

STATE OF NORTH DAKOTA
State-Specific Boating Safety Requirements

SL 1. Law Enforcement Authority

The Game Warden Enforcement Division of the North Dakota Game and Fish Department enforces the boating laws and regulations in the State of North Dakota. Every game warden, sheriff's officer, or highway patrolman of North Dakota has the authority to enforce the state's boating rules, and may stop and board any vessel that may be in violation. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

SL 2. Age Restrictions

Youth under 12 years of age may not operate a motorboat propelled by a motor over 10 horsepower unless he or she is accompanied by a person 18 years of age or older. A person 12 to 15 years old may operate a motorboat propelled by a motor over 10 horsepower without adult supervision only if the operator has taken and passed a boating safety course approved by the North Dakota Game and Fish Department.

SL 3. Boater Safety Education Requirements

In North Dakota, boating education is mandatory for all operators 12 to 15 years old who wish to operate a vessel over 10 horsepower (including personal watercraft) without adult supervision. Boaters may complete either non-proctored or proctored boating safety courses for certification. The minimum age for certification is 12 years of age. Youth under 12 may not be certified to operate a vessel.

SL 4. Vessel Registration

Owners of all motorized watercraft must register their vessels with the North Dakota Game and Fish Department. The vessel owner will receive a pocket-sized Certificate of Number that must be carried onboard the vessel when in operation. Applications are available at boat dealers, county auditors, and from Game and Fish Department personnel. According to state law, boat identification numbers comprise the letters "ND" followed by a group of three numbers, which are then followed by two letters. The owner must permanently and securely display the numbers on each side of the forward part of the motorboat so that the numbers are clearly visible and readable from left to right during daylight hours. The numbers displayed must be a plain BLOCK design, upper case, and measure at least 3 inches in height.

If any of the following occurs, the Game and Fish Department must be notified within 15 days to update your registration information:

- Your address changes
- Boat ownership changes
- Your boat is destroyed or abandoned
- Your boat is stolen or recovered

North Dakota law permits the use of boats legally numbered under the numbering system of another state for a period of 90 days. Motorboats from foreign countries may temporarily use North Dakota waters without a Certificate of Number.

SL 5. Maximum Loading and Horsepower

The State of North Dakota does not have any maximum loading and horsepower requirements that are in addition to federal regulations. To review federal regulations, refer to the section on Capacity Plates included in Chapter 1 of this course.

The following information was approved by NASBLA and is included in Chapter 1 of the Boater101 Course:

Capacity Plates

It is required for all mono-hull boats under 20 feet built on or after November 1, 1972 to have a capacity plate approved by the USCG. In addition some manufacturers voluntarily install capacity plates on boats larger than 20 feet. This plate must be visible from the operator's station. The capacity plate lists a safe motor size, the maximum number of persons to be carried onboard, and the total weight the boat can carry including persons, motor, and gear. When operating your boat be sure to adhere to the restrictions listed on the capacity plate. Not only is it dangerous to overpower or overload a small boat, since they can swamp or capsize more easily, but it is also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.

If your vessel is not equipped with a capacity plate, you can determine the maximum number of persons you can safely carry in calm weather by multiplying the length of the vessel times its width and dividing it by 15.

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 North Dakota waters must carry and, if required, have in operation, acceptable personal flotation devices (PFDs), visual distress signals, fire extinguishers (whose number and type depend on boat size), sounding devices, backfire flame arrestor, ventilation systems, and navigation lights as required by federal law. 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.

Specific requirements for vessels operating on North Dakota waters are described in this section.

PFDs

Boats under 16 feet in length:

Must be equipped with one USCG-approved Type I, II, or III PFD for each person aboard. Anyone on a PWC or being towed on water skis, surfboard or similar device must wear a Type I, II, or III PFD while being towed.

Boats longer than 16 feet:

Must be equipped with one USCG-approved Type I, II or III PFD for each person aboard, plus one Type IV throwable PFD in each boat. Anyone operating a PWC or being towed on water skis, surfboard or similar device must wear a Type I, II, or III PFD while being towed.

