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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3787

02/28/2022 Authored by Koegel, Becker-Finn, Ecklund, Stephenson and Hansen, R., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; requiring safety education and permitting for certain
1.3 watercraft operators; amending Minnesota Statutes 2020, sections 86B.313,
1.4 subdivisions 3, 4; 171.07, by adding a subdivision; proposing coding for new law
1.5 in Minnesota Statutes, chapter 86B; repealing Minnesota Statutes 2020, sections
1.6 86B.101; 86B.305.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. 86B.30 DEFINITIONS.

1.9 Subdivision 1. Applicability. The definitions in this section apply to sections 86B.30
1.10 to 86B.341.

1.11 Subd. 2. Accompanying operator. "Accompanying operator" means a person 21 years
1.12 of age or older who:

1.13 (1) is in a motorboat or personal watercraft;

1.14 (2) is within immediate reach of the controls of the motor; and

1.15 (3) possesses a valid operator's permit or is an exempt operator.

1.16 Subd. 3. Adult operator. "Adult operator" means a motorboat or personal watercraft
1.17 operator who is 12 years of age or older and who was:

1.18 (1) effective January 1, 2024, born on or after January 1, 2003;

1.19 (2) effective January 1, 2025, born on or after January 1, 1999;

1.20 (3) effective January 1, 2026, born on or after January 1, 1995; and

1.21 (4) effective January 1, 2027, born on or after January 1, 1987.

2.1 Subd. 4. **Exempt operator.** "Exempt operator" means a motorboat operator who:

2.2 (1) possesses a valid license to operate a motorboat issued for maritime personnel by
 2.3 the United State Coast Guard under Code of Federal Regulations, title 46, part 10, or a
 2.4 marine certificate issued by the Canadian government;

2.5 (2) possesses a rental agreement or lease agreement that lists the person as an authorized
 2.6 operator of the motorboat, as described in section 86B.306, subdivision 2;

2.7 (3) is not a resident of the state, is temporarily using the waters of the state for a period
 2.8 not to exceed 60 days, and:

2.9 (i) meets any applicable requirements of the state of residency; or

2.10 (ii) possesses a Canadian pleasure craft operator's card;

2.11 (4) is operating a motorboat under a dealer's license according to section 86B.405; or

2.12 (5) is operating a motorboat during an emergency.

2.13 Subd. 5. **Motorboat rental business.** "Motorboat rental business" means a person
 2.14 engaged in the business of renting or leasing motorboats for a period not exceeding 30 days.
 2.15 Motorboat rental business includes a person's agents and employees.

2.16 Subd. 6. **Young operator.** "Young operator" means a motorboat operator younger than
 2.17 12 years of age.

2.18 **EFFECTIVE DATE.** This section is effective January 1, 2024.

2.19 Sec. 2. **[86B.302] WATERCRAFT OPERATOR'S PERMIT.**

2.20 Subdivision 1. **Generally.** The commissioner must issue a watercraft operator's permit
 2.21 to a person 12 years of age or older who successfully completes a water safety course and
 2.22 written test according to section 86B.304, paragraph (a), or who provides proof of completion
 2.23 of a program subject to a reciprocity agreement or certified by the commissioner as
 2.24 substantially similar.

2.25 Subd. 2. **Issuing permit to certain young operators.** The commissioner may issue a
 2.26 permit under this section to a person who is at least 11 years of age, but the permit is not
 2.27 valid until the person becomes an adult operator.

2.28 Subd. 3. **Personal possession required.** (a) A person who is required to have a watercraft
 2.29 operator's permit must have in personal possession:

2.30 (1) a valid watercraft operator's permit;

3.1 (2) a driver's license that has a valid watercraft operator's permit indicator issued under
 3.2 section 171.07, subdivision 20; or

3.3 (3) an identification card that has a valid watercraft operator's permit indicator issued
 3.4 under section 171.07, subdivision 20.

3.5 (b) A person who is required to have a watercraft operator's permit must display one of
 3.6 the documents described in paragraph (a) to a conservation officer or peace officer upon
 3.7 request.

3.8 Subd. 4. Using electronic device to display proof of permit. If a person uses an
 3.9 electronic device to display a document described in subdivision 3 to a conservation officer
 3.10 or peace officer:

3.11 (1) the officer is immune from liability for any damage to the device, unless the officer
 3.12 does not exercise due care in handling the device; and

3.13 (2) this does not constitute consent for the officer to access other contents on the device.

3.14 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.15 Sec. 3. **[86B.303] MOTORBOAT OPERATION.**

3.16 Subdivision 1. **Adult operators.** An adult operator may not operate a motorboat unless:

3.17 (1) the adult operator possesses a valid watercraft operator's permit; or

3.18 (2) an accompanying operator is in the motorboat.

