



ND Game and Fish Department Proposed Administrative Rule Changes

Chapter 30-03-06

Section 30-03-06-05. Water prohibited.

1. Refer to the North Dakota game and fish department website for a listing of state waters infested with class I prohibited aquatic nuisance species. Fish transported and held in or on ice are allowed.
2. All water must be drained from all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, livewells, and baitwells, when out of water or upon entering the state. Potable water and sewage water are excluded from this restriction. ~~Water used for instate transportation of legal live bait and legal live baitfish in bait buckets no larger than five gallons in volume is allowed to and from waters of the state not designated as infested with class I prohibited aquatic nuisance species. Refer to the current fishing proclamation for legal live bait and legal live baitfish definitions. Potable water and sewage water are excluded from this restriction.~~

3. Bait containers used for instate transportation of legal live bait and legal live baitfish must be no larger than five gallons in volume. Refer to the current fishing proclamation for legal live bait and legal live baitfish definitions. It is illegal to transport legal live bait and legal live baitfish in water away from waters of the state designated as infested with class I prohibited aquatic nuisance species except - while traveling to and from ice fishing, any water may be used for instate transportation of legal live bait and legal live baitfish.

~~3-4.~~ 4. All other w~~W~~ater may not be transported away from waters of the state designated as infested with class I prohibited aquatic nuisance species or imported from another state unless permitted by the department of water resources or otherwise authorized.

~~4-5.~~ All drain plugs that may hold back water must be removed, and water draining devices must be open, on all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, during any out-of-water transport of same.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2016; April 1, 2016; April 1, 2023; April 1, 2024-; amended effective April 1, 2026.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

Chapter 30-04-03

Section 30-04-03-14. Initial application for guide and outfitter license.

An initial applicant for a guide or outfitter license shall submit a completed application on a form provided by the department and the fees required under North Dakota Century Code section 20.1-03-36.1. Information requested on the form must be completed and signed by the applicant. Providing false or misleading information requested on the application may be grounds to deny the issuance of a license for the calendar year of the application. The applicant shall also provide:

1. If the applicant is applying for a hunting outfitter or guide or hunting outfitter license, proof the applicant is currently certified in adult cardiopulmonary resuscitation or its equivalent and in standard or first aid or its equivalent. A photocopy of certification will be sufficient proof of training.
2. If the applicant is applying for a hunting outfitter license, proof that the applicant has held a hunting guide license in North Dakota or any other state for two years. Such proof shall be in the form of information generated by the state of licensure.
3. A signed certification on a form provided by the department that the applicant has not been convicted of a state or federal criminal game or fish violation in the last three years from the date of the application or whose license to hunt or fish is under suspension or revocation in North Dakota or any other state.
4. A statement in an application for a hunting outfitter or guide license listing the dates the applicant has legally hunted ~~in North Dakota~~ for three years before the date of the application. The department may require the applicant to explain how three years of practical field experience gained by hunting have directly contributed to the applicant's experience and competency as a guide and how the three years have influenced the applicant's capability to perform essential duties associated with guiding and outfitting as defined in North Dakota Century Code section 20.1-01-02. The director reserves the right to request additional information to supplement the applicant's submission.
5. Proof of insurance shall be in the form of a certificate of liability insurance from the insuring entity certifying that the applicant and the applicant's business operation are covered by general liability insurance against loss or expense due to accident or injury from outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per accident.
6. An applicant for a hunting outfitter license must include a listing of all land to be used by the outfitter to provide services. Acreage reports shall include the name of the landowner and lessor, the number of acres of land, and the location of the land by county.
7. An applicant for a hunting guide license must include a written notice from an employing or contracting licensed outfitter that the applicant will be retained to provide guiding services during the term of the applicant's license period. A licensed hunting guide may provide services to more than one hunting outfitter, but shall provide written notice from each outfitter to the department.

History: Effective April 1, 2006. amended effective April 1, 2026.

General Authority: NDCC 20.1-02-04(2), 20.1-03-38(1)

Law Implemented: NDCC 20.1-03-37

Section 30-04-03-17. Hunting guide and hunting outfitter examination.

Any written examination required will be administered from at least one regional department office ~~or electronically~~ on the assigned time and date. The department may administer an electronic examination at any time. Once an applicant has passed the ~~written~~ examination, the applicant must become licensed by the end of the following calendar year. To pass the ~~written test examination~~, a score of eighty percent must be achieved. A person who fails to obtain the license by the end of the following calendar year or fails to maintain a hunting guide or hunting outfitter license for two calendar years or more after obtaining a license, in addition to the annual eligibility requirements, must retake the ~~written~~ examination before being issued another hunting guide or hunting outfitter license. A hunting guide or hunting outfitter, whose license has been revoked, in addition to the annual eligibility requirements, must successfully retake the ~~written~~ examination before being issued a new license under this section.

History: Effective April 1, 2006; amended effective April 1, 2023.; amended effective April 1, 2026.