Mandatory PFD Usage (NDCC Section 20.1-13-20)

It is unlawful for any person to operate or to be a passenger on any vessel under 27 feet in length unless all youth 10 years of age or younger present on the vessel wear an appropriately sized and properly fastened USCG-approved Type I, II, or III wearable PFD while the vessel is in operation.

Backfire Flame Arrestors

One USCG-approved device is required on each carburetor of all gasoline-powered engines, except outboard motors.

Fire Extinguishers

Vessels under 26 feet in length:

Need not be equipped with a fire extinguisher unless the boat has:

- A double bottom not sealed to the hull or not completely filled with flotation material; or
- Closed stowage compartments in which combustible or flammable materials are stored; or
- Closed compartments under thwarts and seats where portable fuel tanks may be stored; or
- Closed living spaces; or
- Permanently installed fuel tanks.

If any of the above applies, a USCG-approved Type B-I portable extinguisher or a fixed fire extinguishing system in machinery spaces is required.

Vessels longer than 26 feet to less than 40 feet require:

One USCG-approved B-II type portable extinguisher, or two USCG-approved B-I type portable extinguishers, or a fixed fire extinguishing system in machinery spaces and one USCG-approved B-I type portable extinguisher.

Vessels longer than 40 feet require:

Either three (3) USCG-approved B-I type portable extinguishers, or one USCG-approved B-II type portable extinguisher and one USCG-approved B-I type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces along with one USCG-approved B-II type or two USCG-approved B-I type portable extinguishers.

Ventilation Systems

All motorboats with enclosed engine or fuel compartments using gasoline as fuel, must have at least two ventilator ducts fitted with cowls, or the equivalent leading to each such compartment to properly and efficiently ventilate the compartment.

Navigational Lights

Anchored vessels or operating non-powered boats:

All vessels at anchor between sunset and sunrise must display a white anchor light visible to a boat approaching from any direction, except when the vessel is in a special anchorage area. An anchor light is a white light visible to a boat approaching from any direction and is displayed in the fore part of the vessel.

Non-powered boats operating between sunset and sunrise must have a white light source readily accessible that must be temporarily displayed in sufficient time to prevent a collision.

Vessels under 26 feet in length:

Motorboats operating between sunset and sunrise must display a 20- point (225 degree) combination red and green bow light, visible for one mile, with the left side being red and the right side being green, and a 32-point (360 degree) white stern light visible for two miles, placed higher than the bow lights.

Vessels longer than 26 feet to not more than 65 feet:

Motorboats operating between sunset and sunrise must display a 20-point (225 degree) white bow light visible for two miles, a red 10-point (112 ½ degree) side light on the left side and a green, 10-point (112 ½ degree) side light on the right side, both visible for one mile (the arc of visibility of the side lights must begin parallel to the center-line of the vessel and extend 10 points toward the stern), and a 32-point (360 degree) white stern light visible for two miles, placed higher than the bow lights.

Stern lights must be placed high enough that persons or parts of the boat or its equipment will not block the stern lights.

Sound Producing Devices

Vessels under 16 feet long need not carry a sound-producing device. Vessels from 16 to 26 feet long must be equipped with one hand-, mouth-, or power-operated whistle audible at least ½ mile. Vessels longer than 26 feet must have onboard one hand- or power-operated whistle audible at least 1 mile and a bell that produces a clear bell-like tone when struck.

SL 7. Marine Sanitation Devices

North Dakota law prohibits the discharge of any sewage, treated or untreated, into the state's freshwaters. Every vessel equipped with a marine toilet must have a wastewater holding system that meets the standards established by the State Water Pollution Control Board. The board must furnish a list of the types of treatment devices currently available and considered acceptable for use with marine toilets. In North Dakota, the use of any marine toilet or similar device is prohibited unless the board approves it. No container of untreated sewage or other wastes may be placed, left, discharged, in or near any waters of this state from a vessel in such a manner or quantity as to create a nuisance or health hazard, or pollute such waters.

SL 8. Muffling Devices

To reduce noise, motorboat engines should be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system. Although North Dakota does not currently require vessel engines to be equipped with muffling devices, it is highly recommended that all boat owners equip their boat engines with effective muffling devices. Muffling devices are a valued piece of safety equipment as they help boat operators hear sounds and signals around them.

