

# North Dakota



## **Boating Law Administrator**

[Nancy Boldt](#)

Boat & Water Safety Coordinator

100 N Bismarck Expy

Bismarck, ND 58501-5095

# North Dakota Specific Information

Registered Boats 51,609 Ranking #45

Documented vessel—exempt from state numbering requirements

## Minimum Operator Age

No person under twelve years of age may operate a motorboat (includes personal watercraft, i.e. jet skis etc.) propelled by over a ten horsepower motor unless the operator is accompanied by a person eighteen years of age or older.

No person of twelve through fifteen years of age may operate a motorboat (includes personal watercraft, i.e. jet skis, etc.) propelled by over a ten horsepower motor unless the operator is accompanied by a person eighteen years of age or older or the operator has taken and passed a boating course approved by the Department.

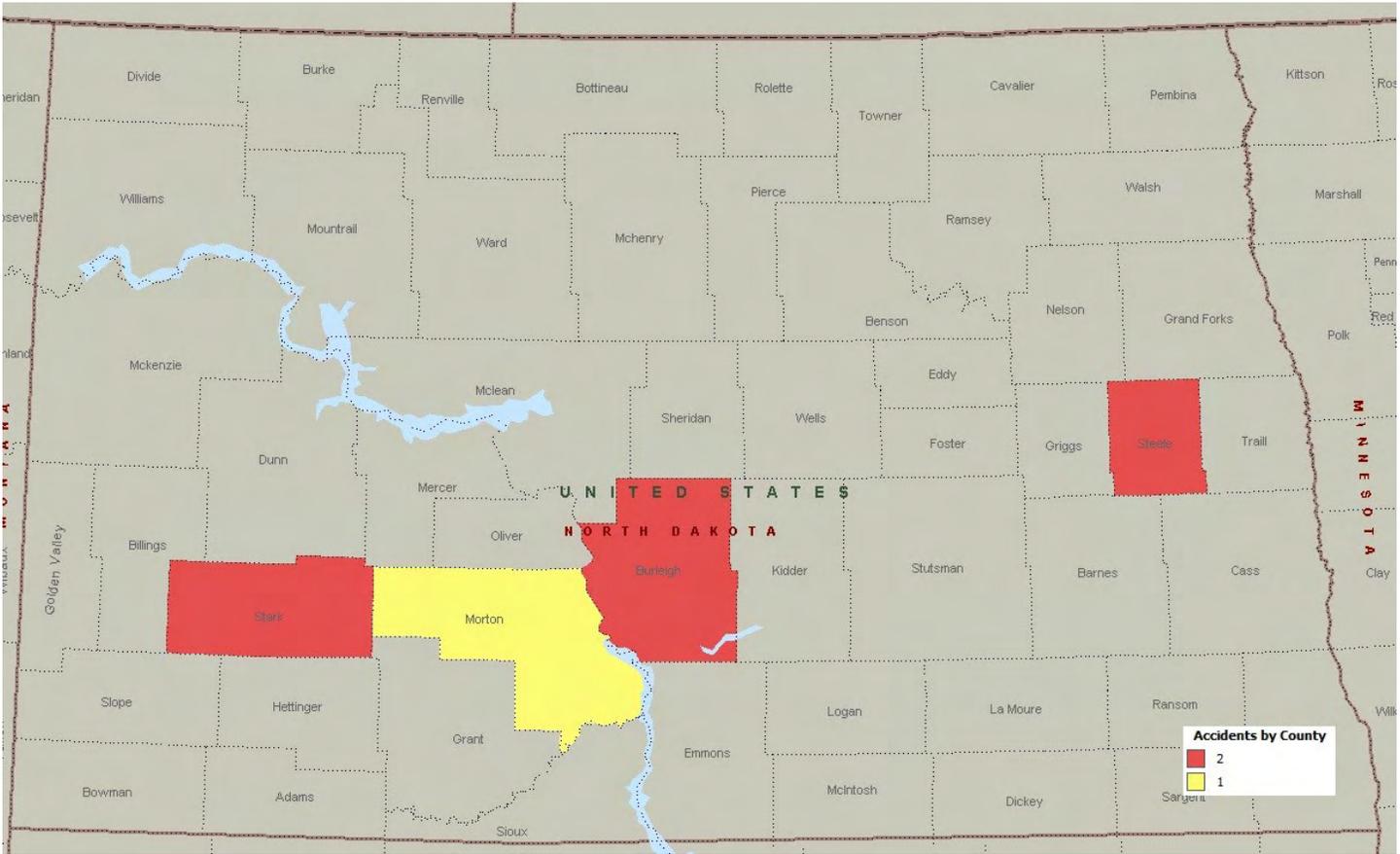
## Life Jackets Wear

10 years old or younger, vessel under 27 feet while vessel is in operation.

