

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

1272 ● RULE REVIEW CHECKLIST ● 05.0069.0589

DATE RULE RECEIVED 4-29-86
DATE FOR REVIEW 5-8
DATE DUE 5-13

Adopted w/a hearing
Adopted w/o hearing
Temporary rule

Approved May 8, 1986 mjc Disapproved Returned to Agency

Resubmitted
Approved Disapproved Due Returned to Agency

Date filed w/Secretary of State 5-8-86 Revisor approved 4.29.86 disapproved

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✓ Rule as Adopted

✓ Rule as Proposed

? Order Adopting 4.22.86 Date Does not state statutory authority

Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency minor deviations from 14.22 (1) & (5) — no encouragement!

✓ Affidavit of Mailing Notice or rulemaking
3.17.86 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3.17.86 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

Agency's Findings of Fact

LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

TO:
ATTN: A. W. CLAPP, III
Special Assistant Attorney General

DATE: 5/8/86

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Adoption of Amendments to Rules Relating to Boat and Water Safety

The above-referenced rule has been approved as to its legality by the Attorney General on May 8, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1272

AG copy.

Department of Natural Resources

Adopted Rules Relating to Boat and Water Safety

Rules as Adopted

6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.

Subpart 1. **Rules of the road.** Rules of the road:

A. to C. [Unchanged.]

D. A nonmotorized watercraft has right-of-way over a motor-powered watercraft except when it is the overtaking watercraft. Motor-powered watercraft should always keep clear and pass astern of nonmotorized watercraft.

E. Small watercraft shall not insist on the right-of-way, nor unnecessarily impede the passage of large commercial vessels, which are restricted in their ability to maneuver by size, draft, or speed.

F. When watercraft are in a narrow channel, each shall keep as far to the right as may be safe or practical.

G. All watercraft shall yield the right-of-way to enforcement or other authorized emergency watercraft displaying a red or blue flashing light.

Subp. 2. **Mode of operation of watercraft.** Mode of operation:

A. to C. [Unchanged.]

D. No person shall operate a watercraft in the vicinity of a lock and dam on the Mississippi River from Upper St. Anthony Falls through Lock and Dam Number Eight in violation of the following:

(1) In the marked restricted area 600 feet upstream or 150 feet downstream of the dam, including auxiliary locks not in service.

(2) At greater than a slow-no wake speed in the lock or lock approach area. Slow-no wake, means the operation of a watercraft at the slowest possible speed necessary to

maintain steerage, and in no case greater than five miles per hour.

(3) Enforcement, emergency, resource management, and other government personnel or contractors are exempt from this part when performing official duties or authorized work.

E. The operator of any watercraft, when signaled to do so by a conservation officer, sheriff, or sheriff's deputy shall bring the watercraft to a stop or maneuver it in a manner which will allow the officer to come alongside.

Subp. 3. **Personal flotation (lifesaving) devices.** Flotation devices:

A. to C. [Unchanged.]

D. All personal flotation devices required by this subpart shall be:

(1) and (2) [Unchanged.]

(3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with all straps and fastners present and in good condition;

(4) either readily accessible or worn; except for those Type V devices which are required to be worn to be accepted as United States Coast Guard approved. Readily accessible means easily retrievable within a reasonable amount of time in an emergency. Personal flotation devices located in locked containers, under heavy objects or left in shipping bags are not considered readily accessible;

(5) [Unchanged.]

Subp. 4. to 7. [Unchanged.]

6110.1500 WATERWAY MARKERS.

Subpart 1. [Unchanged.]

Subp. 2. **Channel marker buoys.** Channel marker buoys:

A. [Unchanged.]

B. Where channel marker buoys are placed to indicate the location of a well defined boating channel, an all green buoy and an all red buoy shall be placed in opposition to each other to indicate the course of the channel is located between

them. In flowing water, the red buoy shall be situated on the right side of the channel when facing upstream. A green flashing light shall be used in conjunction with a green buoy if it is to be lighted. When reflectorization is used with a green buoy, it shall be green in color and no less than a four-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be odd. A red flashing light shall be used in conjunction with a red buoy if it is to be lighted. When reflectorization is used with a red buoy, it shall be red in color and no less than a four-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be even. Existing black buoys may be used through December 31, 1987.

C. and D. [Unchanged.]

Subp. 3. to 6. [Unchanged.]

