

STATE OF MINNESOTA
State-Specific Boating Safety Requirements

Disclaimer

The following is a summary of laws and rules in effect as of 5/25/07. This is not a complete list of requirements and the current Minnesota Boating Guide should be consulted. The Minnesota Boating Guide can be viewed at:

<http://files.dnr.state.mn.us/rlp/regulations/boatwater/boatingguide.pdf>

SL 1. Law Enforcement Authority

Minnesota Department of Natural Resource (DNR) conservation officers and the county sheriffs have the authority to enforce Minnesota's boating laws and regulations. All state and county enforcement craft will be marked on both sides or with a blue state pennant. Some waterbodies in the State are also under federal jurisdiction. The U.S. Coast Guard (USCG) and the National Park Service enforce federal boating regulations. Whenever an enforcement officer contacts you, you are required to stop and allow him or her to come alongside your vessel. The officer may warn you about a storm or caution you about the way you are operating your boat. Boaters on some waters may be able to request assistance by means of a marine band radio. These areas include Lake Minnetonka, Lake of the Woods, Lake Superior, the Lower St. Croix River, the Minnesota River downstream from Shakopee, and the Mississippi River downstream from Minneapolis. Violation of a boat and water safety statute or rule is a misdemeanor, with some exceptions for repeat violations or more serious offenses.

SL 2. Age Restrictions

Anyone less than 12 years of age may not operate a vessel with more than 75 horsepower under any circumstances. Anyone less than 12 years old may operate a vessel with 25 horsepower or less without restrictions, or a vessel over 25 to 75 horsepower if supervised by an individual 21 years old or older who is within reach of the controls. Anyone 12-17 years of age may operate a vessel with 25 horsepower or less with no restrictions. If the vessel is over 25 horsepower, the operator must either have: a watercraft operator's permit, or someone at least 21 on board within reach of the controls.

A person under 13 years old is prohibited from operating a Personal Watercraft (PWC), even with an adult on board. Thirteen-year olds need either someone at least 21 years old on board, or a watercraft operator's permit if within visual supervision of someone at least 21 years old. Operators 14-17 years of age must either have a watercraft operator's permit or someone at least 21 years old on board the PWC.

SL 3. Boater Safety Education Requirements

To operate a vessel greater than 25 horsepower (other than a PWC – see the sections discussing Age Restrictions or PWC Regulations), operators ages 12-17 need to either be supervised by someone at least 21 years old who is within reach of the controls or obtain a watercraft operator's permit. Boating and water safety education courses are used primarily by youth ages 12-17 to earn their watercraft operator's permit. Boating safety courses may also be completed by adult Minnesotans wishing to learn more about boating safety and may result in a possible discount on boat insurance.

SL 4. Vessel Registration

All motorized and non-motorized watercraft must be licensed by the Minnesota Department of Natural Resources. Watercraft that must be licensed include, but are not limited to, all-terrain vehicles used in the water, canoes, kayaks, motorboats, rowboats, sailboats, sailboards, paddle boats, rowing shells or sculls, and inflatable craft.

Exemptions include:

- Watercraft currently registered in another state and not present in Minnesota for more than

90 consecutive days.

- Watercraft from a country other than the United States and not present in Minnesota for more than 90 consecutive days.
- Watercraft owned by the US government, except those used for recreational purposes.
- USCG- documented watercraft. (Note: Documentation is a process where official papers on craft five net tons or larger are issued by the USCG instead of the state.)
- A ship's lifeboat.
- Duck boats during the duck-hunting season, rice boats during the harvest season and seaplanes.
- Non-motorized watercraft 9 feet or less in length.

It is unlawful to operate or permit the operation of any watercraft that requires a license, unless a license is issued and in effect.

SL 5. Maximum Loading and Horsepower

In Minnesota, it is unlawful to operate a watercraft loaded with passengers or cargo greater than its safe carrying capacity, or equipped with a motor or other propulsion machinery beyond its safe power capacity.

