

GAME AND FISH

CHAPTER 201

HOUSE BILL NO. 1141

(Committee on Natural Resources)

(At the request of the Game and Fish Department)

GUIDES AND OUTFITTERS

AN ACT to amend and reenact subsection 30 of section 20.1-01-02 and subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the definitions of a guide or outfitter and the power of the state game and fish commissioner to license such.

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

SECTION 1. AMENDMENT.) Subsection 30 of section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

30. "Guide" or "outfitter" means any resident who holds himself out to the public as a guide or outfitter, and who provides, for compensation in excess of five hundred dollars a year, transportation, equipment, arrangement of lodging, or his own or another's personal services for the primary purpose of assisting a person or persons to locate, pursue, or hunt small game, big game, or furbearers. Nonresidents shall not be entitled to act as guides or outfitters in this state.

SECTION 2. AMENDMENT.) Subsection 17 of section 20.1-02-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

17. Subject to the provisions of chapter 28-32, promulgate rules and regulations for the licensing of guides or outfitters, and may require such records and reports as he shall deem necessary. The commissioner may, after due hearing as provided in chapter 28-32, revoke or refuse to renew the license of any person who violates such rules and regulations or fails to provide such records and reports.

Approved March 12, 1975

CHAPTER 202

SENATE BILL NO. 2131
(H. Christensen)

CARRYING LOADED FIREARMS

AN ACT to amend and reenact subsection 5 of section 20.1-01-05 of the North Dakota Century Code, relating to unauthorized methods of taking game birds and game animals.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 20.1-01-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Carry any firearm while in or on a motor vehicle with a cartridge in the chamber.

Approved March 13, 1975

CHAPTER 203

HOUSE BILL NO. 1359
(Strinden)

HUNTING WITH MOTOR VEHICLES

AN ACT to amend and reenact sections 20.1-01-07 and subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to the use of motor vehicles in hunting.

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

SECTION 1. AMENDMENT.) Section 20.1-01-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 20.1-01-07. HUNTING BIG GAME WITH MOTOR VEHICLES PROHIBITED - EXCEPTION - MOTOR VEHICLE USE IN TRANSPORTING BIG GAME RESTRICTED.) Except as provided in subsection 11 of section 20.1-02-05, no person, while hunting big game, shall use a motor-driven vehicle on any other than an established road or trail, unless he has reduced a big game animal to possession and cannot easily retrieve said big game animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, provided that after such retrieval, such motor-driven vehicle is again returned to the established road or trail along the same route it originally departed. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the road-side or directly adjacent to said road or trail. No person, while hunting big game, shall drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass any big game with the use or aid of any motor-driven vehicle. No person, while hunting big game, shall drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail.

SECTION 2. AMENDMENT.) Subsection 11 of section 20.1-02-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. Issue, at his discretion, special permits to shoot game from a stationary motor vehicle upon application from individuals who are physically unable to walk for purposes of hunting or taking game. The application shall be accompanied by a physician's

*NOTE: Section 20.1-01-07 was also amended by section 1 of House Bill No. 1429, chapter 204.

statement verifying the person's condition. Permits issued under this subsection shall allow the permittee to drive, or to be driven, on to any land for the purposes of hunting big game, except that neither any other passenger within the vehicle nor the driver, if someone other than the permittee, shall be a hunter, unless such other person is also a permittee. Provided, however, that such land is privately owned and if the permittee is not going to drive or be driven along an established road or trail, the permittee shall first obtain the consent of the owner or tenant to hunt on such land in the manner provided in this title.

Approved April 8, 1975

CHAPTER 204

HOUSE BILL NO. 1429
(Murphy)

HUNTING WITH MOTOR VEHICLES FOR OTHER THAN WATER FOWL

AN ACT to amend and reenact sections 20.1-01-07 and 20.1-01-11 of the North Dakota Century Code, relating to the use of motor vehicles for hunting.

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

SECTION 1. AMENDMENT.) Section 20.1-01-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 20.1-01-07. HUNTING BIG GAME OR SMALL GAME OTHER THAN WATER FOWL WITH MOTOR VEHICLES PROHIBITED - EXCEPTION - MOTOR VEHICLE USE IN TRANSPORTING BIG GAME RESTRICTED.)

