

TITLE 150: DEPARTMENT OF PUBLIC SAFETY

**CHAPTER 150-20
BOATING SAFETY DIVISION; BOATING SAFETY RULES AND
REGULATIONS**

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Chapter Authority: 1 CMC § 2507; 3 CMC §§ 5459 and 5460.

Chapter History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: PL 1-8, tit. 1, ch. 10, codified as amended at 1 CMC §§ 2501-2507, creates the Department of Public Safety (DPS) within the Commonwealth government, composed of a police force. See 1 CMC § 2501; see also PL 14-25 § 3 (effective Aug. 20, 2004) (amending 1 CMC § 2501). 1 CMC § 2507 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

PL 3-25 (effective Oct. 13, 1982), the “Boating Safety Act of 1982,” codified as amended at 3 CMC §§ 5401-5462, creates a boating safety program in the Commonwealth and authorizes the Department of Public Safety to implement the program. 3 CMC § 5459 directs the Department to promulgate rules and regulations with respect to safety zones within the Saipan lagoon. 3 CMC § 5460 authorizes the Department to promulgate rules and regulations with respect to the operation of vessels on any waters within the Commonwealth.

Part 001 - General Provisions

[Reserved.]

Part 100 - Operation of Vessels

§ 150-20-101 Operation Near Shore

(a) No person shall operate a motorboat, aqua-plane, or watercraft of any description at a speed greater than five miles per hour within 200 yards of the shore.

(b) No person shall operate a motorboat towing a person on water skis, surfboard, or similar device within 200 yards of the shore.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: The 1987 amendments readopted and republished the 1984 Boating Safety Regulations in their entirety. The Commission, therefore, cites the 1987 amendments in the history sections throughout this chapter.

The Commission inserted a comma after the word “surfboard” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 150-20-105 Operation in Swimming Zones

(a) No person shall operate a watercraft or vessel of any description within a swimming zone.

(b) No person shall operate a watercraft or vessel of any description at a speed of greater than five miles per hour within 200 yards of any swimming zone.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: The 1987 amendments moved former subsections (a) and (b) to § 150-20-401(a) and (b) and re-designated and amended former subsections (c) and (d) as (a) and (b).

§ 150-20-110 Operation Near Diving Flags

(a) Skin divers and scuba divers who dive near any area of boating activity are advised to display a diver’s flag so that it can be seen by boat operators.

(b) An operator of a motorboat or any type of watercraft with a motor shall stay well clear of any diver’s flag.

(c) A diver’s flag is described as a red or orange flag with a white diagonal stripe from the top left corner to the lower right corner.

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986);

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Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: Saipan Local Law 17-11 (effective July 12, 2011), mandates the use of divers-down flags. To the extent this section conflicts with SLL 17-11 in Saipan, it is superseded.

§ 150-20-115 Operation of Motorboat near Other Water Activities

An operator of a motorboat or any type of watercraft with a propeller in the water shall stay reasonably clear of any swimmer, sailboat, sailboard, or other vessel not propelled by a motor.

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: The Commission inserted a comma after the word “sailboard” pursuant to 1 CMC § 3806(g).

§ 150-20-120 Operation in Exclusion Areas

No person shall operate a vessel in an area from which a vessel of that type has been excluded under the regulations in this chapter.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-125 Vessel Carrying Passengers or Cargo Inter-island

An operator of any type of vessel for hire which intends to carry either cargo or passengers between one island and another must file a float plan with the Department of Public Safety before embarking on the voyage. The float plan shall be on a form provided by the Boating Safety Division.

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Part 200 - Safety Equipment

§ 150-20-201 Lifesaving Devices

(a) Any vessel carrying passengers for hire shall place signs on board the vessel indicating the location of lifesaving devices so that any reasonable passenger would not have difficulty locating the lifesaving devices.

(b) No boat livery shall allow a jet ski or aquaplane to be rented to a person without requiring that person and each passenger to wear a personal flotation device for each person on board.

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

§ 150-20-205 Fire Extinguishers, Flame Arrestors, Lifesaving Devices

All vessels shall comply with 3 CMC § 5451(b), (c), (e), and (f), when applicable. The Director of Public Safety hereby prescribes such devices as are approved by the United States Coast Guard.

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: The Commission inserted a comma after the designation “(e)” pursuant to 1 CMC § 3806(g).