A watercraft 20 feet or less in length manufactured for sale in this state after December 31, 1980, except canoes, kayaks, sailboats, sailboards, and inflatable boats, must have a capacity plate permanently affixed to the watercraft by the manufacturer. The capacity plate must contain information relating to maximum safe carrying and power capacity specifications prescribed by the DNR Commissioner. Information contained on the capacity plate must, at a minimum, comply with the established standards and regulations of the U.S. Coast Guard.

SL 6. Equipment and Lighting Requirements

The USCG sets minimum safety standards for vessels and associated equipment. To meet these standards, some of the equipment must be USCG-approved. All boats operating on Minnesota waters must carry and, if required, have in operation, acceptable personal flotation devices (PFDs), fire extinguishers, sounding devices, backfire flame arrestors, ventilation systems, and navigation lights as required by federal law. In addition, visual distress signals must also be carried onboard in accordance with federal regulations when operating on Lake Superior. If a boat manufacturer installs the safety equipment, it should not be assumed that the vessel is properly equipped at time of purchase. Boat owners are responsible for ensuring that his or her vessel meets USCG regulations in accordance with vessel size and the waters in which the vessel is being operated. To review the federal requirements for safety equipment, refer to Chapter 2 of this course.

On all boats (except a sailboard) regardless of length (including canoes, kayaks and duck boats), there must be a readily accessible USCG-approved Type I, II, III or V wearable PFD (life jacket) for each person on board. Type IV throwable devices, such as buoyant cushions, are no longer acceptable primary lifesaving devices. In addition, on boats 16 feet or longer (except canoes and kayaks,) there must also be at least one USCG-approved Type IV throwable device, such as a buoyant cushion or ring buoy immediately available for each boat. Minnesota law requires children less than 10 years of age to wear a life jacket when aboard any boat that is underway (not tied up at a dock or permanent mooring). Exceptions to this wear requirement are:

- when in an enclosed cabin or below the top deck on a watercraft
- when on an anchored boat that is a platform for swimming or diving
- when aboard a charter (passenger) craft with a licensed captain.

Navigation lights must be turned on from sunset to sunrise.

All fire extinguishers must be USCG-approved, fully charged, and readily accessible.

Motorboats carrying or using a fuel that has a flashpoint of 110°F or less (such as gasoline) that is contained in a compartment, must be equipped with an efficient ventilating system to remove combustible gases.

Gasoline engines, other than outboard motors, must be equipped with a USCG-approved backfire flame arrestor on the carburetor.

Motorboats 16 feet to under 26 feet long must be equipped with a hand, mouth, or power-operated whistle or horn capable of producing a continuous sound for two seconds and audible for at least one-half mile.

Motorboats 26 feet to under 40 feet in length must be equipped with a hand or power-operated horn or whistle capable of producing a continuous sound for two seconds and audible for at least one mile.

Motorboats 40 feet or longer must be equipped with a power-operated horn or whistle capable of producing a continuous sound for at least two seconds and audible for at least one mile.

Government patrol craft are the only boats authorized to carry and use sirens.

SL 7. Marine Sanitation Devices

Minnesota law prohibits the discharge of any sewage, treated or untreated, into the state's waters. Under state law, toilets on board watercraft must be no-discharge devices. Waste must be retained on board for proper disposal after returning to shore. For a copy of a fact sheet on marine toilets, drain-water disposal, and areas where USCG-certified treatment devices may be used under federal rules, contact the Minnesota Department of Natural Resources Boat & Water Safety Section:

Minnesota Department of Natural Resources
Boat and Water Safety Section
500 Lafayette Road
St. Paul, MN 55155-4046
(651) 296-3336

SL 8. Muffling Devices

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, underwater exhaust or other device that adequately suppresses the sound of the motor. It is unlawful to modify, equip or operate a motorboat (except under a permit from the county sheriff or U.S. Coast Guard) so as to exceed the sound levels noted below. Cutouts are specifically prohibited.

- For engines or motorboats built before January 1, 1982, the sound level may not exceed 84 decibels on the A scale at a distance of 50 feet.

- For engines or motorboats built on or after January 1, 1982, the sound level may not exceed 82 decibels on the A scale at a distance of 50 feet.