1. No person, while hunting big game, statewide, or small game, other than water fowl, in those counties specified in subsection 2, shall use a motor-driven vehicle on any other than an established road or trail, unless he has reduced a big game animal to possession and cannot easily retrieve said big game animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, provided that after such retrieval, such motor-driven vehicle is again returned to the established road or trail along the same route it originally departed. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the roadside or directly adjacent to said road or trail. No person, while hunting big game, statewide, or small game, other than water fowl, in those counties specified in subsection 2, shall drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass any such game with the use or aid of any motor-driven vehicle. No person, while hunting big game statewide, or small game, other than water fowl, in those counties specified in subsection 2, shall drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail.
2. The prohibitions relating to the hunting of small game

*NOTE: Section 20.1-01-07 was also amended by section 1 of House Bill No. 1359, chapter 203.

specified in subsection 1 shall apply to the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, McKenzie, Mercer, Morton, Oliver, Sioux, Slope, and Stark.

SECTION 2. AMENDMENT.) Section 20.1-01-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

*20.1-01-11. HUNTING AND HARASSING GAME FROM AIRCRAFT AND MOTOR VEHICLES PROHIBITED.) Except as provided in this title, or when necessary for the protection of life or property, no person operating or controlling the operation of any aircraft or motor vehicle in this state shall intentionally kill, chase, or harass any wild animal or wild bird, protected or unprotected.

Approved March 17, 1975

*NOTE: Section 20.1-01-11 was also amended by section 1 of House Bill No. 1145, chapter 205.

CHAPTER 205

HOUSE BILL NO. 1145
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

AERIAL HUNTING

AN ACT to amend and reenact section 20.1-01-11 and subsection 15 of section 20.1-02-05 of the North Dakota Century Code, relating to the prohibition of aerial hunting and the power of the commissioner to permit such under certain circumstances.

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

SECTION 1. AMENDMENT.) Section 20.1-01-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 20.1-01-11. HUNTING AND HARASSING GAME FROM AIRCRAFT AND MOTOR VEHICLES PROHIBITED.) Except as provided in section 20.1-07-03, or when necessary for the protection of life or property except as provided in section 20.1-02-05, no person operating or controlling the operation of any aircraft or motor vehicle in this state shall intentionally kill, chase, or harass any wild animal or wild bird, protected or unprotected.

SECTION 2. AMENDMENT.) Subsection 15 of section 20.1-02-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15. Pursuant to section 4-01-17.1, cooperate with commissioner of agriculture, the federal fish and wildlife service, and other agencies in the destruction of predatory animals, destructive birds, and injurious field rodents. The commissioner is hereby authorized to promulgate rules and regulations in accordance with organized and systematic plans of the department of the interior for the destruction of these birds and animals. The commissioner may determine the necessity and issue permits and rules and regulations therefor for the operation and use of private aircraft to assist in the destruction of the above birds and animals and aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

Approved March 17, 1975

*NOTE: Section 20.1-01-11 was also amended by section 2 of House Bill No. 1429, chapter 204.

CHAPTER 206

SENATE BILL NO. 2366
(Walsh)

HUNTING NEAR BUILDINGS

AN ACT to amend and reenact section 20.1-01-21 of the North Dakota Century Code, relating to hunting near an occupied building without permission.

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

SECTION 1. AMENDMENT.) Section 20.1-01-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-21. HUNTING NEAR OCCUPIED BUILDING WITHOUT PERMISSION UNLAWFUL.) No person shall hunt or pursue game upon the premises of another, within four hundred forty yards of any occupied building, without consent of the person occupying such building.

Approved March 13, 1975

CHAPTER 207

HOUSE BILL NO. 1194
(Committee on Judiciary)
(At the request of the Game and Fish Department)

UNIFORM COMPLAINTS FOR GAME
AND FISH LAWS

AN ACT to create and enact section 20.1-02-14.1 of the North Dakota Century Code, providing for a uniform complaint and summons to be used in cases involving violations of Title 20.1 of the North Dakota Century Code, the game, fish, predator, and boating regulations.

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

SECTION 1.) Section 20.1-02-14.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

20.1-02-14.1. UNIFORM COMPLAINT AND SUMMONS - PROMISE TO APPEAR.) There is hereby established a uniform complaint and summons which may be used in cases involving violations of Title 20.1 of the North Dakota Century Code. Whenever the complaint and summons established by this section is used, the provisions of the North Dakota Rules of Criminal Procedure relating to arrests without warrants shall not apply, and the magistrates or state's attorneys shall not be required to make another complaint of the offense charged in the uniform complaint and summons. The uniform complaint and summons shall be of a form prescribed by the game and fish commissioner and approved by the attorney general.

