

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5454. Unsafe Operation Prohibited.

(a) No person shall operate any motorboat or vessel, or manipulate any water skis, aquaplane, surfboard, or similar device while under the influence of alcohol, any narcotic drug, barbiturate, or marijuana.

(b) Subject to the expectations described in this section, a person shall not operate a motorboat at more than slow no wake speed if any following circumstances exist:

(1) A person is located on or in the bow of the motorboat, and that motorboat is not manufactured to provide bow seating.

(2) A person or a portion of a person's body extends beyond the exterior port or starboard walls of the hull of the motorboat.

(3) The motorboat is within 100 yards of any person swimming or operating any non-motorized watercraft.

(c) This section does not apply to either of the following:

(1) A person engaged in the operation of a sailboat that is not being powered by a motor.

(2) A person on board a vessel who is attempting to anchor, moor, dock, or otherwise secure the vessel.

(d) A person operating or propelling a vessel upon the waters of the Commonwealth shall operate it in a careful and prudent manner and at such a rate of speed so as not to endanger unreasonably the life or property of any person.

(e) A person shall not operate any vessel at a rate of speed greater than will permit him or her, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead.

(f) A person shall not operate a vessel in a manner so as to interfere unreasonably with the lawful use by others of any waters.

(g) A person who violates subsections (a)–(f) will be subject to a civil infraction and will be ordered to pay a civil fine of not less than \$150 and not more than \$500. Subsequent violation of this subsection within a twenty-four month period will result in a civil fine of not less than \$500 and not more than \$1000.

(h) No person shall operate a vessel in, upon or through the waters of this Commonwealth in a reckless manner. For the purposes of this subsection, reckless operation means operating a watercraft in a manner that consciously, willfully and wantonly disregards a substantial and unjustifiable risk to the safety of persons or property in, upon or along the waters of this Commonwealth. Reckless operation of a watercraft involves a gross deviation from the standard of care that a reasonable operator of a watercraft should observe under the circumstances. A person who violates this subsection commits a misdemeanor, punishable by a fine of no more than \$1000, a year of imprisonment, or both.

(i) Upon a person's conviction under subsection (h), the court may issue an order prohibiting that person from operating a vessel on the waters of the Commonwealth for a period of not more than 2 years. Upon a person's

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subsequent conviction, the court shall order that person to participate in and complete a marine safety educational program approved by the department, if available. An order issued pursuant to this subsection is in addition to any other penalty authorized under this part.*

* So in original.

Source: [PL 3-25](#), § 22; [PL 19-05](#), § 3; amended by [PL 19-45](#) § 3 (May 17, 2016), modified.

Commission Comment: [PL 19-45](#) became effective on May 17, 2016. The Commission renumbered this section from [2 CMC § 5454](#) to [3 CMC § 5454](#) pursuant to [1 CMC § 3806\(a\)](#) and (g). The Commission inserted a comma after “barbiturate” in subsection (a) pursuant to [1 CMC § 3806\(g\)](#). The Commission struck the figure “in this section” in subsection (b) as a mere repetition of written words pursuant to [1 CMC § 3806\(e\)](#). The Commission changed “exists” in subsection (b) to “exist”; changed “§5454(a) - § 5454(f) of this section” in subsection (g) to “subsections (a)–(f)”; changed “\$500.00” to “\$500”; and changed “§5454(h)” to “subsection (h)” pursuant to [1 CMC § 3806\(g\)](#).