

RULE 31 — TOUCHING A MARK

While *racing*, a boat shall not touch a starting *mark* before *starting*, a *mark* that begins, bounds or ends the leg of the course on which she is sailing, or a finishing *mark* after *finishing*.

Prior to the 1969–73 rules, if you touched a *mark* and it was your fault, you had to drop out of the race. In the 1968 Olympics in Mexico, the late Carl Van Duyn, sailing the Finn for the United States, saw the leech of his main touch the windward *mark* as he rounded it in first place. Despite the claims of the race officer at the *mark* who insisted that Carl did not touch the *mark*, Carl withdrew from the race. From this example and others, the rule writers saw the obvious over-severity of this penalty for the infraction, and changed the rule to permit sailors to take a penalty when they accidentally touch a *mark*.

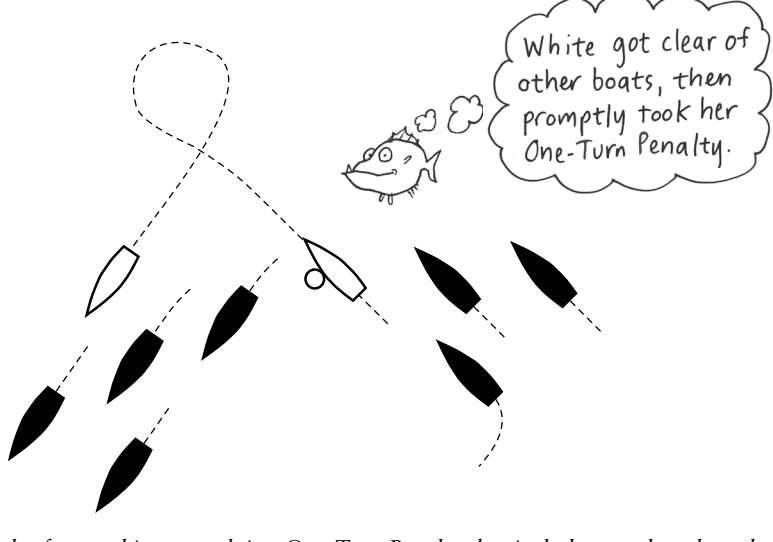
Notice that the rule applies only while you are *racing*, which is the time from your preparatory signal until you have *finished* and cleared the finishing line and finishing *marks*. Also, if the starting line is set to leeward of the leeward *mark* on the first leg or the finishing line is set to windward of the windward *mark* on the last leg, that leeward or windward *mark* does not begin, bound or end that first or last leg so there is no penalty for touching it. Otherwise, when you touch a starting or finishing *mark*, or any *mark* that begins, bounds or ends a leg on which you are sailing, you have broken rule 31.

When you’ve broken rule 31 and want to take a penalty, rule 44 (Penalties at the Time of an Incident) tells you how to do that. You must first get well clear of other boats as soon as possible after touching the *mark* (not half-way down the leg!). Then, once clear you must promptly (i.e., without delay) make “one turn” including one tack and one gybe. Notice that your turn does not need to be a complete 360-degree turn (see Case 108). Nor does it matter whether you do the tack or gybe first. As long as you have completed one tack and one gybe, you are all set. (See rule 44.2 for full discussion). While you are making your turn, you have to *keep clear* of other boats under rule 21.2 (Starting Errors; Taking Penalties; Backing a Sail). Once you have completed your turn, you have completed your penalty and the rules of Section A apply to you again. Remember, if you acquire right of way over another boat after your turn, you have to initially give them *room to keep clear* under rule 15 (Acquiring Right of Way).



“If I hit one of the starting marks after the preparatory signal but well before the starting signal, when can I make my penalty turn?”

As soon as possible! In fact you are required to do so under rule 44.2 (One-Turn and Two-Turns Penalties). The rationale is that the penalty should fit the crime. Touching the *mark* three minutes before your start probably has little effect on anyone’s race; likewise your penalty turn will be of little adverse consequence to you. However, touching it ten seconds before the start means that you are probably somewhere you shouldn’t be and are likely adversely affecting the start for others. In the same token, making a penalty turn while other



The penalty for touching a mark is a One-Turn Penalty that includes a tack and a gybe. The turn does not need to be a full 360 degree turn; i.e., after the boat has done a tack and a gybe (in either order) it may continue in the race.

“What do I do if I accidentally hit the finishing mark after I’ve finished but before I’ve cleared the mark?”