Each person on board a PWC

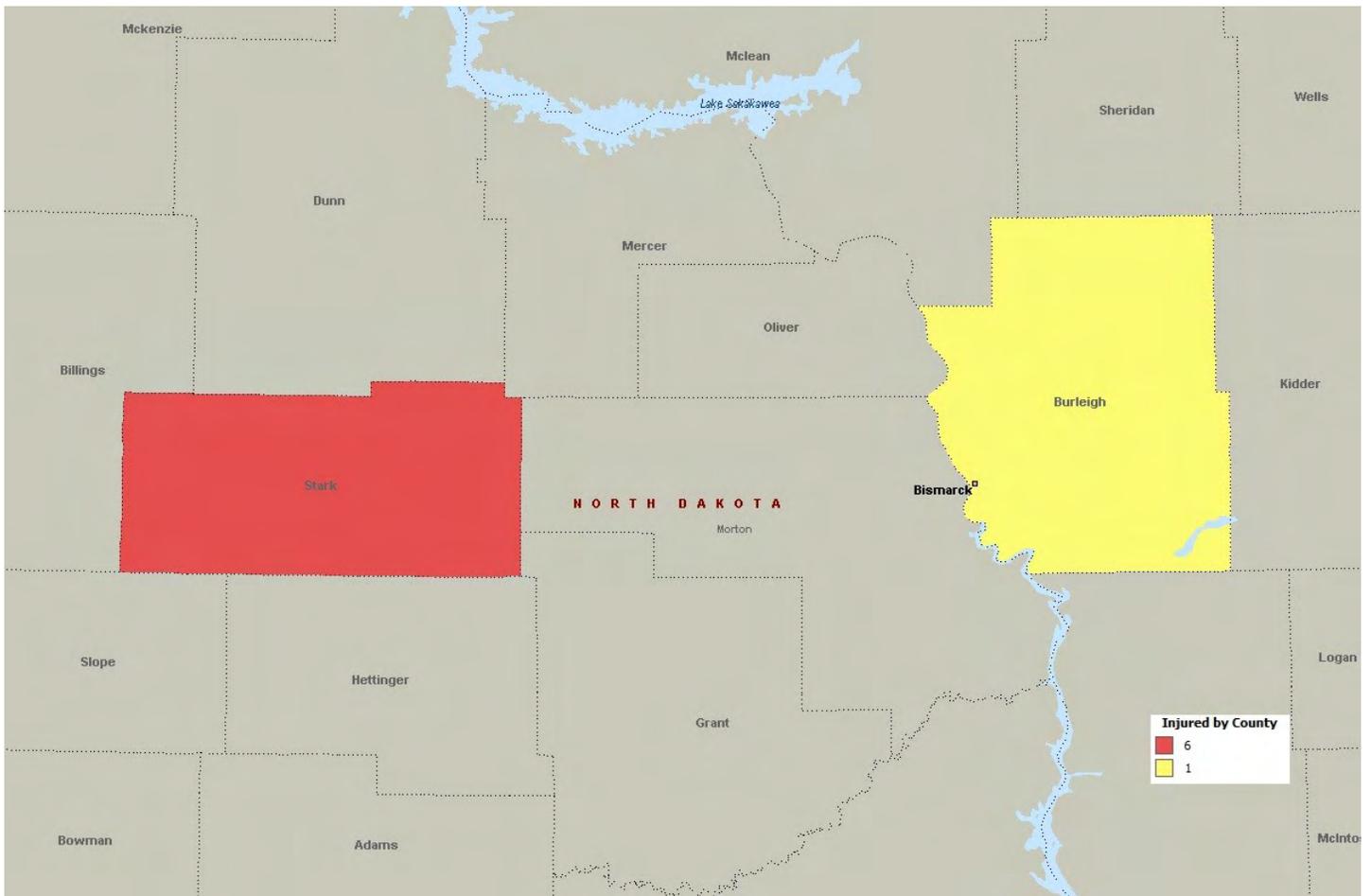
## Boating Under the Influence

.10 BAC



County	Accidents
Burleigh	2
Stark	2
Steele	2
Morton	1

Body of Water	Accidents
Missouri River	3
Golden Lake	2
Patterson Lake	2



County	Injured
Stark	6
Burleigh	1

Body of Water	Injured
Patterson Lake	6
Missouri River	1

Accident Cause	Accidents
Alcohol	1
Excessive Speed	1
Force of wave/wake	1
Ignition of Fuel or Vapor	1
Other	1
Overloading	1
Restricted Vision	1

Accident Event	Accidents
Collision with recreational Vessel	2
Collision with Floating Object	1
Ejected from Vessel	1
Fall in Vessel	1
Fire/Explosion (fuel)	1
Flooding	1

## **STATEMENT OF UNDERSTANDING**

**BETWEEN**

**THE STATE OF NORTH DAKOTA**

**AND**

**THE UNITED STATES COAST GUARD**

### ***I. PURPOSE:***

To define the relationship between the State of North Dakota and The United States Coast Guard in the conduct of the Boating Safety Programs and in the mutual enforcement of laws relating to boating safety on waters within the concurrent jurisdiction of the State and the United States.

### ***II. BASIC GUIDELINES:***

A. The State and the United States exercise concurrent jurisdiction over those waters within the jurisdiction of the State that are also waters subject to the jurisdiction of the United States, except as to matters preempted by Federal law.

B. The State has exclusive jurisdiction over those waters within the State that are not waters subject to the jurisdiction of the United States or waters of the United States.

C. This understanding does not abrogate or limit the jurisdiction of the State or the United States.

D. All vessels equipped with propulsion machinery, except vessels exempt under the provisions of 33 CFR Part 173.11 or vessels documented or required to be documented by the Coast Guard, that are principally operated on waters subject to the jurisdiction of the State of North Dakota, are subject to the numbering laws of that State.