Measurements may also be taken with the motor at idle and the sound meter held at least 4 feet behind the transom and 4 feet above the water.

SL 9. Boating Accidents

If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, crew or the vessel. The operator must also give his or her name, address, and the identifying number of his or her vessel to anyone injured in the accident and to the owner of any damaged property. If an accident does occur, you can summon help anywhere in Minnesota by dialing 911.

Promptly report all boating accidents to the county sheriff, as required by law, when there is:

- Property damage of \$2,000 or more
- Personal injury
- A fatality.

SL 10. Vessel Speed Restrictions

Refer to the section titled Local Boating Restrictions for local restrictions on speed and activities.

SL 11. Mooring to Markers or Buoys

It is unlawful to moor or attach a vessel to a beacon, light, buoy (except a mooring buoy) or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid.

Mooring buoys are all white with a blue stripe midway between the top and the waterline. A minimum of 16 square inches of white reflectorization, part of which must be visible from any direction, is required on mooring buoys. (You must obtain a permit from the county sheriff before placing a mooring buoy in the water overnight.)

SL 12. Reckless and Careless Operation

Operating a watercraft in a careless or reckless manner or operating a watercraft so that its wash or wake endangers, or interferes with any person or property is prohibited in Minnesota.

SL 13. Interference with Navigation

It is unlawful to:

- Operate a watercraft so it obstructs or tends to obstruct ordinary navigation.
- Operate a watercraft so that it obstructs or interferes with the take off, landing or taxiing of a seaplane.
- Moor or attach a watercraft to any buoy, except to a mooring buoy, or to any other marking device or guide, or to tamper, molest, remove, or destroy a navigational aid.

SL 14. Boating Under the Influence

Operating a motorboat while under the influence of alcohol, a controlled substance or other illegal chemical is prohibited in Minnesota. Impaired operators may be required to take tests by an enforcement officer to determine their sobriety. Minnesota's alcohol concentration for impaired operation is 0.08.

Boating While Intoxicated (BWI) convictions and refusals are recorded on the violator's driver's license record. Most of the BWI law is now found in the motor vehicle statutes, and first time violators are subject to:

- Up to a \$1,000 fine plus surcharges,
- Possible jail time,
- Loss of motorboat operating privileges for 90 days during the boating season, upon conviction and notification by the Minnesota DNR.

Those who refuse testing will also be subject to a separate criminal charge for refusal and loss of their motorboat operating privileges for one year, immediately upon refusal. If any of the following aggravating factors are involved, the offense automatically becomes a gross misdemeanor (four convictions within 10 years can result in a felony):

- An alcohol concentration of .20 or higher. (The offense is raised on degree)
- Prior DWI conviction(s) or refusal(s) of any kind in the past 10 years,
- There is a child less than 16 years of age on board.

Penalties will increase with any of the aggravating factors or a refusal, and can include the following:

- A higher fine,
- Mandatory jail time,
- Loss of driver's license,
- Loss of motor vehicle plates and
- Forfeiture of the motorboat being operated at the time of arrest.

The BWI law does not prohibit drinking alcoholic beverages aboard boats or having an open bottle. The law applies to operators of motorboats that are not anchored, beached, moored, docked or being rowed or propelled by non-mechanical means at the time of the offense.

SL 15. Mandatory Violator Education

Refer to the section titled Boater Safety Education Requirements for Minnesota's requirements on mandatory education.

SL 16. Personal Watercraft (PWC) Regulations

PWCs are considered motorboats and any regulations that govern other motorboats (fishing boats, cabin cruisers, etc.) also govern personal watercraft. In summary:

- Anyone operating or riding on a PWC must wear a USCG-approved Type I, II, III or V PFD or life jacket.
- PWC must travel at slow – no wake speed (5 mph or less) within 150 feet of non-motorized boats, shore (unless launching or landing skiers directly to or from open water), docks, swim rafts, swimmers, or any moored or anchored boat.
- PWC operation is allowed only from 9:30am to 1 hour before sunset.

