around the horizon.

[1909 c. 278 s. 3] (2723)

361.04 SAILING VESSEL; LIGHTS. A sailing vessel under way or being towed shall carry at the masthead a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least five miles.

[1909 c. 278 s. 4] (2724)

361.05 [Repealed, 1955 c 706 s 12]

STEERING AND SAILING RULES; RISK OF COLLISION

361.06 RISK OF COLLISION. Risk of collision can, when circumstances permit, be ascertained by careful watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

[1909 c. 278 s. 5] (2726)

361.07 SAILING VESSELS APPROACHING ONE ANOTHER. When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other, as follows:

(1) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(2) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(3) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(4) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(5) A vessel which has the wind aft shall keep out of the way of the other vessel.

[1909 c. 278 s. 6] (2727)

361.08 STEAM VESSELS APPROACHING ONE ANOTHER. Rule 1. When steam vessels are approaching each other head and head, that is, end on, or nearly so, it shall be the duty of each to pass on the port side of the other; and either vessel shall give as a signal of her intention one short and distinct blast of her whistle, which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other, but if the courses of such vessels are so far on the starboard of each other as not to be considered as needing [meeting] head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other. The foregoing only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the mast of the other in a line, or nearly in a line, with her own, and by night to cases in which each vessel is in such a position as to see both the side lights of the other. It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or where a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Rule 2. If, when steam vessels are approaching each other, either vessel fails to understand a course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of the steam whistle.

Rule 3. Whenever a steam vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam vessel

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approaching from the opposite direction can not be seen for a distance of half a mile, such steam vessel, when she shall have arrived within a half mile of such curve, or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly. When steam vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they shall be governed by the steering and sailing rules.

Rule 4. When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall put her helm to port; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall put her helm to starboard; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached the point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of a passing vessel.

Rule 5. The whistle signals provided in the rules under this article, for steam vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights

[1909 c. 278 s. 7] (2727a)

361.09 **STEAM VESSELS CROSSING.** When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

[1909 c. 278 s. 8] (2728)

361.10 **STEAM AND SAILING VESSELS INVOLVING RISKS OF COLLISION.** When a steam vessel and a sailing vessel or rowing boat are proceeding in such direction as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel or rowing boat.

[1909 c. 278 s. 9] (2729)

361.11 **COURSE AND SPEED.** Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed.

[1909 c. 278 s. 10] (2730)

361.12 **CROSSING AHEAD OF THE OTHER.** Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

[1909 c. 278 s. 11] (2731)

361.13 **SLACKENING OF SPEED.** Every steam vessel, which is directed by these rules to keep out of the way of another vessel, shall, on approaching her, if necessary, slacken her speed or stop or reverse.

[1909 c. 278 s. 12] (2732)

361.14 **OVERTAKING OF ANOTHER VESSEL.** Notwithstanding anything contained in these rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel. Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel, within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally passed

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and cleared. As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel, and keep out of the way.

[1909 c. 278 s. 13] (2733)

C 592 028 **361.15 NARROW CHANNELS.** In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

[1909 c. 278 s. 14] (2734)

C 592 028 **361.16 SAILING VESSELS TO KEEP OUT OF WAY.** Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats.

[1909 c. 278 s. 15] (2735)

C 592 028 **361.17 CONSTRUCTION OF RULES.** In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

[1909 c. 278 s. 16] (2736)

C 592 028 **361.18 SIGNAL SPEED ASTERN.** When vessels are in sight of one another a steam vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle.

[1909 c. 278 s. 17] (2737)

C 592 028 **361.19 RULES NOT TO EXONERATE.** Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

[1909 c. 278 s. 18] (2738)

C 592 028 **361.20 VIOLATION OF RULES; PENALTY.** Every pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge, who neglects or refuses to observe the provisions of sections 361.01 to 361.19, or the regulations established in pursuance of sections 361.01 to 361.19, shall be liable to a penalty not to exceed \$50, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal; provided that nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal.

[1909 c. 278 s. 19] (2739)

C 592 028 **361.21 LIGHTS ON LAUNCHES AND SAILBOATS.** Every person who navigates any steam launch, gasoline launch or sailboat, or who permits any such boat owned by him to be navigated, at night, on any waters of this state without having such boat equipped with a suitable light, placed at the bow of any such launch or at the mast of any such sailboat, and so arranged as to be plainly visible for at least 100 yards, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than ten days nor more than 30 days.