The time of court appearance to be specified in the summons shall be at least five days after the issuance of such summons unless the defendant shall demand an earlier hearing.

Upon receipt from the defendant of written promise to appear at the time and place specified in the summons, he shall be released from custody. After signing a promise to appear, defendant shall be given a copy of the uniform complaint and summons. Any person refusing to give such written promise to appear may be arrested if proper cause exists, or proceeded against by complaint and warrant of arrest as provided in the North Dakota Rules of Criminal Procedure. Defendant's failure to appear at the time and place designated after signing a promise to appear shall be a class B misdemeanor.

The uniform summons and complaint shall not be used if the officer, acting within his discretion, has reason to believe the defendant will not be subject to arrest upon a warrant issued by a magistrate. The halting officer shall forthwith take any person not released upon his promise to appear before the nearest or most accessible magistrate.

Approved March 12, 1975

CHAPTER 208

SENATE BILL NO. 2201
(Barth)

FISHING BY PATIENTS

AN ACT to amend and reenact subsection 4 of section 20.1-03-04 of the North Dakota Century Code, relating to exemptions from fishing license requirements.

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

SECTION 1. AMENDMENT.) Subsection 4 of section 20.1-03-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- *4. Grafton state school for the mentally deficient patients, state industrial school students, school for the deaf students, school for the blind students, state hospital patients, and community mental health and retardation service unit patients under direct therapeutic care may fish without a resident fishing license. Patients of these institutions must be identified. Upon application by the institution the department shall issue identification tags to each institution.

Approved March 13, 1975

*NOTE: Section 20.1-03-04 was amended by section 1 of Senate Bill No. 2265, chapter 209.

CHAPTER 209

SENATE BILL NO. 2265
(H. Christensen)

BIG GAME HUNTING

AN ACT to amend and reenact sections 20.1-03-04, 20.1-03-11, and 20.1-08-04 of the North Dakota Century Code, relating to the requirement of hunting licenses for residents, to licenses to hunt big game and special permits to hunt deer, and to the contents of the governor's proclamation.

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

SECTION 1. AMENDMENT.) Section 20.1-03-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-04. WHEN LICENSES TO HUNT, FISH, OR TRAP NOT
REQUIRED OF RESIDENTS.) Subject to the provisions of this title:

1. Any resident, or any member of his family residing customarily with him, may hunt small game, fish, or trap during the open season without a license upon land owned or leased by him.
2. Residents under the age of sixteen years may fish without a resident fishing license.
3. Residents may fish at a private fish hatchery without a resident fishing license.
- *4. Grafton state school for the mentally deficient patients and state industrial school students may fish without a resident fishing license.
5. Repealed by S.L. 1973, ch. 205 section 1.

SECTION 2. AMENDMENT.) Section 20.1-03-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-11. LICENSE TO HUNT BIG GAME REQUIRED -
LIMITATIONS ON LICENSES.)

1. No person shall hunt, kill, take, or attempt to take any big game without having the appropriate big game

*NOTE: Subsection 4 of section 20.1-03-04 was also amended by section 1 of Senate Bill No. 2201, chapter 208.

hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal shall be issued as an integral part of the big game hunting license. A big game hunting license shall not be sold to, or purchased for, any person under the age of fourteen years. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section shall be a distinct and separate offense.

2. The number of licenses issued, including those licenses issued without charge under the provisions of this section, shall not exceed the number of licenses authorized by the governor's proclamation issued pursuant to section 20.1-08-04.
3. Upon execution and filing of an affidavit describing a minimum of a quarter section of land owned or leased by any person within a district open for hunting of deer or within a district open for the hunting of antelope, such person shall receive, without charge, a license to hunt deer or antelope, respectively. The license shall include a description of the land described in the affidavit and may be used to hunt deer or antelope, respectively, only upon such land.

SECTION 3. AMENDMENT.) Section 20.1-08-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-08-04. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF BIG GAME, SMALL GAME, FISH, AND FURBEARERS - SPECIAL PERMITS.)

1. A gubernatorial order or proclamation under this chapter shall prescribe, as to each species of big game, small game, fish, or furbearers named therein, the following:
 - a. In what manner they may be taken;
 - b. In what numbers they may be taken and possessed and may limit such numbers by sex;
 - c. In what places they may be taken; and
 - d. At what times they may be taken and possessed.