E. The State shall, to the fullest extent practicable, endeavor to conform its laws, rules, and regulations with Federal law, subject to the Federal preemption provisions contained in 46 U.S.C. 4306. The Coast Guard and the State shall promptly furnish to each other the text of any proposed or enacted law, rule, or regulation having to do with numbering, titling, equipping, or operating vessels that are the subject of this Agreement and any administrative interpretations thereof.

F. The Coast Guard and the State will provide to each other a copy of statistical and other data pertinent to the matters agreed to herein.

G. When the Game and Fish Department or other state agencies request Coast Guard Auxiliary assistance, specifically, Vessel Safety Checks (VSC), Boating Safety Courses, Search and Rescue (SAR), and Safety patrols on state waters, the assistance provided, as requested in this Statement of Understanding, is to be performed on a voluntary basis by local Coast Guard Auxiliaries.

### **III. TERMS OF UNDERSTANDING**

#### **A. Law Enforcement.**

1. The State has primary law enforcement responsibility concerning recreational vessels on the waters subject to the jurisdiction of the United States which are also within the jurisdiction of the State. In these waters the United States has exclusive responsibility for the enforcement of vessel inspection and related Federal statutes applicable to non-recreational type vessels. Recreational boating violations observed by U.S. Coast Guard boarding officers may be referred to the State at the discretion of the District Commander.

2. In order to provide the most effective law enforcement possible with the vessels and personnel available and to avoid duplication of efforts in a given area at a given time, the Game and Fish Department and the appropriate Coast Guard command in the area concerned shall coordinate or arrange for coordination of law enforcement patrols on waters subject to concurrent jurisdiction.