[1909 c. 146 s. 1] (2740)

361.22-361.27 [Repealed, 1955 c 706 s 12]

INSPECTION AND LICENSING

C 592 028 **361.28 INTER-COUNTY COMMISSION; POWERS.** The county boards of commissioners of any counties, which counties are contiguous to or have within their borders an inland lake having a water area of at least 250 square miles may by joint action establish a commission to be composed of the members of such county boards, which commission shall be authorized to license and regulate boats in the manner hereinafter described. Wherever the word "commission" is used in sections 361.28 to 361.35 it shall mean the commission so established.

[Ex. 1937 c. 80 s. 1] (2740-11)

C 592 028 **361.29 COMMISSION TO ENFORCE RULES AND REGULATIONS.** The commission is hereby authorized and empowered, and it shall be its duty, to carry out

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the provisions of sections 361.28 to 361.35, and it shall have the power and authority to make such rules and regulations as it may deem necessary to carry out the purposes of these sections.

[*Ex. 1937 c. 80 s. 2*] (2740-12)

9 C. 592 208 **361.30 INSPECTORS.** The commission shall appoint such inspectors as may be necessary for the purposes of enforcing the provisions of sections 361.28 to 361.35, and shall fix the compensation thereof.

[*Ex. 1937 c. 80 s. 3*] (2740-13)

59 C. 592 208 **361.31 LICENSE TO OPERATE BOATS.** Any person, copartnership, corporation, and association having in his or its possession, as owner or otherwise, any boat used in the carrying of five passengers or more for hire, or for the purpose of rental or for use by others than the owner thereof on any inland lake having a water area of at least 250 square miles, shall, on or before the tenth day of April, 1938, and annually thereafter, procure from the commission a license before using any such boat for the purposes herein stated.

[*Ex. 1937 c. 80 s. 4*] (2740-14)

59 C. 592 208 **361.32 APPLICATION FOR LICENSE.** Before any license is issued by the commission it shall require the applicant therefor to make and file an application, in writing, showing the number of boats owned or controlled by the applicant, the size thereof, the owner's name and address, and such other information as the commission may require. The owner of any boat transported to any inland lake for the uses stated in sections 361.28 to 361.35 shall make application to the commission, in writing, and must secure permission before such boat can be used. All applications shall designate the lake or lakes on which such boat or boats are to be used.

[*Ex. 1937 c. 80 s. 5*] (2740-15)

59 C. 592 208 **361.33 RULES AND REGULATIONS FOR OPERATION OF BOATS.** The commission shall make rules and regulations regulating the operation of all such boats and shall designate the number of persons that each of such boats shall be permitted to carry, and when so determined the commission shall cause such capacity to be plainly marked on each licensed boat. Should any boat carry more than the designated number of persons, the commission shall revoke the license issued for such boat.

[*Ex. 1937 c. 80 s. 6*] (2740-16)

59 C. 592 208 **361.34 LICENSE FEE.** The commission shall determine the license fee and shall pay all moneys received for such licenses into the county treasury and the county treasurer shall credit such moneys to the boat inspection fund for the use of the commission in carrying out the provisions of sections 361.28 to 361.35.

[*Ex. 1937 c. 80 s. 7*] (2740-17)

59 C. 592 208 **361.35 OFFENSE.** Any person, copartnership, corporation, or association who shall let, lease, or carry five passengers or more in any boat without first procuring a license as herein provided for, or who shall violate any rule or regulation of the commission, or any provision of sections 361.28 to 361.35, shall be guilty of a misdemeanor.

[*Ex. 1937 c. 80 s. 8*] (2740-18)

BOATS

59 C. 592 208 **361.41 DEFINITIONS.** Subdivision 1. For purposes of sections 361.41 to 361.50, the following terms have the meaning ascribed to them in this section.

Subd. 2. "Person" means any individual, firm, corporation, partnership, company, association, trustee, administrator, executor, receiver, assignee or personal representative thereof.

Subd. 3. "Boat" means any vessel less than 26 feet in overall length used for transportation on or in water.