The governor in his proclamation or order, may determine the number of resident and nonresident big game licenses to be issued for the taking of each species, age, or sex. When a limited number of big game licenses or special permits are to be issued, he shall by order or proclamation declare the manner of issuance of such licenses and permits. The time period for which a recipient of a big game license or special permit

obtained by lottery shall be ineligible to again apply for the same license or special permit shall be as follows:

- e. Five ensuing seasons for an antelope gun license; or
 - f. A period to be set by governor's proclamation for a deer gun license or special permit.
2. In addition to the regular big game hunting licenses, the governor, by order or proclamation, may authorize the issuance of special permits to hunt big game in certain restricted areas. When acting pursuant to this subsection, the governor shall designate in his proclamation:
- a. The species of big game which can be hunted;
 - b. The boundaries of the restricted area;
 - c. The number of special permits to be issued;
 - d. The procedure to determine which applicants should receive the special permits; and
 - e. The manner and times in which the big game may be taken.

Special permits issued under this subsection shall be issued in strict compliance with the governor's proclamation.

Approved March 19, 1975

CHAPTER 210

SENATE BILL NO. 2379
(Nething, Thane)

NONRESIDENT HUNTING LICENSES

AN ACT to provide for nonresident waterfowl hunting licenses; to create and enact a new subsection to section 20.1-01-02 of the North Dakota Century Code, relating to definition of waterfowl; and to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a fee for a nonresident waterfowl hunting license.

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

SECTION 1. NONRESIDENT WATERFOWL HUNTING LICENSE REQUIRED.) A nonresident shall not hunt waterfowl unless he first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license shall entitle the nonresident to hunt waterfowl for any consecutive ten day period and in specified waterfowl hunting zones. The governor, in his proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident shall be entitled to purchase only one nonresident waterfowl hunting license per year.

SECTION 2.) A new subsection to section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Waterfowl" shall include all varieties of geese, brant, swans, ducks, cranes, rails, and coots.

SECTION 3.) A new subsection to section 20.1-03-12 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

For a nonresident waterfowl hunting license, five dollars.

Not approved or disapproved by the Governor

Filed April 10, 1975

CHAPTER 211

HOUSE BILL NO. 1142
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

GUN DOGS

AN ACT to create and enact a new subsection to 20.1-01-02 relating to definitions and to amend and reenact section 20.1-04-12 of the 1973 Supplement to the North Dakota Century Code, relating to when gun dogs may not be trained or permitted to run loose.

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

SECTION 1.) A new subsection to section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Gun dogs" shall include any dog bred to hunt, scent, point, flush, or retrieve game birds.

SECTION 2. AMENDMENT.) Section 20.1-04-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-04-12. WHEN GUN DOGS NOT TO BE TRAINED OR PERMITTED TO RUN LOOSE - EXCEPTIONS.) No person, classified as a professional trainer, between April first and July fourteenth of each year, both dates inclusive, shall train or run any gun dog or allow any such dog to run loose. For purposes of this section, a professional trainer is any person who trains any breed of gun dog for remuneration which is the basis for his livelihood. This section shall not prohibit the running of gun dog field trials, nor shall this section prohibit the training of an individual's personal gun dog during that period provided that (1) landowner permission is secured by the trainer, (2) the trainer is present, (3) no native game birds are killed or captured, and (4) the training is not on a designated game management area or designated waterfowl production area.

Approved March 22, 1975

CHAPTER 212

HOUSE BILL NO. 1111
(E. Metzger)

USE OF PLATFORMS FOR HUNTING

AN ACT to amend and reenact section 20.1-05-04 of the North Dakota Century Code, relating to the use of platforms in the hunting of big game animals.

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

SECTION 1. AMENDMENT.) Section 20.1-05-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-05-04. USING DOGS, HORSES, AND ARTIFICIAL LIGHTS IN TAKING BIG GAME UNLAWFUL.) No person, to hunt, pursue, kill, take, or attempt to take, or to aid in the hunting or taking of, any big game animal, shall:

1. Use any dog, horse, mule, or other animal.
2. Use any artificial light, including spotlights and automobile and motorcycle headlights.
3. Engage in the practice commonly known as shining for deer. Any person who shines any area commonly frequented by big game animals with any artificial light, between the hours of sunset and sunrise, is in violation of this section. However, any person may use a flashlight of not over two cells in the aggregate of three volts to take raccoon.

