

## CHAPTER 361. WATERS AND WATERCRAFT SAFETY

Sec.		Sec.	
361.03	Watercraft licenses.	361.23	Violation as evidence.
361.041	Watercraft safety program; operators permits [New].	361.25	Regulations.
361.055	Age of operator.	361.26	Application of state law; local regulations; surface use regulations of the commissioner.
361.22	Penalties for violations.		

**361.03 Watercraft licenses**

[For text of subd. 1, see M.S.1971]

**Subd. 2. Application, issuance, reports.** Application for registration or reregistration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety 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 as hereinafter provided, such watercraft shall be registered and a registration number assigned which shall be affixed to the watercraft in such manner as the commissioner of natural resources shall prescribe. Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of watercraft. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements. A fee of 50 cents in addition to that otherwise prescribed by law shall be charged for each watercraft registered by the registrar or a deputy registrar. The additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2.

[1973 c 202 s 2]

[For text of subds. 3 to 13, see M.S.1971]

**361.041 Watercraft safety program; operators permits**

**Subdivision 1. Safety program.** The commissioner shall continue and expand his comprehensive boat safety and education program and, in connection with the program, shall issue operators permits as required by this section. The commissioner shall cooperate with boatmen, governmental subdivisions, state agencies, other states, and the federal government in the operation of the program. The commissioner shall issue a watercraft operator's permit to a person who successfully qualifies for a permit under the boat safety education program.

**Subd. 2. Operator's permit.** Except as provided in this subdivision, no person 13 years of age or over but less than 18 years of age may operate a motorboat powered by a motor over 24 horsepower without possessing a valid watercraft operator's permit, unless there is a person 18 years of age or over in the motorboat. The operator's permit required by this subdivision is not required of a non-resident who operates a motorboat for less than 31 consecutive days in a calendar year. The commissioner shall establish an educational course and a testing program for watercraft operators and for persons 13 years of age or over but less than 18 years of age required to take the watercraft safety course. The commissioner shall issue a watercraft operator's permit to a person 13 years of age or over but less than 18 years of age who successfully completes the educational program and the written test which the commissioner shall prescribe.

**Subd. 3. Unlawful for owners to permit certain uses of watercraft.** It is unlawful for the owner of a watercraft to permit the watercraft to be operated contrary to the provisions of this section.

[1973 c 310 s 1]

(NOTE: This section is effective January 1, 1975.)

**361.055 WATERS AND WATERCRAFT SAFETY**

**361.055 Age of operator**

Except in case of an emergency no person under the age of 13 years shall operate or be permitted to operate any watercraft propelled by a motor with a factory rating of more than 24 horsepower unless there is present in the watercraft in addition to the operator, his parent or legal guardian, or at least one person of the age of 18 years or over.

[1973 c 310 s 2]

(NOTE: This section is effective January 1, 1975.)

**361.22 Penalties for violations**

[For text of subd. 1, see M.S.1971]

Subd. 2. An operator 13 years of age or older but less than 18 years of age, adjudicated by a juvenile court as having violated sections 361.05, or 361.12, or 361.13 shall have his operator's permit revoked by the commissioner. The commissioner shall issue a new permit to the operator one year after the revocation upon successful completion by the operator of a watercraft safety course. The judge of a juvenile court, which adjudicates an operator of violating any of the laws or regulations listed above, shall require the surrender of the person's watercraft operator's permit and shall forward the operator's permit to the commissioner, together with a record of the adjudication.

[1973 c 310 s 3]

(NOTE: This subdivision is effective January 1, 1975.)

[For text of subd. 3, see M.S.1971]

**361.23 Violation as evidence**

In all civil actions a violation of any of the provisions of sections 361.05 to 361.20, 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 sections 361.01 to 361.28 shall be admissible as evidence in any court in any civil action.

[1973 c 35 s 64]

**361.25 Regulations**

The commissioner shall adopt, in the manner provided in sections 15.0411 to 15.0422, and shall publish in the manner prescribed in section 97.53, subdivision 2, regulations relating to the application for, and form and numbering of watercraft licenses and the size, form, reflectorized 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 and standards for equipment used in the towing of persons on water skis, aqua planes, surfboards, saucers, and other devices, standards for lights, signals, fire extinguishers, bilge ventilation, and lifesaving equipment, 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, lease, or hire; and in accordance with section 361.26, subdivision 2, clause (c), the commissioner shall by no later than January 1, 1975, adopt rules and regulations relating to the use of surface waters of this state by watercraft including but not limited to (1) standards and criteria for resolving conflicts in the use of water surfaces by watercraft, (2) procedures for dealing with problems involving more than one local governmental unit, (3) procedures for local enforcement and (4) procedures for carrying out the provisions of section 361.26, subdivision 2; and such other regulations as he deems necessary to carry out the provisions of chapter 361.

[1973 c 702 s 1]

ECONOMIC DEVELOPMENT 362.40

**361.26 Application of state law; local regulations; surface use regulations of the commissioner**

Subdivision 1. The provisions of chapter 361, 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 chapter 361 shall take place thereon. Nothing in chapter 361 shall be construed as limiting the authority of any political subdivision of this state to adopt regulations, not inconsistent with chapter 361 and the regulations of the commissioner, relating to the use of waters of this state which are wholly or partly within the territorial boundaries of a county, or entirely within the boundaries of a city, village, or borough. 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.

[1973 c 702 s 2]

Subd. 1a. On or before January 1, 1975, the commissioner shall develop and publish guidelines to assist counties when adopting water surface use ordinances for waters within their jurisdiction.

[1973 c 702 s 3]

[For text of subd. 2, see M.S.1971]

**CHAPTER 362. ECONOMIC DEVELOPMENT**

Sec.  
362.40 Loans to Indians living on and off reservation [New].

**362.40 Loans to Indians living on and off reservation**

Subdivision 1. For purposes of this section the following terms shall have the meanings ascribed to them herein.

Subd. 2. "Indian" means a person of one-quarter or more Indian blood.

Subd. 3. "Census" means the most recent census taken by the Minnesota department of manpower services.

Subd. 4. "Reservation residents" means Indians living on reservations at the time of the census.

Subd. 5. "Nonreservation residents" means Indians living off reservations in Minnesota at the time of the census, and who are enrolled members of a Minnesota-based tribe or band.

Subd. 6. "Person" means an individual Indian, or a partnership comprising Indians only, or a corporation whose stock is owned wholly by Indians.

Subd. 7. "Tribal council" means the reservation business committee or equivalent duly constituted tribal authority.

Subd. 8. The remaining 20 percent of the tax revenue received by the county auditor under section 273.13, subdivision 2a shall be remitted by the county auditor to the state treasurer and shall be deposited in the general fund in special accounts identified as "reservation residents loan accounts" and a "nonreservation residents loan account." The amount to be credited to each reservation residents loan account shall be that percentage of the amount received from all the counties pursuant to subdivision 8 as the number of Indians living on such reservation bears to all the Indians in Minnesota, according to the census. The amount remaining shall be credited to the nonreservation residents loan account. The amounts credited to each of these special accounts shall be used solely for making loans to Indians, in the manner provided by subdivisions 9 and 10.

Subd. 9. A reservation resident, desiring to make a loan for the purpose of starting a business enterprise or expanding a going business, shall make application to the state department of economic development. The department