

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5456. Overloading or Unsafe Condition Prohibited.

Overloading shall be determined by the capacity plate limitations posted on vessels which has been predetermined by the manufacturer for the class or model boat under United States Coast Guard regulations. The capacity plate posted may be used as a reference in determining an overloaded condition. However, the director shall consider all elements, including weather, freeboard, adequate lifesaving devices and fire extinguishers in making his decision as to whether the vessel is overloaded or otherwise unsafe. In the absence of a United States Coast Guard approved capacity plate, the director shall exercise his judgment whether the vessel is overloaded or otherwise unsafe for existing conditions which creates an especially hazardous condition. If these overloaded or unsafe conditions exist, the director may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

Source: PL 3-25, § 24.

Commission Comment: With respect to the references to the “director” of the Department of Public Safety, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.