6110.1900 ACCIDENT REPORTS.

Each county sheriff shall report to the commissioner of natural resources promptly, on forms provided by the commissioner, each accident involving a watercraft, and every drowning, in order to properly evaluate the water safety program. In the event of death, the report shall be made within 48 hours; in event of serious injury which incapacitates the victim for more than 72 hours or involves property damage of over $200 report must be made within five days. Each charge of a violation of law made against a watercraft operator and each written warning thereof shall be reported. Each watercraft for hire which does not comply with the standards of safety for such watercraft shall also be reported.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 8 1986
Joan Anderson Growe
Secretary of State
8:57 AM

APPROVED AS TO FORM AND LEGALITY
May 8 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Natural Resources

Proposed Rules Relating to Boat and Water Safety

Rules as Proposed

6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.

Subpart 1. **Rules of the road.** Rules of the road:

A. to C. [Unchanged.]

D. A nonmotorized watercraft has right-of-way over a motor-powered watercraft except when it is the overtaking watercraft. ~~Nonmotorized watercraft should not insist on this right-of-way when approaching large commercial vessels.~~ Motor-powered watercraft should always keep clear and pass astern of nonmotorized watercraft.

E. Small watercraft shall not insist on the right-of-way, nor unnecessarily impede the passage of large commercial vessels, which are restricted in their ability to maneuver by size, draft, or speed.

F. When watercraft are in a narrow channel, each shall keep as far to the right as may be safe or practical.

G. All watercraft shall yield the right-of-way to enforcement or other authorized emergency watercraft displaying a red or blue flashing light.

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(2) At greater than a slow-no wake speed in the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: PER

lock or lock approach area. Slow-no wake, means the operation of a watercraft at the slowest possible speed necessary to maintain steerage, and in no case greater than five miles per hour.

(3) Enforcement, emergency, resource management, and other government personnel or contractors are exempt from this part when performing official duties or authorized work.

E. The operator of any watercraft, when signaled to do so by a conservation officer, sheriff, or sheriff's deputy shall bring the watercraft to a stop or maneuver it in a manner which will allow the officer to come alongside.

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A. to C. [Unchanged.]

D. All personal flotation devices required by ~~these rules~~ this subpart shall be:

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(4) either readily accessible or worn; except for those Type V devices which are required to be worn to be accepted as United States Coast Guard approved. Readily accessible means easily retrievable within a reasonable amount of time in an emergency. Personal flotation devices located in locked containers, under heavy objects or left in shipping bags are not considered readily accessible;

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Subpart 1. [Unchanged.]

Subp. 2. **Channel marker buoys.** Channel marker buoys:

A. [Unchanged.]

B. Where channel marker buoys are placed to indicate the location of a well defined boating channel, an all ~~black~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

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APPROVED IN THE REVISOR OF STATUTES BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD906

Agency: Department of Natural Resources

Division:

Agency Contact: Kim A. Elverum

Minnesota Rules: Parts 6110.1200; 6110.1500; and 6110.1900

Title: Proposed Rules Relating to Boat and Water Safety

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Paul E. Rohde
Senior Assistant Revisor
Phone: 296-0953
Date: February 14, 1986

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Amendment of
the Rules for Boat and Water Safety
- 6110.1200, 6110.1500 & 6110.1900

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to amend the above-entitled rules without a public hearing was published in the State Register on March 17, 1986, and was mailed to all persons on the list maintained by the agency pursuant to MN Statute § 15.0412 Subd. 4 on March 17, 1986. No comments or requests for a public hearing were received during the comment period. I have determined, therefore, that the amendment is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the amendment is adopted as proposed.

Dated: April 22, 1986

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

JOSEPH N. ALEXANDER
Commissioner

Department of Natural Resources

Proposed Amendment of Rules Relating to Boat and Water Safety

Order for Notice of Intent to Adopt Rules Without a Public Hearing

It is ordered this 27 day of Feb, 1986 that a Notice of Intent to Adopt Rules without a Public Hearing in the above entitled matter be given to all persons who have registered their names with the department for that purpose and be published in the State Register.

Joseph N. Alexander

JOSEPH N. ALEXANDER
Commissioner
Minnesota Dept. of Natural Resources

Department of Natural Resources

Proposed Amendment of Rules Relating to Boat and Water Safety

Notice of Intent to Amend a Rule without a Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources ("department") intends to adopt amendments to the above-referenced department rules without public hearing because of the noncontroversial nature of the amendments.

