

CHAPTER 86B

WATER SAFETY, WATERCRAFT, AND WATERCRAFT
TITLING

86B.121	Races, competitions, and exhibitions.	86B.335	Testing for alcohol and controlled substances.
86B.201	State law and local ordinance authority.	86B.337	Repealed.
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86B.121 RACES, COMPETITIONS, AND EXHIBITIONS.

(a) A person may not hold or sponsor any scheduled or public race, regatta, tournament or other competition or exhibition, or trial race on water or ice, whether or not involving watercraft, without first having obtained a written permit from the sheriff of the county where the event is to originate.

(b) The sheriff, in 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.

(c) The county's issuance of a permit under this section does not make the county liable for any injury occurring at the event.

History: 1997 c 204 s 1

86B.201 STATE LAW AND LOCAL ORDINANCE AUTHORITY.

[For text of subs 1 and 2, see M.S.1996]

Subd. 3. Nonmotorized carry-on access. A person may access any public waters through public land with a hand-carried nonmotorized watercraft.

History: 1997 c 226 s 11

86B.305 YOUTH OPERATORS.

Subdivision 1. Under age 12. (a) Except in case of an emergency, a person under age 12 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than 25 horsepower unless there is present in the watercraft, in addition to the operator, at least one person age 21 or older who is within immediate reach of the controls of the motor. For purposes of section 169.121, the person age 21 or older, as well as the actual operator, is in physical control of the motorboat.

(b) A person under age 12 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than 75 horsepower.

Subd. 2. Age 12 to 17; permit required. Except as provided in this subdivision, a person age 12 or older and younger than age 18 may not operate a motorboat powered by a motor over 25 horsepower without possessing a valid watercraft operator's permit from this state or from the operator's state of residence unless there is a person age 21 or older in the motorboat who is within immediate reach of the controls of the motor. For purposes of section 169.121, the person age 21 or older, as well as the actual operator, is in physical control of the motorboat.

[For text of subd 3, see M.S.1996]

History: 1Sp1997 c 2 s 67

86B.331 OPERATION WHILE USING ALCOHOL OR DRUGS OR WITH A PHYSICAL OR MENTAL DISABILITY.

Subdivision 1. Acts prohibited. (a) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to

believe is under the influence of alcohol or a controlled or other substance to operate the motorboat in operation on the waters of this state.

(b) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(c) A person who operates or is in physical control of a motorboat on the waters of this state is subject to sections 169.121 to 169.1218 and 169.123 to 169.129. In addition to the applicable sanctions under chapter 169, a person who is convicted of violating section 169.121 while operating a motorboat, shall be prohibited from operating the motorboat on the waters of this state for a period of 90 days between May 1 and October 31, extending over two consecutive years if necessary. If the person operating the motorboat refuses to comply with a lawful demand to submit to testing under section 169.123, the person shall be prohibited from operating the motorboat for a period of one year. The commissioner shall notify the convicted person of the period during which the person is prohibited from operating a motorboat.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivision 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169.121, subdivision 3. Otherwise, administrative and judicial review of the prohibition is governed by section 169.123.

(e) The court shall promptly forward to the commissioner and the department of public safety copies of all convictions and criminal and civil sanctions imposed under this section and chapter 169 relating to motorboats.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(g) For purposes of this subdivision, a motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

Subd. 2. [Repealed, 1Sp1997 c 2 s 69]

Subd. 3. [Repealed, 1Sp1997 c 2 s 69]

Subd. 4. [Repealed, 1Sp1997 c 2 s 69]

Subd. 5. [Repealed, 1Sp1997 c 2 s 69]

Subd. 5a. [Repealed, 1Sp1997 c 2 s 69]

Subd. 6. [Repealed, 1Sp1997 c 2 s 69]

Subd. 7. [Repealed, 1Sp1997 c 2 s 69]

Subd. 8. [Repealed, 1Sp1997 c 2 s 69]

History: 1Sp1997 c 2 s 5

86B.335 TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES.

Subdivision 1. [Repealed, 1Sp1997 c 2 s 69]

Subd. 2. [Repealed, 1Sp1997 c 2 s 69]

Subd. 3. [Repealed, 1Sp1997 c 2 s 69]

Subd. 4. [Repealed, 1Sp1997 c 2 s 69]

Subd. 5. [Repealed, 1Sp1997 c 2 s 69]

Subd. 6. [Repealed, 1Sp1997 c 2 s 69]

Subd. 7. [Repealed, 1Sp1997 c 2 s 69]

Subd. 8. [Repealed, 1Sp1997 c 2 s 69]

Subd. 9. [Repealed, 1Sp1997 c 2 s 69]

Subd. 10. [Repealed, 1Sp1997 c 2 s 69]

Subd. 11. [Repealed, 1Sp1997 c 2 s 69]

Subd. 12. [Repealed, 1Sp1997 c 2 s 69]

[For text of subd 13, see M.S.1996]

86B.337 [Repealed, 1Sp1997 c 2 s 69]

NOTE: Subdivision 1 was also amended by Laws 1997, chapter 12, article 3, section 3, to read as follows:

"Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given them:

- (a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.
- (b) "Designated offense" means a violation of section 86B.331 or an ordinance in conformity with it:
 - (1) occurring within five years of the first of three prior impaired driving convictions or the first of three prior license revocations based on separate impaired driving incidents;
 - (2) occurring within 15 years of the first of four or more prior impaired driving convictions or the first of four or more prior license revocations based on separate impaired driving incidents;
 - (3) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9); or
 - (4) by a person who is subject to a restriction on the person's driver's license under section 171.09 that provides that the person may not use or consume any amount of alcohol or a controlled substance.
- (c) "Motorboat" has the meaning given in section 86B.005, subdivision 9.
- (d) "Owner" means the registered owner of the motorboat according to records of the department of natural resources and includes a lessee of a motorboat if the lease agreement has a term of 180 days or more.
- (e) "Prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3.
- (f) "Prior license revocation" has the meaning given in section 169.121, subdivision 3.
- (g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense."

86B.705 ALLOCATION OF WATER RECREATION ACCOUNT AND FINES AND FORFEITED BAIL MONEY.

[For text of subd 1, see M.S.1996]

Subd. 2. Fines and bail money. (a) All fines, installment payments, and forfeited bail money collected from persons convicted of violations of this chapter, or of a violation of section 169.121 involving a motorboat, shall be paid to the county treasurer of the county where the violation occurred by the court administrator or other person collecting the money within 15 days after the last day of the month the money was collected.

(b) One-half of the receipts shall be credited to the general revenue fund of the county. The other one-half of the receipts shall be transmitted by the county treasurer to the commissioner of natural resources to be deposited in the state treasury and credited to the water recreation account for the purpose of boat and water safety.

History: 1Sp1997 c 2 s 6

86B.811 CRIMINAL PENALTIES.

[For text of subd 1, see M.S.1996]

Subd. 2. Youth operator violations. (a) An operator age 13 or older but younger than age 18 adjudicated by a juvenile court as having violated section 86B.311, subdivision 1, 86B.341, or 169.121, shall have the operator's permit revoked by the commissioner.

(b) 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.

(c) The judge of a juvenile court that adjudicates an operator of violating any of the laws or rules listed above shall require the surrender of the person's watercraft operator's permit and shall forward the operator's permit to the commissioner with a record of the adjudication.

History: 1Sp1997 c 2 s 67