3. Violations of Federal safety standards/laws for both recreational and non-recreational vessels and associated equipment detected by State marine law enforcement officers will be reported to the Coast Guard for disposition.

4. When a complaint is made to the Coast Guard alleging an offense which is a violation of the State recreational boating laws or regulations, the Coast Guard will normally refer the complaint to the proper State and local authority. Similarly, when a complaint is made to the State of a violation of any vessel laws or regulations within the exclusive jurisdiction of the United States, the State will refer the complaint to the Coast Guard.

5. A State marine law enforcement officer or Coast Guard boarding officer will not normally board a vessel for inspection if the operator produces evidence of a recent satisfactory State or Coast Guard examination. However, notwithstanding a recent satisfactory examination, boarding will be undertaken when there are indications of a violation of U.S. or State statutes or regulations, or as part of a special local enforcement operation.

6. A Coast Guard boarding officer who has observed a violation of a State boating law or regulations or a State marine law enforcement officer who has observed a violation of vessel inspection law or regulation of the United States will generally be made available to testify for the State or Federal prosecution, for the observed offense or to testify in any other proceeding relating to the violation.

7. Coast Guard Auxiliarists may assist State agencies by standing shore based radio watches. At no time will Auxiliarists become directly involved in law enforcement actions.

## *B. Boating Under the Influence*

1. The common goal of the Coast Guard and the State of North Dakota is to rid the waterways of the intoxicated boat operator. To this end, the State of North Dakota and the Coast Guard agree to coordinate their Boating Under the Influence (BUI) efforts so that the most effective enforcement option is prosecution in each case.

2. In the course of normal operations, the Coast Guard may detect an allegedly intoxicated boat operator within State waters where concurrent jurisdiction exists. When this occurs, the Coast Guard may administer a field sobriety test to the operator.

3. If the operator is determined to be under the influence, the Coast Guard will:

- (a) Attempt to notify State enforcement officials, terminate the voyage, and bring the vessel to the nearest safe mooring where a telephone is available.
- (b) Document the case completely for whichever jurisdictional prosecution is followed (State arrest, Federal arrest, or civil penalty).
- (c) Discuss enforcement options available for the particular case with State enforcement officials.
- (d) Make the determination of which option(s) to select and proceed with prosecution.
- (e) Provide case documentation and will normally provide appropriate witnesses to pursue case prosecution should the State enforcement official decide to proceed with case prosecution.

4. The Coast Guard will, as operations permit, respond to calls for assistance from state enforcement agencies with respect to BUI enforcement.

5. Toward the common goal of removing the intoxicated boater from the waterways, North Dakota enforcement agencies will, as operations permit:

- (a) Respond to calls for assistance from the Coast Guard with respect to BUI enforcement.
- (b) Determine the extent of assistance the State can offer and advise the Coast Guard.
- (c) Provide appropriate assistance within the agency's operational, logistical, and legal constraints.
- (d) Provide local Coast Guard commands with a point of contact to facilitate and enhance mutual enforcement efforts and concerns.

### *C. Public Education and Training*

1. The parties will cooperate in public educational and safety information programs. The State of North Dakota will distribute the pamphlet " Federal Requirements and Safety Tips for Recreational Boats", and other Federal boating publications when the pamphlets are provided or made available by the U.S. Coast Guard. The Coast Guard will distribute any State of North Dakota applications and forms for motorboat numbering, State Vessel Casualty Report Forms, and such State boating pamphlets which are made available for that purpose by the State of North Dakota.

2. The Coast Guard will furnish to the State information concerning time and place of public education courses within the State which are sponsored by the U. S. Coast Guard Auxiliary. The parties will, whenever possible, cooperate in developing a public education program of boating safety to be used within the State. The Coast Guard Auxiliary will provide the Game and Fish Department with public education assistance by conducting Vessel Safety Checks (VSC), Personal Watercraft Safety Checks and Boating Safety Courses, especially in metropolitan areas. Assistance provided by Coast Guard Auxiliarists is to be performed on a voluntary basis.