Persons interested in these rules and amendments shall have 30 days to submit comments on the proposed rules and amendments. The proposed rules and amendments may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Persons who wish to submit comments should submit such comments to Kim Elverum, Minnesota Department of Natural Resources, Box 46 - 500 Lafayette Road, St. Paul, MN 55146.

No public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, §§ 14.13 - 14.20.

Authority for the adoption of these rules is contained in Minnesota Statutes, § 361.25. A Statement of Need and Reasonableness describing the need for and reasonableness of the amendment has been prepared and is available upon request at the above address.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final

rules as proposed for adoption, should submit a written statement of such request to the address listed above.

A copy of the proposed amendment is attached.

Dated 27 Feb, 1986

JOSEPH N. ALEXANDER
Commissioner
Minnesota Dept. of Natural Resources

Attachment

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rules
amendments for Boat & Water Safety

CERTIFICATION

I hereby certify that the attached 85 labels and 0 sheets constitute the complete list of persons, associations, and other interested groups who as of 9 o'clock AM, this 13th day of March, 1986, have requested pursuant to Minnesota Statutes 1984, Section 14.14, Subdivision 1, that their names be placed on file with the Department of Natural Resources for the purpose of receiving notice of public hearings on proposed rules on the subjects captioned above.

Joseph N. Alexander
Commissioner

By: Andy Brewer

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments for Boat & Water Safety

AFFIDAVIT OF MAILING

Deborah Ethies being first duly sworn, deposes and says:

That on the 17 day of March, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, and with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Commissioner of Natural Resources.

Deborah A. Ethies

Subscribed and sworn to before me this 17 day March, 1986

Margaret M Winkel

MARGARET M. WINKEL
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 9, 1989

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v. Control & Energy Dept.
ord Motor Company
tomotive Assembly Division
000 Oakwood Blvd.
len Park, Mich. 48121

. John A. Knapp
essian, McKasy & Soderberg
500 Midwest Plaza Bldg.
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inn. Railroads Association
03 Hanover Bldg.
80 Cedar St.
t. Paul, MN 55101

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80 Cedar St.
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ffice of Adminis. Hearings
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Albert Lea, MN 56007

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Frank Mixa
Executive Director
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Wayzata, MN 55391

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Attn: J. W. Haun
P. O. Box 1113
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Dr. Rollin Dennistoun, Dep. Comm.
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Land and Forestry Office
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oseau Co. Auditor
oseau, MN 56751

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Roseau, MN 56751

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Public Interest Advocacy Clinic
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St. Paul, MN 55104

Rodney Watkins
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Cloquet, MN 55720

[redacted]

benefits must be allocated to the group comprised of the dependent children for whose benefit the mother's insurance benefits are being paid.

5220.2940 PEACE OFFICER DEATH BENEFITS.

Subpart 1. **Application for benefits.** The application for payment from the peace officers benefit fund of Minnesota Statutes, section 352E.02 shall be submitted to the commissioner on a form prescribed by the commissioner. The form shall require at least the following:

A. The name, social security number, and job title of the peace officer.

B. A description of events preceding the death and the cause of death.

C. Identification of dependents and spouse, together with proof of relationship.

D. Whether a workers' compensation claim for death benefits has also been or will be made.

Subp. 2. **Investigation by commissioner.** Upon receipt of a completed application, the commissioner shall determine whether benefits are payable under Minnesota Statutes, chapter 352E. The commissioner shall make any inquiries or investigation necessary to the determination, and if necessary, shall require the filing of a first report of injury under Minnesota Statutes, chapter 176.

Subp. 3. **Denial of claim.** If the commissioner determines that benefits are not payable, or that there is insufficient information on which to make a determination, the commissioner shall deny the claim and inform the claimant.

Subp. 4. **Petition for payment.** Claimants who disagree with the denial and wish to pursue their claim shall file a petition for payment with the Department of Labor and Industry, following the procedures prescribed for the filing of claim petitions under Minnesota Statutes, chapter 176, and part 1415.1000. The petition shall name as respondent the administrator of the peace officers benefit fund and shall be served on the commissioner.

Subp. 5. **Subsequent procedures.** The petition will be treated as a claim petition under Minnesota Statutes, chapter 176, including referral to the office for hearing, if the case is not settled.

