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Sixty-fifth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1367**

Introduced by

Representatives Weisz, Nathe

Senator Unruh

A BILL for an Act amend and reenact sections 20.1-13-07 and 20.1-13-10 of the North Dakota Century Code, relating to personal watercraft and towing an individual on water skies or similar devices; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 20.1-13-07 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13-07. Prohibited operation - Penalty.**

1. ~~No person~~An individual may not operate ~~any~~a motorboat or vessel, or manipulate ~~any~~ water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any ~~person~~individual. Reckless or negligent operation of a motorboat or vessel includes weaving through congested motorboat or vessel traffic, jumping the wake of another motorboat or vessel within one hundred feet [30.48 meters] of the motorboat or vessel, or in any other manner that is not reasonable or prudent.
2. ~~A person~~An individual may not operate a motorboat or vessel, or manipulate water skis, a surfboard, or similar device if any of the following apply:
   a. ~~That person~~The individual has an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of the test within two hours after the operating of a motorboat or vessel.
   b. ~~That person~~The individual is under the influence of intoxicating liquor.
   c. ~~That person~~The individual is under the influence of ~~any~~a drug or substance or combination of drugs or substances to a degree which renders ~~that person~~the individual incapable of safely operating a motorboat or vessel.

d. ~~That person~~The individual is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely operating a motorboat or vessel.

The fact that ~~a person~~an individual charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against ~~any~~a charge for violating this section, unless a drug ~~which~~that predominantly caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to ~~that person~~the individual.

3. ~~No person~~An individual under twelve years of age may not operate a motorboat propelled by over a ten horsepower motor unless the operator is accompanied by ~~a person~~an individual eighteen years of age or older. ~~Any person~~An individual who violates this subsection is guilty of a class 2 noncriminal offense.

4. ~~No person~~An individual of twelve through fifteen years of age may not operate a motorboat propelled by over a ten horsepower motor unless the operator is accompanied by ~~a person~~an individual eighteen years of age or older or the operator has taken and passed a boating course approved by the department. ~~Any person~~An individual who violates this subsection is guilty of a class 2 noncriminal offense.

5. ~~No person~~An individual may not cause or knowingly permit a minor under sixteen years of age to operate a motorboat propelled by over a ten horsepower motor unless the minor is otherwise authorized to do so by this section.

6. ~~No person~~An individual may not operate a motorboat or vessel within one hundred feet [30.48 meters] of a person fishing from a shoreline, swimmer, swimming diving raft, or an occupied, anchored or nonmotorized vessel, or within two hundred fifty feet [76.20 meters] of a reduced speed or slow or no wake sign at greater than slow or no wake speed.

7. ~~No person~~An individual may not operate or permit the operation of a personal watercraft:

a. Without each person on board the personal watercraft wearing a United States coast guard approved type I, II, III, or V personal flotation device;

b. Within one hundred feet [30.48 meters] of a person fishing from a shoreline, swimmer, swimming diving raft, or an occupied, anchored or nonmotorized vessel at greater than slow or no wake speed;

c. While towing ~~a person~~an individual on water skis, a kneeboard, an inflatable craft, or any other device unless an observer is on board or the personal watercraft is equipped with a mirror on each side that provides the operator an unobstructed field of vision to the rear;

d. Without a lanyard-type engine cutoff switch being attached to the ~~person~~individual, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;

e. If ~~any~~a part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;

f. To chase or harass wildlife;

g. Through emergent or floating vegetation at other than slow or no wake speed;

h. 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 one hundred feet [30.48 meters] of the other watercraft; or

i. In any other manner that is not reasonable and prudent.

**SECTION 2. AMENDMENT.** Section 20.1-13-10 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13-10. Water skis and surfboard - Penalty.**

1. ~~No person~~An individual may not manipulate any water skis, surfboard, or similar device without wearing a life preserver approved by the department, unless the individual is sixteen years of age or older and engaged in windsurfing or boardsailing.
2. ~~No person~~Any time between one hour after sunset to one hour before sunrise, an individual may not operate a vessel on any waters of this state towing ~~a person or persons~~an individual on water skis, a surfboard, or similar device, nor ~~may any person~~ engage in water skiing, surfboarding, or similar activity ~~at any time between the hours from one hour after sunset to one hour before sunrise~~.

3. ~~The provisions of subsections~~Subsections 1 and 2 do not apply to a performer engaged in a professional exhibition or ~~a person~~an individual engaged in an activity authorized under section 20.1-13-11~~, and the provisions of subsection 1 do not apply to a person sixteen years of age or older engaged in windsurfing or boardsailing~~.

4. ~~No person~~An individual may not operate or manipulate any vessel, towrope, or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in ~~such~~ a way as to cause the water skis, surfboard, or similar device, or ~~any person thereon~~an individual on the device, to collide with or strike against any object or ~~person~~individual.

5. ~~No person~~An individual may not operate a vessel on any waters of this state towing ~~a person or persons~~an individual on water skis, a surfboard, or similar device unless there is another ~~person~~individual in the towing vessel observing ~~the person or persons~~any individual being towed or the vessel is equipped with a mirror at least seventy-eight square inches [198.12 square centimeters] which provides the operator an unobstructed field of vision to the rear. ~~However, this~~This subsection does not apply to a personal watercraft or to members of any organization regularly staging water ski shows, tournaments, or exhibitions while engaged in the performance of such shows, tournaments, or exhibitions. The department shall adopt rules to allow such organizations to practice in preparation for such events, as prescribed in section 20.1-13-11.

6. ~~Any person~~An individual who violates this section is guilty of a class 2 noncriminal offense.