3. The Coast Guard will provide boating safety instructor training for State law enforcement personnel through the Marine Patrol Officers Course (MPOC) at the Maritime Law Enforcement Academy located at the Federal Law Enforcement Training Center (FLETC), Charleston, South Carolina on an "as available" basis. Similarly, the State will provide to the Coast Guard, on an "as available" basis, instructors and facilities for the training of Coast Guard personnel. In addition, safe boating and/or boat handling programs may be arranged with Coast Guard Auxiliary resources.

### *D. Boating Casualty Reports and Investigation Reports*

1. The State agrees to investigate all recreational boating fatalities. The Coast Guard may investigate fatalities on vessels used on waters of joint or Federal jurisdiction, including the high seas, if the case warrants further investigation.

2. The State shall review for accuracy and completeness all accident reports and shall determine the cause and circumstances surrounding each reportable accident, including whether or not alcohol or drugs were a factor.

3. For purposes of this agreement:

(a) A boating casualty is defined as an accident involving a fatality, a disappearance, or a personal injury that requires medical treatment beyond first aid.

(b) An accident is defined as an incident involving damage to a vessel and other property totaling more than \$2000, or the total loss of a vessel.

4. The State shall abstract accident data from each boating accident report form and enter such data into the boating accident report database (BARD), which was developed in cooperation with the National Association of State Boating Law Administrators (NASBLA). The State agrees to ensure the quality of data entry is accurate and complete providing for a successful data transfer into the national BARD located at Coast Guard Headquarters.

5. An electronic copy of each State's accident and investigative report data, including any alcohol/drug test results, shall be forwarded to the Office of Command and Control Architecture (G-RCC-2) at Coast Guard Headquarters within 30 days of the initial casualty or accident report. States who lack electronic data transfer technology may forward copies of the accident and investigative reports to G-RCC-2. The Coast Guard will review the reports and investigations received for appropriate action.

6. Upon receiving a request from the State reporting authority for information from a USCG marine casualty investigation or search and rescue operation, the USCG will provide information and data to the State reporting authority from the Marine Information for Safety and Law Enforcement (MISLE) System, as well as investigation materials and documentation available at the time of the request. Pages containing material that is not releasable to the public will be marked "FOR OFFICIAL USE ONLY." Pages from activities that are open or incomplete will be marked "DRAFT." The State reporting authority will not release to the public, or to any other agency, any information or data provided by the USCG that is marked "DRAFT" or "FOR OFFICIAL USE ONLY" without prior approval from the USCG. Request for Incident Investigation Reports must be sent to Commandant (G-PRI).

#### *E. Search and Rescue*

1. On State waters which are not within the jurisdiction of the United States, the State has exclusive responsibility for providing search and rescue service. On waters subject to the jurisdiction of the United States, the State and the Coast Guard have joint responsibility. The Coast Guard will concentrate its activity primarily on inland water areas in the vicinity of Coast Guard facilities. On the other inland waters subject to concurrent jurisdiction, Coast Guard planners will look primarily to search and rescue facilities provided by the State and its political subdivisions. The Coast Guard Auxiliary will provide the Game and Fish Department with Auxiliary patrol assistance on State waters, especially lakes located near major metropolitan areas. Assistance provided by Coast Guard Auxiliaries is to be performed on a voluntary basis.

2. The State and the Coast Guard agree to coordinate their search and rescue operations so that the most effective assistance will be rendered to those in distress on the waters within the State. To this end, each will encourage the establishment of mutual assistance and cooperative arrangements between Coast Guard and State facilities which are located in the same geographic area. The competent authority for providing Federal search and rescue assistance on Federal waters within the State is Commander, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, New Orleans, LA 70130-3396. This authority is exercised through the District Command Center, New Orleans, LA, 70130, telephone number (504)589-6225. The competent authority for exercising coordination for the State is Boating Law Administrator, Game and Fish Department, Conservation and Communication Division, 100 N. Bismarck Expressway, Bismarck ND 58501-5095, telephone number (701) 328-6312.