Subp. 6. **Consolidation with dependency benefit claim.** Upon order of a compensation judge, a claim under Minnesota Statutes, chapter 352E, must be consolidated with a claim for death benefits under Minnesota Statutes, chapter 176, if the factual issues are similar and consolidation would not unduly delay resolution of either claim. Consolidation shall not be construed as permitting application of the same legal standard to both claims.

Subp. 7. **Appeals.** A party aggrieved by an order of the compensation judge or the Workers' Compensation Court of Appeals may appeal pursuant to Minnesota Statutes, chapter 176, and rules applicable to cases under Minnesota Statutes, chapter 176.

Subp. 8. **Certification.** After investigation the commissioner may certify pursuant to Minnesota Statutes, section 352E.04. If a denied claim is appealed, after a final order that the benefit is due, the commissioner shall so certify.

5220.2950 SEVERABILITY.

If any provision of parts 5220.2510 to 5220.2940 is held to conflict with a governing statute, applicable provisions of the Administrative Procedure Act, or other relevant law; to exceed the statutory authority conferred; to lack a reasonable relationship to statutory purposes or to be unconstitutional, arbitrary, or unreasonable; or to be invalid or unenforceable for any other reason; the validity and enforceability of the remaining provisions of the rule shall in no manner be affected.

REPEALER. Minnesota Rules, parts 5220.2500; 5220.2600; 5220.2700; 5220.2800; 5220.2900; 5220.3000; 5220.3200; 5220.3600; and 5220.5000 are repealed.

Department of Natural Resources

Proposed Rules Relating to Boat and Water Safety

Notice of Intent to Amend a Rule without a Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources ("department") intends to adopt amendments to the above-referenced department rules without public hearing because of the noncontroversial nature of the amendments.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Persons interested in these rules and amendments shall have 30 days to submit comments on the proposed rules and amendments. The proposed rules and amendments may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Persons who wish to submit comments should submit such comments to Kim Elverum, Minnesota Department of Natural Resources, Box 46 - 500 Lafayette Road, St. Paul, MN 55146.

No public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, §§ 14.13-14.20.

Authority for the adoption of these rules is contained in Minnesota Statutes, § 361.25. A Statement of Need and Reasonableness describing the need for and reasonableness of the amendment has been prepared and is available upon request at the above address.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the address listed above.

A copy of the proposed amendment is attached.

February 27, 1986

Joseph N. Alexander
Commissioner
Minnesota Dept. of Natural Resources

Rules as Proposed

6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.

Subpart 1. **Rules of the road.** Rules of the road:

A. to C. [Unchanged.]

D. A nonmotorized watercraft has right-of-way over a motor-powered watercraft except when it is the overtaking watercraft. ~~Nonmotorized watercraft should not insist on this right-of-way when approaching large commercial vessels.~~ Motor-powered watercraft should always keep clear and pass astern of nonmotorized watercraft.

E. Small watercraft shall not insist on the right-of-way, nor unnecessarily impede the passage of large commercial vessels, which are restricted in their ability to maneuver by size, draft, or speed.

F. When watercraft are in a narrow channel, each shall keep as far to the right as may be safe or practical.

G. All watercraft shall yield the right-of-way to enforcement or other authorized emergency watercraft displaying a red or blue flashing light.

Subp. 2. **Mode of operation of watercraft.** Mode of operation:

A. to C. [Unchanged.]

D. No person shall operate a watercraft in the vicinity of a lock and dam on the Mississippi River from Upper St. Anthony Falls through Lock and Dam Number Eight in violation of the following:

(1) In the marked restricted area 600 feet upstream or 150 feet downstream of the dam, including auxiliary locks not in service.

(2) At greater than a slow-no wake speed in the lock or lock approach area. Slow-no wake, means the operation of a watercraft at the slowest possible speed necessary to maintain steerage, and in no case greater than five miles per hour.

(3) Enforcement, emergency, resource management, and other government personnel or contractors are exempt from this part when performing official duties or authorized work.

E. The operator of any watercraft, when signaled to do so by a conservation officer, sheriff, or sheriff's deputy shall bring the watercraft to a stop or maneuver it in a manner which will allow the officer to come alongside.

Subp. 3. **Personal flotation (lifesaving) devices.** Flotation devices:

A. to C. [Unchanged.]

D. All personal flotation devices required by ~~these rules~~ this subpart shall be:

(1) and (2) [Unchanged.]