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.

The operator of a vessel involved in a boating accident must file a report, in writing and in duplicate, to the North Dakota Game and Fish Department, whenever an accident results in: loss of life or disappearance, an injury which requires medical treatment beyond first aid, or property damage in excess of \$500 or the complete loss of the vessel. Reports in death and injury cases must be submitted within 48 hours. Reports in other cases must be submitted within 5 days.

SL 10. Vessel Speed Restrictions

Some North Dakota lakes have watercraft restrictions such as Idle Speed Only, Electric Motors Only or maximum horsepower limitations. For more information contact the Game and Fish Department, consult the current North Dakota Fishing Waters guide, or download the pdf file, North Dakota Administrative Code Chapter 30-05-03 – Lake Restrictions, available at <http://www.legis.nd.gov/information/acdata/html/30-05.html>.

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.

SL 12. Reckless and Careless Operation

It is unlawful on North Dakota waters to operate a motorboat or vessel, or manipulate water skis, a surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. Reckless or careless operation of a motorboat or vessel includes:

- Weaving through congested motorboat or vessel traffic;
- Jumping the wake of another motorboat or vessel within 100 feet of the motorboat or vessel, or in any other manner that is not reasonable or prudent.
- Operating a vessel while intoxicated or under the influence of any narcotic drug or alcohol.
- Operating a motorboat or vessel within 100 feet of a person fishing from a shoreline, swimmer, swimming diving raft, or an occupied anchored or non-motorized vessel, or within 250 feet of a reduced speed or slow or no wake sign at greater than slow or no wake speed.
- Operating at excessive speed during periods of reduced visibility while in close proximity of other vessels, while in narrow, winding channels, or near docks or marinas.
- Operating in an overloaded condition.
- Operating near dams and other hazardous waters
- Towing water skiers near other vessels or obstructions, into other hazardous areas, or into swimming areas designated by markers or by the presence of swimmers.
- Using or refusing to terminate use of a boat after being ordered to correct an especially hazardous condition by a law enforcement officer.

SL 13. Interference with Navigation

It is unlawful to:

- Anchor a vessel under a bridge or in the traveled portion of a river, channel or other waterbody that will prevent or interfere with any other passing vessel.
- Operate near dams and other hazardous waters.
- Obstruct a boat ramp, pier, wharf or access to any facility.
- Obstruct or mark the waters of North Dakota in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of North Dakota.
- Operate or otherwise position a vessel, other object or any person in a way that would obstruct or impede the normal flow of traffic on the lakes of this state.

SL 14. Boating Under the Influence

Game wardens or law enforcement officers who have probable cause that a motorboat operator is under the influence of intoxicating liquor, drugs or a combination may require the operator to take a test to determine his or her sobriety. A vessel operator is considered to be under the influence if his or her alcohol or drug concentration is 0.10 or more. Any operator boating under the influence may have his or her operator privileges revoked, in addition to other penalties. If a boat operator stopped by an officer with probable cause to suspect that he or she is boating under the influence, and he or she refuses to submit to testing, he or she may also have his or her operator privileges revoked, in addition to other penalties.

SL 15. Mandatory Violator Education

North Dakota has no regulations requiring mandatory education for boating law violators at this time.

SL 16. PWC Regulations

No person may operate or permit the operation of a personal watercraft (PWC):

- Unless each person on board the PWC is wearing a USCG-approved Type I, II, III, or V PFD;
- Within 100 feet of a person fishing, swimmer, swimming diving raft, or an occupied, anchored, or non-motorized vessel at greater than slow or no wake speed;
- For towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless an observer is on board;
- Unless a lanyard-type engine cutoff switch is attached to the person, clothing, or PFD of the operator, if the manufacturer equips the PWC with such device;
- If any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with as to interfere with the return-to-idle system;
- To chase or harass wildlife;
- Through emergent or floating vegetation at other than slow or no wake speed;
- In a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within 100 feet of the other watercraft; or
- In any other manner that is not reasonable and prudent.