3. The State and the Coast Guard agree to actively support and participate in local SAR workshops, water safety councils, and other such organizations to foster closer cooperation and coordination among State and local agencies, Federal agencies and others who have an interest or responsibility in search and rescue matters.

#### *F. Coast Guard Auxiliary*

1. Under Section 141 of Title 14 United States Code, the services of the members of the Coast Guard Auxiliary may be used to assist the state in the promotion of boating safety on state waters. The State of North Dakota fully supports the Coast Guard Auxiliary's programs, in particular, those to do with Vessel Safety Checks (VSC), safety patrols and public education. The State of North Dakota welcomes the presence of the Auxiliary on all waters for these purposes, given that state and local officials will be informed, consulted, and given adequate notice of Auxiliary planned VSC stations and/or safety patrols.

2. On those occasions when the assistance by the Coast Guard Auxiliary is expressly desired by the state of North Dakota for a specific purpose, such requests for assistance will be initiated by competent authority in the North Dakota Game and Fish Department and will be directed to Director of Auxiliary, 1222 Spruce St., Room 1.103C, St. Louis, MO 63103-2832.

#### *G. Regattas and Marine Parades*

1. The authorization and regulation of regattas and marine parades upon navigable waters of the United States that are subject to the concurrent jurisdiction of the State shall be within the providence of the State when, in the opinion of the district commander, the State is able to regulate, under State law, in such a manner as to ensure safety of life. However, the regulations issued by the State may not impede the operation of other vessels, commercial or recreational, operating on waters subject to the jurisdiction of the United States.

2. For the purposes of this agreement, the terms "regatta" and "marine parade" both mean an organized water event of limited duration that is conducted according to a prearranged schedule.

3. Regatta and marine parades shall be administered in accordance with 33 CFR Part 100. The Coast Guard will provide to the State a copy of any notice of event or permit application that it receives for all events occurring on waters of concurrent jurisdiction. In turn, the State will provide to the Coast Guard a copy of any notice of event or permit application that it receives for all events occurring on waters of concurrent jurisdiction.

4. The district commander of the applicable Coast Guard district reserves the right to assume primary responsibility for any regatta or marine parade on navigable waters of the United States when he deems such action to be in the public interest. Events of this type may include, but are not limited to:

(a) Regatta or marine parades of such size as to require patrols that the district commander knows to be in excess of the resources available to the State, or

(b) Those events on waterways where commercial or other traffic will be substantially impeded.

#### IV. LIAISON

Liaison shall be as follows:

FOR THE STATE OF NORTH DAKOTA

NANCY BOLDT  
Boating Law Administrator  
Game and Fish Department  
Conservation and Communication Division  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095  
Phone: (701) 328-6312  
FAX: (701) 328-6532

FOR THE UNITED STATES

KEVIN M. KELLY  
Chief, Recreational Boating Safety  
Eighth Coast Guard District  
Hale Boggs Federal Building  
500 Poydras Street  
New Orleans, LA 70130-3396  
Phone: (504) 671-2157  
Fax: (504) 671-2269

#### V. DURATION OF AGREEMENT

This agreement remains in effect until canceled by either party. The canceling party will provide the other party with at least thirty (30) days notice. A representative of each party will review the agreement biennially for the purpose of ascertaining if any revisions are necessary. A copy of the review will be appended to each party's copy of the agreement, and a copy will be provided to Commandant (G-PCB-2).

STATE OF NORTH DAKOTA

By: 

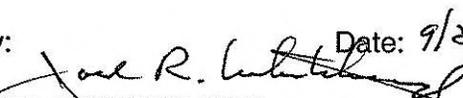
Date: 8/24/06

NANCY BOLDT  
Boating Law Administrator  
Game and Fish Department

By:  Date: 8/10/06

TERRY STEINWARD  
Director  
Game and Fish Department

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
U. S. COAST GUARD

By:  Date: 9/20/2006

JOEL R. WHITEHEAD  
Rear Admiral, U. S. Coast Guard  
Commander, Eighth Coast Guard District