(3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with all straps and fastners present and in good condition;

(4) either readily accessible or worn; except for those Type V devices which are required to be worn to be accepted as United States Coast Guard approved. Readily accessible means easily retrievable within a reasonable amount of time in an emergency. Personal flotation devices located in locked containers, under heavy objects or left in shipping bags are not considered readily accessible;

(5) [Unchanged.]

Subp. 4. to 7. [Unchanged.]

6110.1500 WATERWAY MARKERS.

Subpart 1. [Unchanged.]

Subp. 2. **Channel marker buoys.** Channel marker buoys:

A. [Unchanged.]

B. Where channel marker buoys are placed to indicate the location of a well defined boating channel, an all ~~black~~ green buoy and an all red buoy shall be placed in opposition to each other to indicate the course of the channel is located between them. In flowing water, the red buoy shall be situated on the right side of the channel when facing upstream. A green flashing light shall be used in conjunction with a ~~black~~ green buoy if it is to be lighted. When reflectorization is used with a ~~black~~ green buoy, it shall be green in color and no less than a four-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be odd. A red flashing light shall be used in conjunction with a red buoy if it is to be lighted. When reflectorization is used with a red buoy, it shall be red in color and no less than a four-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be even. Existing black buoys may be used through December 31, 1987.

C. and D. [Unchanged.]

Subp. 3. to 6. [Unchanged.]

6110.1900 ACCIDENT REPORTS.

Each county sheriff shall report to the commissioner of natural resources promptly, on forms provided by the commissioner, each accident involving a watercraft, and every drowning, in order to properly evaluate the water safety program. In the event of death, the report shall be made within 48 hours; in event of serious injury which incapacitates the victim for more than 72 hours or involves property damage of over ~~$100~~ $200 report must be made within five days. Each charge of a violation of law made against a watercraft operator and each written warning thereof shall be reported. Each watercraft for hire which does not comply with the standards of safety for such watercraft shall also be reported.

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STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Proposed Amendments to the Rules for Boat and Water Safety - Minn. Rules 6110

STATEMENT OF NEED AND EVIDENCE

The authority of the Commissioner of Natural Resources to promulgate rules regarding boat and water safety is found in Minnesota Statutes, Section 361.25. The rules currently in effect are identified as Minnesota Rules 6110.1200, 6110.1500 and 6110.1900.

6110.1200 Subp. 1, D - Amended to more closely conform to federal rules of the road (see "E" below).

6110.1200 Subp. 1, E - Added to conform more closely with federal rules of the road. Expands the requirement to relinquish right-of-way to large vessels to all small craft, not just those that are non-motorized.

6110.1200 Subp. 1, F - Added to conform more closely with federal rules of the road. Simply requires boats to keep to the right in a channel.

6110.1200 Subp. 1, G - Paragraph re-lettered - no change.

6110.1200 Subp. 2, D - These rule additions are being added to implement the agreement made between the five Upper Mississippi River states and the Army Corps of Engineers. The agreement requires the states to adopt and enforce restrictions above and below locks and dams on the Mississippi River previously enforced by the Corps. The agreement is the result of very long negotiations with the Corps and hopefully will reduce accidents associated with the locks and dams. Under the agreement, the Corps will be responsible for marking all restricted areas.

6110.1200, Supb. 2, E - Paragraph re-lettered - no change.

6110.1200, Subp. 3, D (3) - Defines the term "serviceable condition" to conform to federal guidelines.

6110.1200, Subp. 3, D (4) - Requires Type V devices designated as "approved only when worn" to be worn. This accomodates the new "hybrid" device coming on the market this spring. Also the term "readily accessible" is defined to conform to federal guidelines.

6110.1500, Subp. 2, B - Revises channel marker buoy requirements to conform to new federal requirements changing all-black buoys to all-green buoys. Green buoys are easier to see. Existing buoys may be used until December 31, 1987 to reduce any hardship on the marking agency.

6110.1900 - Increases minimum property damage limit to $200 to conform with the federal regulations

Dated: Feb. 27, 1986

Kim A. Elverum
Boat & Water Safety Coordinator
Minnesota Dept. of Natural Resources

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the
Adoption of Amendments to
Rules Relating to Boat
and Water Safety

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I have examined the rules and related documents. I am familiar with the statutory and rule requirements for rule-making. They appear to have been followed.

Dated: April 28, 1986.

HUBERT H. HUMPHREY, III
Attorney General

By: A. W. Clapp III

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