If you tow a person on water skis or any other device, there must be an additional person on board the personal watercraft to act as an observer. (The observer does not have to be facing backward.) The skier/knee boarder etc. must also be wearing a PFD or there must be one on board the PWC for the skier. Factory-installed or factory-specified wide-field rearview mirrors are allowed instead of an observer when pulling a skier or other device (tube, kneeboard, etc.). The mirrors must be specified by the PWC manufacturer. After-market mirrors, stick-on mirrors, motorcycle mirrors etc., do not qualify for the observer exemption.

If the machine is equipped by the manufacturer with a lanyard-type engine cutoff switch, it must be attached to the person, life jacket or clothing of the operator when underway.

You may not operate a PWC if any part of the spring-loaded throttle system has been removed or tampered with so that it interferes with the return-to-idle system.

You may not chase or harass wildlife.

You may not travel through emergent or floating vegetation at greater than slow- no wake speed.

You may not operate a PWC in a manner that unreasonably or unnecessarily endangers life, limb or property.

You may not weave through congested watercraft traffic, or jump the wake of another watercraft within 150 feet of the other watercraft. This includes other personal watercraft. A PWC rules decal issued by the DNR needs to be on the craft in full view of the operator.

You may not operate a PWC while facing backward.

PWCs may not be operated in violation of the age restrictions.

Operator Age Restrictions (Refer to the section titled Age Restrictions for additional information):

A person under 13 years of age cannot operate a PWC, even with an adult on board.

Thirteen-year olds need either someone at least 21 years old on board, or a watercraft operator's permit if within visual supervision by someone at least 21.

Operators 14-17 years old must have either been issued a watercraft operator's permit, or have someone at least 21 on board.

SL 17. Water Ski Regulations

It is unlawful to tow a person on water skis, aquaplane, surfboard, saucer, or similar device unless there is a mirror providing the operator a wide field of vision to the rear, or unless another person in the towing watercraft is continuously watching the person being towed.

Water skiing and similar acts are prohibited between one hour after sunset to sunrise of the following day. Water ski towropes may not be longer than 150 feet in length, unless a permit is obtained from the county sheriff. A USCG-approved PFD must either be worn by a person being towed on water skis or other device or carried in the towing watercraft.

SL 18. Diver-down Flag

- Scuba divers must display a red and white Diver-down flag when diving. The diver's flag must measure at least 15 inches horizontally and 12 inches vertically. Both sides must have a red-colored background bisected diagonally by a three-inch wide white stripe.
- Boats not involved with the diving operation must remain 150 feet away from a Diver-down flag.
- No more than four divers are allowed to dive under one flag.
- Divers must remain within 50 feet (measured horizontally) of the warning flag.
- If a group of divers is using a contained area, the perimeter of the area must be marked. The area must be outside the normal area of navigation. These markings must consist of the official diver's flag and must be placed around the perimeter of the diving area at intervals of not more than 150 feet.
- Do not place a diver's flag where it will obstruct navigation.
- The diver's flag may be displayed on a watercraft or float or be anchored to the bottom. The top of the flag must be at least 30 inches above the surface.
- Those who dive at any time from sunset to sunrise must carry a diver's light visible when above the water for a distance of 150 feet.
- Scuba or skin diving while in possession of a spear is prohibited from sunset to sunrise.
- There is also a blue and white diver's flag authorized under the Federal rules of the road that can be displayed on vessels involved in diving operations on waters subject to the U.S. jurisdiction. This is to indicate that the vessel is limited in maneuverability.

SL 19. Rental Agencies

All watercraft offered for rent are subject to periodic inspection by the county in which they are operating. An inspection decal will be issued to each craft passing this inspection. The rental agent is required to provide USCG-approved PFDs in serviceable condition, as well as all other required safety equipment. Watercraft may not be rented, or offered for rent, unless they are in safe condition. All accessory equipment must be in serviceable condition. All rental craft must meet federal buoyancy requirements as of the day they were manufactured. A boat may not be rented to a person under the influence of alcohol or a controlled substance. A rental boat loaded beyond its weight capacity or powered beyond its horsepower capacity may not leave the place where it is rented.