General Authority: NDCC 20.1-02-04(2), 20.1-03-38(1)

Law Implemented: NDCC 20.1-03-38

Chapter 30-05-01

Section 30-05-01-02. Boat safety equipment.

The following equipment is required as indicated, and must be usable and in serviceable condition.

1. Personal flotation devices - Penalty.

a. All motorboats less than sixteen feet [4.8 meters] in length and all nonpowered ~~boats vessels~~ must have one United States coast guard approved device labeled as type I, II, or III, or seventy or more Newtons aboard for each person. All motorboats sixteen feet [4.8 meters] or greater in length must have one United States coast guard approved device labeled as type I, II, or III, or seventy or more Newtons aboard for each person, and, in addition, one United States coast guard approved throwable type IV device. Any person who violates this subdivision is guilty of a noncriminal offense and shall pay a twenty-five dollar fee for each United States coast guard approved device not aboard as required for each person with a maximum fee of two hundred fifty dollars for a shortage of ten or more.

~~b. All persons manipulating any water skis, surfboard, or similar device must wear a United States coast guard approved device labeled as type I, II, or III, or seventy or more Newtons. The only exception is that of a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under North Dakota Century Code section 20.1-13-11.~~

2. Fire extinguishers. Motorboats of less than twenty-six feet [7.8 meters] in length need no fire extinguishing equipment, unless the boat has a double bottom not sealed to the hull or not completely filled with flotation material; or unless it has closed stowage compartments in which combustible or

flammable materials are stored; or unless it has closed compartments under thwarts and seats wherein portable fuel tanks may be stored; or unless it has closed living spaces; or unless it has permanently installed fuel tanks. If in any of these categories, it must have either a fixed fire extinguishing system in the machinery spaces, or at least one United States coast guard approved 5-B or 10-B type portable extinguisher. Motorboats twenty-six [7.8 meters] to forty feet [12 meters] in length must have either two United States coast guard approved 5-B or 10-B type portable extinguishers or one United States coast guard approved 20-B type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces and one United States coast guard approved 5-B or 10-B type portable extinguisher. Motorboats forty feet [12 meters] or over in length must have either three United States coast guard 5-B or 10-B type portable extinguishers, or one United States coast guard approved 20-B and one 5-B or one 10-B type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces along with two 5-B or two 10-B or one 20-B United States coast guard approved portable extinguishers. Extinguishers may not be more than twelve years old according to the date of manufacture stamped on the bottle.

3. Backfire flame arrester. One United States coast guard approved device is required on each carburetor of all gasoline powered engines, except outboard motors.

4. Bells and whistles. Boats less than twenty-six feet [7.8 meters] in length require one hand, mouth, or power operated whistle audible at least one-half mile [.8 kilometer]. Boats twenty-six feet [7.8 meters] to less than forty feet [12 meters] in length require a hand or power operated whistle audible at least one mile [1.6 kilometers], and a bell which produces a clear, bell-like tone when struck. Boats over forty feet [12 meters] in length require a power operated whistle audible at least one mile [1.6 kilometers] and a bell which produces a clear, bell-like tone when struck.

5. Ventilation. All motorboats with enclosed engine or fuel compartments, and using gasoline as a 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.

6. Lighting. When operating between sunset and sunrise, all motorboats under twenty-six feet [6.8 meters] in length shall exhibit a twenty-point [225 degree] combination red and green bowlight visible for one mile [1.6 kilometers], ten points [112.5 degrees] to the left of the centerline of the boat being red, the ten points [112.5 degrees] to the right of the centerline being green, and a thirty-two-point [360 degree] white stern light, visible for two miles [3.2 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel. When operating between sunset and sunrise, all motorboats twenty-six feet [6.8 meters] in length or over shall exhibit a twenty-point [225 degree] white bowlight visible for two miles [3.2 kilometers], a ten-point [112.5 degree] red side light, visible for one mile [1.6 kilometers], on the left side of the vessel, a ten-point [112.5 degree] green side light, visible for one mile [1.6 kilometers] on the right side (the side lights shall be visible through an arc beginning parallel to the centerline of the vessel and extending ten points [112.5 degrees] toward the stern), and a thirty-two-point [360 degree] white stern light visible for two miles [3.6 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel. If operating between sunset and sunrise motorboats may not exhibit any other light that impairs the visibility of the bowlight or stern light. All nonmotorized boats anchored or underway between sunset and sunrise shall have readily accessible a white light source, visible for 360 degrees, which shall be temporarily displayed in sufficient

time to prevent a collision. All vessels at anchor between sunset and sunrise must display a white light visible to a boat approaching from any direction.

7. Except as provided in subdivision a of subsection 1, any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

History: Amended effective December 1, 1982; April 1, 1986; May 1, 1995; April 1, 2006; October 1, 2020; April 1, 2023; April 1, 2024. amended effective April 1, 2026.

General Authority: NDCC 20.1-13-12

Law Implemented: NDCC 20.1-13-05