Approved March 17, 1975

CHAPTER 213

HOUSE BILL NO. 1271
(Berger)

FALCONRY

AN ACT to create and enact a new chapter to title 20.1 of the North Dakota Century Code, providing for the use of falcons in hunting, and providing a penalty.

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

SECTION 1.) A new chapter to title 20.1 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

DEFINITIONS.) As used in this chapter, unless the context or subject matter otherwise requires:

1. "Falconry" means the sport of taking quarry by the use of trained raptors.
2. "Raptor" means any migratory bird of the family accipitridae, excluding bald and golden eagles, falconidae, or strigidae.

DEPARTMENTAL AUTHORITY.) The department shall make such rules and regulations governing the issuance and use of falconry licenses and prescribe the fee for same as it shall deem proper and necessary and in compliance with federal regulations. The department may revoke any falconry license and seize the raptors held pursuant thereto if the licensee:

1. Fails to provide proper care for the raptors in his possession.
2. Allows raptors in his possession to become a public nuisance.
3. Violates any of the provisions of this chapter or any rules and regulations made pursuant thereto.
4. Fails to comply with any statute, rule, or regulation applicable to the hunting of the game taken, or to be taken.

Approved March 17, 1975

CHAPTER 214

SENATE BILL NO. 2148
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

BOATING SAFETY

AN ACT to provide for a declaration of policy and purpose, relating to boating safety and uniformity of boating laws, a boating safety program, the termination of unsafe use of vessels, and the display of labels evidencing compliance with state or federal regulations; to create and enact five new subsections to section 20.1-01-02 and a new subsection to section 20.1-13-03 of the North Dakota Century Code, relating to definitions and numbering and licensing of motorboats; to amend and reenact section 20.1-13-02, subsection 1 of section 20.1-13-03, subsection 9 of section 20.1-13-03, and section 20.1-13-08 of the North Dakota Century Code, relating to the operation of unnumbered and unlicensed motorboats, numbering and licensing of motorboats, reporting of theft and recovery of motorboats, filing of descriptions of collisions or accidents, and liability of persons involved in collisions or accidents; and to repeal subsection 1, subsection 2, and subsection 3 of section 20.1-13-05 of the North Dakota Century Code, relating to boat safety equipment.

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

SECTION 1. DECLARATION OF POLICY AND PURPOSE.) It is the policy of this state to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the state by encouraging and assisting participation by the several political subdivisions of the state, the boating industry, and the boating public in development of more comprehensive boating safety programs, and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of the state to encourage greater and continuing uniformity of boating laws and regulations as among the subdivisions of the state, the state, several states, and the federal government; a higher degree of reciprocity and comity among the several jurisdictions; and closer cooperation and assistance between the state and the federal government in developing, administering, and enforcing federal and state laws and regulations pertaining to boating safety.

SECTION 2. BOATING SAFETY PROGRAM.) The game and fish department shall develop and administer a comprehensive statewide

boating safety program and administer state and federal funds provided to the state for the purpose of implementing and supplementing improved boating safety in this state.

SECTION 3. CONFORMITY WITH APPLICABLE FEDERAL BOAT AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.) No boat or associated equipment manufactured after July 1, 1973, not excluding any boat or associated equipment manufactured after July 1, 1973, whose owner is this state or a subdivision thereof, shall be used on the waters of this state unless the boat and associated equipment conform with applicable federal boat and associated equipment safety standards as provided in the Federal Boat Safety Act of 1971, Public Law 92-75, 92nd Congress, H. R. 19, and acts amendatory thereto.

SECTION 4. TERMINATION OF UNSAFE USE.) Any person authorized to enforce the provisions of chapter 20.1-13 who observes a vessel being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in department regulations, and in his judgment such use creates an especially hazardous condition, may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

SECTION 5. DISPLAY OF LABELS EVIDENCING COMPLIANCE.) The state game and fish department may require the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with state or federal safety regulations and standards for boats and associated equipment.

SECTION 6.) A new subsection to section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Boat" means any vessel:

- a. Manufactured or used primarily for noncommercial use;
- b. Leased, rented, or chartered or another for the latter's noncommercial use; or
- c. Engaged in the carrying of six or fewer passengers.

SECTION 7.) A new subsection to section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Undocumented vessel" means a vessel which does not have a valid marine document as a vessel of the United States.

SECTION 8.) A new subsection to section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Passenger" means every person carried on board a vessel other than:

- a. The owner or his representative;
- b. The operator;
- c. Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or
- d. Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

SECTION 9.) A new subsection to section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Associated equipment" means:

- a. Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;
- b. Any accessory or equipment for, or appurtenance to, a boat; and
- c. Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but
- d. Excluding radio equipment.