PWC rental operators must provide required safety equipment and a copy of the personal watercraft laws free of charge, as well as instruction on laws and operation of the craft. Both PWC dealers and rental operations must keep a signature record of all persons who buy or rent personal watercraft.

This record is to indicate that the buyer or renter has been provided with a copy of the PWC laws and has read them. In addition, those persons under 18 must show their watercraft operator's permit before renting a personal watercraft, and the permit number must be recorded on the form by the rental agent. These forms are available from the Department of Natural Resources Boat & Water Safety Section, must be retained for at least six months, and must be available for inspection by DNR conservation officers or county sheriff's deputies during normal business hours.

SL 20. Other State-Specific Regulations

Local Boating Restrictions

Certain bodies of water in Minnesota have locally enacted restrictions as to type and size of watercraft or motor horsepower, areas which can be used by boats, boat speed, times for use and minimum distance between boats. With few exceptions, local restrictions on boat use on Minnesota waters must be approved by the Department of Natural Resources and be posted at public access points. Questions regarding lakes or rivers with local restrictions can be directed to the appropriate county sheriff or to the Department of Natural Resources.

Lowhead Dams

Lowhead dams have claimed the lives of a number of Minnesotans. These dams are usually small structures no more than 10 feet high, although some are as low as six inches. Because of their small size, they do not appear to be dangerous, especially from a boat or canoe upstream. In the spring and during other periods of high runoff, however, the dams become very dangerous.

The recirculating current created by the water pouring over the dam creates a backwash. This current takes any object - including people wearing PFDs - to the bottom of the stream, releases it to the surface, sucks it back to the face of the dam, and pushes it back to the bottom; the cycle can continue indefinitely. Swimmers, anglers, canoeists and people in motorboats all have fallen victim to this perfect drowning machine. Keep well clear of these structures.

Special Events

Persons holding regattas, races, tournaments, or other competition or exhibition events on the water must first obtain a permit for the event from the county sheriff. The sheriff may exempt watercraft from any of the licensing, operational or equipment statutes or regulations while they participate in the event. Anyone holding events on commercially navigable, joint-jurisdictional waters (primarily Lake Superior, the Mississippi River downstream from St. Anthony Falls, the Minnesota River east of Shakopee, and the St. Croix River from Stillwater downstream) must obtain a marine event permit from the U.S. Coast Guard.

SL 21. Environmental Awareness Harmful Invasive Species

Minnesota waters are threatened by a number of species of invasive plants and animals. It is against the law to transport any aquatic plants, the Ruffe, Round Goby, Zebra Mussel, Sea Lamprey or other prohibited exotic species on public roads, or to launch a boat or trailer with these species attached.

Hypothermia

Hypothermia, the loss of body heat, is a dangerous killer that is involved in perhaps as many as one-half of Minnesota's boating deaths each year. Immersion in cold water (less than 70°F) causes the body to lose heat faster than it can produce it, decreasing the body's inner (core) temperature. This decrease can cause symptoms ranging from continuous shivering, poor coordination, and numb hands and feet in moderate cases to hallucinations and eventual death in most extreme situations. Cold water causes a person to lose body heat 25 times faster than air of the same temperature. If you capsize or fall out of your boat, immediately attempt to reboard your craft. Most small boats can be righted and bailed out if overturned. In fact, modern small craft have built-in flotation that will support the weight of the occupants, even after capsizing or swamping. If you can't right the boat - climb on top and hang on. Wearing your PFD will also help protect you from hypothermia in several ways. It decreases the amount of movement necessary to remain afloat, and it also helps to insulate you from heat loss. A PFD will also keep you afloat if you become unconscious due to hypothermia.

Additional Information

For more information on Minnesota boating law refer to the Minnesota Department of Natural Resources at <http://www.dnr.state.mn.us/safety/boatwater/index.html>, <http://files.dnr.state.mn.us/rlp/regulations/boatwater/boatingguide.pdf>, and Minnesota Statutes (MS) Chapter 86B - Water Safety, Watercraft, and Watercraft Titling at <http://www.revisor.leg.state.mn.us/stats/86B/>.