3.19 Subd. 2. **Young operators.** (a) A young operator may not operate a motorboat powered
 3.20 by a motor with a factory rating of more than 75 horsepower.

3.21 (b) A young operator may not operate a motorboat powered by a motor with a factory
 3.22 rating of up to 75 horsepower unless an accompanying operator is in the motorboat.

3.23 Subd. 3. **Accompanying operators.** For purposes of this section and section 169A.20,
 3.24 an accompanying operator, as well as the actual operator, is operating and is in physical
 3.25 control of a motorboat.

3.26 Subd. 4. **Owners may not allow unlawful use.** An owner or other person in lawful
 3.27 control of a motorboat may not allow the motorboat to be operated contrary to this section.

3.28 **EFFECTIVE DATE.** This section is effective January 1, 2024.

4.1 Sec. 4. **[86B.304] WATERCRAFT SAFETY PROGRAM.**

4.2 (a) The commissioner must establish a water safety course and testing program for
4.3 personal watercraft and watercraft operators and must prescribe a written test as part of the
4.4 course. The course must be approved by the National Association of State Boating Law
4.5 Administrators and must be available online. The commissioner may allow designated water
4.6 safety courses administered by third parties to meet the requirements of this paragraph and
4.7 may enter into reciprocity agreements or otherwise certify boat safety education programs
4.8 from other states that are substantially similar to in-state programs.

4.9 (b) The commissioner must create or designate a short boater safety examination to be
4.10 administered by motorboat rental businesses to renters or lessees of motorboats, as required
4.11 by section 86B.306, subdivision 3.

4.12 **EFFECTIVE DATE.** This section is effective January 1, 2024.

4.13 Sec. 5. **[86B.306] MOTORBOAT RENTAL BUSINESSES.**

4.14 Subdivision 1. **Requirements.** A motorboat rental business must not rent or lease a
4.15 motorboat to any person for operation on the waters of the state unless the renter or lessee:

4.16 (1) has a valid watercraft operator's permit; and

4.17 (2) is 18 years of age or older.

4.18 Subd. 2. **Authorized operators.** A motorboat rental business must list on each motorboat
4.19 rental or lease agreement the name and age of each operator who is authorized to operate
4.20 the motorboat. The renter or lessee of the motorboat must ensure that only listed authorized
4.21 operators operate the motorboat.

4.22 Subd. 3. **Summary of boating regulations; examination.** (a) A motorboat rental
4.23 business must provide each authorized operator of a motorboat a summary of the statutes
4.24 and rules governing operation of motorboats in the state and instructions for safely operating
4.25 the motorboat.

4.26 (b) Each authorized operator must review the summary provided under this subdivision
4.27 and must take a short boater safety examination in a form approved by the commissioner
4.28 before the motorboat leaves the motorboat rental business premises.

4.29 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.1 Sec. 6. Minnesota Statutes 2020, section 86B.313, subdivision 3, is amended to read:

5.2 Subd. 3. **Operator's permit; adult supervision.** (a) Except in the case of an emergency,
5.3 a person 13 years of age or over ~~but less than 18 years of age~~ may not operate a personal
5.4 watercraft, regardless of horsepower, without possessing a valid watercraft operator's permit
5.5 ~~as required by section 86B.305~~, unless there is a person 21 years of age or older an
5.6 accompanying operator on board the ~~eraft~~ personal watercraft.

5.7 (b) In addition to the permit requirement, a person 13 years of age operating a personal
5.8 watercraft must remain under visual supervision by a person who is 21 years of age or older
5.9 who possesses a valid operator's permit, if required by law. An owner of a personal watercraft
5.10 may not permit the personal watercraft to be operated contrary to this subdivision.

5.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.12 Sec. 7. Minnesota Statutes 2020, section 86B.313, subdivision 4, is amended to read:

5.13 Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall
5.14 distribute a summary of the laws and rules governing the operation of personal watercraft
5.15 and, upon request, shall provide instruction to a purchaser regarding:

5.16 (1) the laws and rules governing personal watercraft; and

5.17 (2) the safe operation of personal watercraft.

5.18 (b) A person who offers personal watercraft for rent:

5.19 (1) shall provide a summary of the laws and rules governing the operation of personal
5.20 watercraft and provide instruction regarding the laws and rules and the safe operation of
5.21 personal watercraft to each person renting a personal watercraft;

5.22 (2) shall provide a United States Coast Guard (USCG) approved wearable personal
5.23 flotation device with a USCG label indicating it either is approved for or does not prohibit
5.24 use with personal watercraft or water-skiing and any other required safety equipment to all
5.25 persons who rent a personal watercraft at no additional cost; and

5.26 (3) shall require that a watercraft operator's permit from this state or from the operator's
5.27 state of residence be shown each time a personal watercraft is rented to any person ~~younger~~
5.28 ~~than age 18~~ required to have a watercraft operator's permit under this section and shall record
5.29 the permit number on the form provided by the commissioner.