SECTION 10.) A new subsection to section 20.1-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Manufacturer" means any person engaged in:

- a. The manufacture, construction, or assembly of boats or associated equipment;
- b. The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or
- c. The importation into the state for sale of boats, associated equipment, or components thereof.

SECTION 11. AMENDMENT.) Section 20.1-13-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-02. OPERATION OF UNNUMBERED AND UNLICENSED MOTORBOATS PROHIBITED.) Every motorboat propelled by a motor on the waters of this state, shall be numbered and licensed as prescribed in this chapter. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and licensed in accordance with this chapter, with applicable federal law, or with a federally approved numbering system of another state, and unless:

1. The certificate of number awarded to such motorboat is in full force and effect; and
2. The identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

SECTION 12. AMENDMENT.) Subsection 1 of section 20.1-13-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-03. IDENTIFICATION NUMBER AND LICENSE.)

1. The owner of each motorboat shall file an application for number and license with the department on forms approved by it. The application shall be signed by the owner of the motorboat and shall be accompanied by the appropriate fee. Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue the applicant a certificate of number and license stating the number awarded to the motorboat and the name and address of the owner. In instances where an identification number has previously been issued by the department, the same application procedure and fee shall apply for the issuance of a current license. The department shall pay all funds collected hereunder to the state treasurer who shall credit such funds to the state game and fish fund to pay for the costs of administering this chapter. The owner shall attach to each side of the bow of the motorboat the identification number and current license of such type, and in such manner as may be prescribed by rules and regulations of the department in order that they may be clearly visible. The number and license shall be maintained in legible condition. The certificate of number shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.

SECTION 13. AMENDMENT.) Subsection 9 of section 20.1-13-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-03. IDENTIFICATION NUMBER AND LICENSE.)

9. The owner shall furnish the department notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered and licensed in this state pursuant to subsections 1 and 2 of this section, of the theft or recovery of such motorboat, or of the destruction or abandonment

of such motorboat, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number and license for such motorboat except that, in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number and license.

SECTION 14.) A new subsection to section 20.1-13-03 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the department prescribes.

SECTION 15. AMENDMENT.) Section 20.1-13-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-08. COLLISIONS, ACCIDENTS, CASUALTIES, AND LIABILITY.) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and necessary to save them from or minimize any danger caused by the collision, accident, or other casualty. He shall also give his name, address, and vessel identification in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. If a collision, accident, or other casualty involving a vessel results in death or injury to a person or damage to property in excess of one hundred dollars, or a person disappears from such vessel under circumstances that indicate death or injury, the operator thereof shall file with the department a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require.

Any operator of a vessel, or other person who complies with the provisions of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

SECTION 16. REPEAL.) Subsections 1, 2, and 3 of section

20.1-13-05 of the 1973 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 19, 1975

CHAPTER 215

SENATE BILL NO. 2210
(Committee on Natural Resources)
(At the request of the Game and Fish Department)

BIG HORN SHEEP

AN ACT relating to designation of a big horn sheep hunting season, providing that recipients of a big horn sheep hunting license shall not be eligible to apply for another such license, and providing that the provisions of this Act shall be temporary.

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

SECTION 1. GOVERNOR'S PROCLAMATION CONCERNING THE HUNTING OF BIG HORN SHEEP - LICENSE RECIPIENTS NOT ELIGIBLE TO APPLY AGAIN.) The governor may by proclamation provide for a season to hunt big horn sheep. The number of licenses available shall be limited to twelve each year, and shall allow the recipient to take a mature ram, with one-half curl or greater. The licenses shall be issued by lottery, with only residents eligible to apply. Land-owners living within the open area shall not be given a preference in the lottery. Each hunter, or party of hunters shall be accompanied by a game warden or other person designated by the commissioner and shall hunt and kill only such sheep specifically designated by the warden or other person designated by the commissioner. Any person who has received a license to hunt big horn sheep shall not be eligible to apply for another such license. The governor by proclamation shall prescribe the manner, places, and times in which big horn sheep may be hunted or taken.

SECTION 2. PROVISIONS OF THIS ACT TEMPORARY.) This Act shall be effective during the period beginning July 1, 1975, and ending June 30, 1977, and thereafter shall be of no force and effect.

Approved March 19, 1975