Part 300 - Boating Safety Program

§ 150-20-301 Boat Liveries and Boat Tours

(a) The Director of Public Safety shall establish by November 1, 1984 a Boating Safety Education Program in cooperation with the United States Coast Guard. The program shall consist of two segments: the Commonwealth Boating Safety Act of 1982 and its regulations and the United States Coast Guard rules applicable to boat liveries and boat tours in the Northern Mariana Islands.

(b) The owners, operators, and employees of every livery and boat tour that is in operation in the Commonwealth as of the effective date of the regulations in this chapter shall attend and successfully complete the Boating Safety Education Program before January 1, 1985. Businesses which go into operation after the effective date of the regulations in this chapter shall have ninety days from the start of their operation for their owners, operators, and employees to attend and successfully complete the Boating Safety Education Program. Owners, operators, and employees which become employed by or associated with a boat livery or boat tour which is in operation on the effective date of the regulations in this chapter, after the effective date shall have ninety days from the date of their employment or association in which to attend and successfully complete the Boating Safety Educational Program.

(c) Failure to comply with subsection (b) of this section will result in an order from the Director that the boat livery or boat tour not charter, rent, or lease vessels on the waters within the Commonwealth and not carry passengers for hire on the waters within the Commonwealth.

(d) Failure to obey an order of the Director of Public Safety is a criminal offense for which a person may be fined not more than \$1,000.00 or imprisoned not more than one year, or both, and may result in a court order depriving the offender person or corporation of the privilege of operating any vessel on the waters of the Commonwealth for a period of two years, as provided in 3 CMC § 5462.

(e) A “boat livery” is defined at 3 CMC § 5412(a).

(f) A “boat tour” is any vessel which carries passengers for hire for any purpose.

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Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: The Commission inserted commas after the words “operator” in subsection (b) and “rent” in subsection (c) pursuant to 1 CMC § 3806(g).

Part 400 - Swimming Zones

§ 150-20-401 Operation of Swimming Zones

(a) The Director of Public Safety or his designee may designate swimming zones. A public notice of this designation shall be published in the Commonwealth Register and at least in two consecutive weekly issues of a newspaper of general circulation in the Commonwealth. Additionally, a public notice must be posted in at least one public place each on Saipan, Rota, and Tinian for designation of swimming zones on each island respectively.

(b) A swimming zone must be conspicuously marked so as to inform a reasonable boating operator that a specific area is a swimming zone.

(c) All swimming zones shall be measured not more than 200 feet in length and measured not more than 100 feet in width.

(d) All buoys marking swimming zones shall be of a type and size that does not conflict the Code of Federal Boating Safety Navigational Regulations.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986); Adopted 6 Com. Reg. 3226 (Nov. 15, 1984); Proposed 6 Com. Reg. 3166 (Sept. 15, 1984).

Commission Comment: The 1987 amendments moved subsections (a) and (b) from former § 102(a) and (b), amended subsection (a) and added subsections (c) and (d). See 6 Com. Reg. at 3168 (Sept. 15, 1984); see also § 150-20-105 and the commission comment thereto.

The Commission inserted a comma after the word “Rota” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 150-20-405 Designation of Swimming Zones

Swimming zones shall be established and marked in consultation with Coastal Resources Management Office, Marianas Visitors Bureau, and adjacent land owners in the following areas:
Areas designated are:

(a) The beach in front of Hyatt Regency Hotel.

(b) The beach in front of Saipan Beach Hotel.

(c) The beach in front of Diamond Hotel.

- (d) The beach in front of Saipan Grand Hotel.
- (e) The beach in front of Chalan Kanoa Beach Club Hotel.
- (f) The beach in front of Surf Hotel.
- (g) The beach on the southern and western portions of Managaha Island.

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

Commission Comment: The Commission inserted a comma after the word "Bureau" in the initial paragraph pursuant to 1 CMC § 3806(g).