5.30 (c) Each dealer of personal watercraft or person offering personal watercraft for rent
5.31 shall have the person who purchases or rents a personal watercraft sign a form provided by
5.32 the commissioner acknowledging that the purchaser or renter has been provided a copy of

6.1 the laws and rules regarding personal watercraft operation and has read them. The form
6.2 must be retained by the dealer or person offering personal watercraft for rent for a period
6.3 of six months following the date of signature and must be made available for inspection by
6.4 sheriff's deputies or conservation officers during normal business hours.

6.5 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.6 Sec. 8. Minnesota Statutes 2020, section 171.07, is amended by adding a subdivision to
6.7 read:

6.8 Subd. 20. **Watercraft operator's permit.** (a) The department must maintain in its
6.9 records information transmitted electronically from the commissioner of natural resources
6.10 identifying each person to whom the commissioner has issued a watercraft operator's permit.
6.11 The records transmitted from the Department of Natural Resources must contain the full
6.12 name and date of birth as required for the driver's license or identification card. Records
6.13 that are not matched to a driver's license or identification card record may be deleted after
6.14 seven years.

6.15 (b) After receiving information under paragraph (a) that a person has received a watercraft
6.16 operator's permit, the department must include on all drivers' licenses or Minnesota
6.17 identification cards subsequently issued to the person a graphic or written indication that
6.18 the person has received the permit.

6.19 (c) If a person who has received a watercraft operator's permit applies for a driver's
6.20 license or Minnesota identification card before that information has been transmitted to the
6.21 department, the department may accept a copy of the certificate as proof of its issuance and
6.22 must then follow the procedures in paragraph (b).

6.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.24 Sec. 9. **REPEALER.**

6.25 Minnesota Statutes 2020, sections 86B.101; and 86B.305, are repealed.

6.26 **EFFECTIVE DATE.** This section is effective January 1, 2024.

86B.101 WATERCRAFT SAFETY PROGRAM.

Subdivision 1. **Safety program.** The commissioner shall continue and expand the comprehensive boat safety and education program. The commissioner shall cooperate with boaters, governmental subdivisions, state agencies, other states, and the federal government in the operation of the program.

Subd. 2. **Youth watercraft safety course.** (a) The commissioner shall establish an educational course and a testing program for personal watercraft and watercraft operators and for persons age 12 or older but younger than age 18 required to take the watercraft safety course. The commissioner shall prescribe a written test as part of the course. A personal watercraft educational course and testing program that emphasizes safe and legal operation must be required for persons age 13 or older but younger than age 18 operating personal watercraft.

(b) The commissioner shall issue a watercraft operator's permit to a person age 12 or older but younger than age 18 who successfully completes the educational program and the written test.

Subd. 3. **Operator's permit.** The commissioner shall issue a watercraft operator's permit to a person who successfully qualifies for a watercraft operator's permit under the boat safety education program.

Subd. 4. **Boat safety education program; reciprocity with other states.** The commissioner may enter into reciprocity agreements or otherwise certify boat safety education programs from other states that are substantially similar to in-state programs. The commissioner shall issue a watercraft operator's permit to a person who provides proof of completion of a program subject to a reciprocity agreement or certified as substantially similar.

86B.305 YOUTH OPERATORS.

Subdivision 1. **Under age 12.** (a) Except in case of an emergency, a person under age 12 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than 25 horsepower unless there is present in the watercraft, in addition to the operator, at least one person age 21 or older who is within immediate reach of the controls of the motor. For purposes of section 169A.20, the person age 21 or older, as well as the actual operator, is in physical control of the motorboat.

(b) A person under age 12 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than 75 horsepower.

Subd. 2. **Age 12 to 17; permit required.** Except as provided in this subdivision, a person age 12 or older and younger than age 18 may not operate a motorboat powered by a motor over 25 horsepower without possessing a valid watercraft operator's permit from this state or from the operator's state of residence unless there is a person age 21 or older in the motorboat who is within immediate reach of the controls of the motor. For purposes of section 169A.20, the person age 21 or older, as well as the actual operator, is in physical control of the motorboat.

Subd. 3. **Owners may not allow certain uses.** An owner of a watercraft may not allow a watercraft to be operated contrary to the provisions of subdivision 2.