Subd. 4. "Motorboat" means any vessel less than 26 feet in overall length and propelled by machinery, including vessels equipped with detachable motors.

Subd. 5. "Commissioner" means the commissioner of conservation of the State of Minnesota.

[1955 c 706 s 1]

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C 592 28 361.42 **BOATS TO CARRY WHITE LIGHTS WHILE UNDERWAY.** Subdivision 1. Every boat when underway, shall carry on board from sunset to sunrise but not 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 in sufficient time to avoid collision with another boat.

Subd. 2. Sailboats, including those with outboard motors, under 26 feet in length, propelled by sail and machinery or by sails alone, shall carry a bright white light to show all around the horizon. In addition, such boats when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. Every white light prescribed by this section shall be visible for a distance of two miles or more. The word "visible" when applied to lights shall mean visible on a dark night with clear atmosphere.

[1955 c 706 s 2]

C 592 28 361.43 **MUFFLERS REQUIRED.** It is unlawful to use a boat propelled in whole or in part by gas, gasoline or naphtha unless the same is provided with a stock factory muffler, underwater exhaust or other modern devices capable of adequately muffling the sound of the exhaust of the engine. The phrase "adequately muffling" shall mean that the motor's exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device. Motorboats may be operated with cut-outs or mufflers open while actually competing in any race licensed to be held by the council or other governing body of the city, village or town nearest to that portion of water on which such race is to be held.

[1955 c 706 s 3]

C 592 28 361.44 **NAVIGATION AT SAFE RATE OF SPEED.** Subdivision 1. Every operator of a motorboat shall at all times navigate the same in a careful and prudent manner and at such rate of speed and along a course as not to endanger the life, limb or property of any person.

Subd. 2. It is unlawful to operate a motorboat in a careless or reckless manner. Reckless navigation of a motorboat shall include operating the same in a manner which unnecessarily interferes with the free and proper use of the navigable waters of the state or unnecessarily endangers other boats therein, or the life and limb of any person.

Subd. 3. No person shall operate any motorboat at a rate of speed greater than will permit him in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.

[1955 c 706 s 4]

C 592 28 361.45 **BOATS APPROACHING ANOTHER BOAT.** Subdivision 1. When two boats are approaching each other "head on" or nearly so, so as to involve risk of collision, it shall be the duty of each boat to bear to the right and pass the other boat on its left side.

Subd. 2. When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.

Subd. 3. One boat may overtake another on either side but must grant right of way to the overtaken boat.

[1955 c 706 s 5]

C 592 28 361.46 **OPERATION OF BOATS, WHERE FORBIDDEN.** Subdivision 1. No person shall so anchor a boat for fishing or other purposes in such a position as to obstruct a passageway ordinarily used by other boats.

Subd. 2. No person shall operate a motorboat within a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area.

[1955 c 706 s 6]

C 592 28 361.47 **MOORING BOAT TO BUOY; PENALTY.** Any person mooring any boat to any of the buoys or beacons placed in any waterway by the authority of the United States or by the authority of a commissioner or subdivision thereof, or in any manner hanging on with a boat to such buoy or beacon shall be guilty of a misdemeanor.

[1955 c 706 s 7]

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34 C 592 w 28 **361.48 DRUG ADDICT OR PERSONS UNDER INFLUENCE OF LIQUOR.** It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs or barbital or any person who is a habitual user of same to operate, propel or be in actual physical control of any boat. It shall be unlawful for the owner of any boat or any person having such in charge or in control to authorize or knowingly permit the same to be propelled or operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbital or any person who is a habitual user of same.

[1955 c 706 s 8]

9 C 592 w 28 **361.49 ACCIDENTS TO BE REPORTED.** The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of such accident and shall give his name, address, full identification of his boat and the name and address of the owner, to the person struck or the operator or occupants of the boat collided with, and shall render to any person injured in such an accident reasonable assistance and shall report such accident to the nearest or most convenient law enforcement agency or office.

[1955 c 706 s 9]

9 C 592 w 28 **361.50 VIOLATIONS, PENALTIES.** Any person who shall violate any provision of sections 361.41 to 361.50 or regulations promulgated thereunder is guilty of a misdemeanor.

[1955 c 706 s 10]

37 C 592 w 28