SL 17. Water Ski Regulations

No person may operate a vessel on any North Dakota waters towing a person or persons on water skis, surfboard, or similar device unless there is another person in the towing vessel observing the person(s) being towed. This regulation does not apply to persons involved in water ski shows, tournaments, or exhibitions while engaged in the performance of such shows, tournaments or exhibitions.

It is unlawful to water ski at any time between the hours from one hour after sunset to one hour before sunrise. Exemptions are granted to performers engaged in a professional exhibition as authorized under a permit.

Those on water skis or a similar device must wear a Type I, II, or III PFD. Persons 16 years of age or older engaged in windsurfing or boardsailing are exempt from this requirement.

SL 18. Divers-down Flag

Federal navigation rules require vessels restricted in the ability to maneuver to display appropriate day shapes or lights. To meet this requirement, recreational vessels engaged in diving activities may exhibit a rigid replica of the international code flag "A" or a "Divers-Down" flag not less than one meter in height, or at night, display navigation lights 360 degrees red on top, white in middle and red on the bottom. Scuba divers, skin divers and snorkelers must mark their diving area by means of a diver's down flag.

Vessel operators must keep at a distance of 100 feet from a swimming diving raft.

SL 19. Liveries (Rental Agencies)

Owners of watercraft for hire in North Dakota must comply with all of the state's registration, equipment, and maximum load requirements. However, the Certificate of Number for vessels under 26 feet in length, leased or rented for less than 24 hours, may be retained on shore at the place of rental, but the rental agreement must be carried in the vessel. In addition, owners of watercraft for hire must comply with rules and regulations governing Watercraft for Hire (see North Dakota Administrative Code Chapter 30-05-02).

SL 20. Other State-Specific Regulations

Marine Events

Whenever a regatta, motorboat or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof, must at least 10 days prior thereto, file an application with the North Dakota Department of Game and Fish for permission to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition.

SL 21. Environmental Awareness

Aquatic Nuisance Species

Aquatic nuisance species (ANS) threaten our fishing, boating, swimming, and other water-based resources. In those states where they have become established, ANS have had untold negative effects. They are expensive to combat, and in most cases where they have become established, they are difficult to impossible to control or eradicate.

Just what are aquatic nuisance species? To name a few examples, they are the ubiquitous carp, which can out-compete more desirable fish such as walleye, the zebra mussel, which can plug municipal water intakes, and Eurasian water-milfoil, which can choke a lake, making it impossible to boat or swim.

Aquatic nuisance species are divided into two categories, plants and animals, as follows.

The Plants:

- Eurasian Water-Milfoil
- Curly-Leaf Pondweed
- Purple Loosestrife
- Salt-Cedar (Tamarisk)

The Animals:

- Common Carp
- Zebra Mussel
- Exotic Water Fleas: Spiny Water Flea, Hooked Tail Water Flea
- Exotic Fishes: Rudd, Ruffe, Goby

For more information on ANS, go the North Dakota Game and Fish Department website at <http://gf.nd.gov/fishing/ans.html>.

Hypothermia

Hypothermia, the loss of body heat to the water, is probably the greatest cause of water-related deaths. Often the cause of death is listed as drowning. However most often, the primary cause is hypothermia and the secondary cause is drowning. After an individual has succumbed to hypothermia, he or she will lose consciousness and then drown.

PFDs can increase survival time because of the insulation they provide. Naturally, the warmer the water, the less insulation one will require. When operating in cold waters (below 40° F), consideration should be given to using a coat or jacket style PFD as they cover more of the body than the vest style PFDs.

Additional Information

For more information on North Dakota boating law refer to the North Dakota Game and Fish Department at <http://gf.nd.gov/boating/>. Also see the North Dakota Century Code, Title 20.1 – Game, Fish, Predators and Boating. Refer to <http://www.legis.nd.gov/cencode/T201.html>, then click on 20.1-13 - Boating Regulation to get the pdf file of the North Dakota Boating Law. Additional regulations are found in the North Dakota Administrative Code, Title 30 – Game and Fish Department, Article 30-05 – Boat Safety at <http://www.legis.nd.gov/information/acdata/html/30-05.html>.