Part 500 - Jet Ski Operations

§ 150-20-501 Application

All jet skis are subject to this part and all other applicable sections of the regulations in this chapter and the Boating Safety Act of 1982 as amended from time to time.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-505 Exclusion Areas

No jet ski may be landed, launched, or operated within the following areas:

- (a) North Lagoon: All of the water extending from the mean high water line seaward to the outer shelf of the barrier reef north of a line beginning at the tip of Punta Flores and extending due north.
- (b) South Lagoon: All of the water extending from the mean high water line beginning at a point on the shoreline 30 feet south of Sugar Dock and extending due west.
- (c) Micro Beach: An area extending 200 yards seaward from the mean low water line from the northern end of the Saipan Beach Hotel tennis courts north to the tip of Point Muchot.
- (d) An area extending 200 yards seaward from the mean low water line from the pier adjacent to the Carolinian Cultural Center north to the northern edge of the Hafa Adai Hotel.
- (e) Grand/Diamond: An area extending 200 yards seaward from the mean low water line from the southern edge of the Saipan Grand Hotel north to the northern edge of the Diamond Hotel.
- (f) Chalan Laulau: An area extending 200 yards seaward from the mean low water line from

the northern edge of Civic Center Beach north of the Garapan Fishing Center dock.

(g) Managaha: An area surrounding Managaha Island bounded by lines running at latitude 15° 14' 0" N; latitude 15° 14' 45" N; longitude 145° 41' 30" E; longitude 145° 42' 50" E.

(h) Lake Susupe: The entire area of Lake Susupe.

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

Commission Comment: The Commission inserted a comma after the word “launched” in the opening paragraph pursuant to 1 CMC § 3806(g).

Part 600 - Jet Ski Rental Operations

§ 150-20-601 Definition

A jet ski rental operation is the rental of a jet ski to others on a regular basis for the purpose of operating the jet ski.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-605 Launching and Landing

Jet ski rental operations shall only stage their operation and allow the launching and landing of their jet skis at the following locations:

- (a) The Chalan Kanoa Susupe Regional Park.
- (b) The southern end of Civic Center Beach.
- (c) The Samoan housing in Garapan north of the Hafa Adai Hotel.
- (d) The public beach adjacent to Martiu’s Bar and Grill.
- (e) The sea plane ramp.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

Commission Comment: In subsection (a), the Commission inserted the final period in order to ensure consistent punctuation in this section.

§ 150-20-610 Operation

Jet ski rental operations shall only allow their patrons to operate jet skis on marked courses in the

areas of the lagoon adjacent to the launching and landing areas set forth in § 150-20-605 as specified in the operator's coastal permit issued by the Coastal Management Program. Such areas are incorporated into the regulations in this chapter by reference and are subject to enforcement by Boating Safety as part of these regulations. The jet ski rental operators shall be responsible for installing and maintaining all buoys and other markings required for their operation by permit or law.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-615 Hours of Operation

Jet ski rental operations shall only operate between eight o'clock a.m. and six o'clock p.m.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-620 Insurance

All jet ski rental operators must carry liability insurance in such amounts as may be required by the Coastal Resources Management Office.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-625 CRM Permit

No person may conduct a jet ski rental operation without a coastal permit issued by the Coastal Resources Management Program.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

Part 700 - Water Ski Operations

§ 150-20-701 Exclusion Areas

No one may water ski in the Managaha exclusion area described in § 150-20-505(f).

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

Commission Comment: The Commission created the section title.

Part 800 - Miscellaneous Provisions

§ 150-20-801 Severability

Should any section, paragraph, sentence, clause, phrase or application of the rules and regulations in this chapter be declared unconstitutional or invalid for any reason by competent authority, the remainder or any other application of these rules and regulations shall not be affused* in any way thereby.

*So in original.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-805 Enforcement & Penalties

(a) The rules and regulations in this chapter shall be enforceable by the Division of Boating Safety in the manner and to the full extent authorized by the Boating Safety Act of 1982, 3 CMC §§ 5401, et seq.

(b) Any person who violates any provision of the regulations in this chapter shall pursuant to the 3 CMC § 5462 be fined not more than \$1,000 or imprisoned not more than one year, or both; provided, that in addition to, or as a condition to the suspension of, such fines and penalties, the court may deprive the offender of the privilege of operating any vessel on the waters of the Commonwealth for a period of not more than two years.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).

§ 150-20-810 Certification

The undersigned hereby certifies that the rules and regulations in this chapter have been officially promulgated and adopted as regulations pursuant to the authority contained in the Boating Safety Act of 1982, 3 CMC §§ 5401, et seq.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 9 Com. Reg. 4852 (Jan. 19, 1987); Amdts Proposed 8 Com. Reg. 4658 (Sept. 15, 1986).