If you touch a finishing *mark* before you have cleared the finishing line and *marks* (i.e., while you are still *racing*), you should take a One-Turn Penalty. You can make your penalty turn anywhere, but you then have to cross the finishing line again from the course side of the line. The second time you cross will be your finishing place or time. (See rule 44.2, the definition *Finish*, and the discussion of the definition *Racing* for a discussion on when you have cleared the finishing *marks*.)

Notice rule 44.1(b), “However, if the boat...despite taking a penalty, gained a significant advantage in the race or series by her breach her penalty shall be to retire.” This is clearly intended to deter boats from sailing into situations where they calculate that they can hit the *mark*, do a quick penalty turn and still come out well ahead of where they would be had they not done so. One example is at a crowded windward *mark* with a long line of *starboard-tackers*, where there is not enough space for a *port-tacker* (P) to tack in to leeward of the *starboard-tackers* and make it around the *mark* without either fouling the

line of *starboard-tackers*, but this wouldn’t be fair; hence the rule against it in rule 44.1(b).

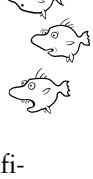


“What happens when I’m forced to touch a mark by another boat that was required to keep clear of me or give me room or mark-room?”

Whenever you touch a *mark*, you have three options:

- 1) If it was your own fault that you touched the *mark*, you can get clear of other boats and take your penalty as described in rule 44.2.
- 2) If another boat wrongfully compelled you to hit the *mark*, you are exonerated (freed from penalty) by rule 43.1 (Exoneration; see the discussion of rule 43 in chapter 8). Of course, if you are protested, the protest committee will decide if you are exonerated by rule 43.1. That is why it is prudent for you to protest the other boat (by hailing the word “Protest” and, if required, flying your flag at the first reasonable opportunity). If the other boat acknowledges breaking a rule of Part 2 and takes a penalty (Two-Turns or Scoring Penalty, etc. under rule 44) or retires from the race, the protest committee will likely decide you are exonerated by rule 43.1 for breaking rule 31 (Touching a Mark), provided it decides that it was that breach that caused you to touch the *mark*. If the other boat does not take a penalty, you must hope the protest committee decides that in fact it was the other boat’s Part 2 rule breach that compelled you to touch the *mark*, in which case it will disqualify the other boat and confirm your exoneration. If it doesn’t, you will be disqualified under rule 60.5(c) (Protest Decisions) for breaking rule 31.
- 3) If you believe another boat wrongfully compelled you to hit the *mark*, you can do a penalty turn; i.e., take the penalty in rule 44.2 as “insurance.” You can then protest the other boat if you choose to. If the protest committee decides the other boat broke a *rule*, she will be disqualified. Note: You cannot be compensated for your loss of time and distance during your voluntary penalty. If the protest committee decides she didn’t break a *rule*, you will not be disqualified for breaking rule 31 because you *subject to the rules*.” In fact, if you have a late spinnaker take-down and your spinnaker sheet trails behind the boat and rubs against the *mark* after you’re already around and a boat-length away from it, you still have to take your penalty. Case 77 sums it up, “A boat touches a mark within the meaning of rule 31 when any part of her hull, crew or equipment comes in contact with the mark. The fact that her equipment touches the mark because she has maneuvering or sail-handling difficulties does not excuse her breach of the rule.”

“If I get the mark’s anchor line caught on my centerboard but quickly raise my board and clear the line before I touch the mark, have I hit the mark? What happens when I’m not so quick and the mark is dragged in and touches my boat?”



Remember that the anchor line of a *mark* is not part of the *mark* (see the definition *Mark*). So, on a race committee boat with a high bow, where 15 feet of anchor line may be above the water, the *mark* begins at the bow of the boat. The same is true when a *mark*’s anchor line is partially or wholly submerged. In both cases, there is no penalty for touching the line. However, if touching its anchor line causes the *mark* to be drawn against your boat, you have touched the *mark* and must do a penalty turn or protest. Appeal 10 reads, “If, however, fouling its anchor line causes the mark to be drawn against the boat, the boat has broken rule 31.”

“What if I foul another boat and hit a mark in the same incident?”



Good question. Rule 44.1(a) (Taking a Penalty) says, “However, when a boat may have broken a rule of Part 2 and rule 31 in the same incident she need not take the penalty for breaking rule 31.” Therefore, when a Two-Turns Penalty or a Scoring Penalty under rule 44 is available, and you choose to take that penalty, you do not have to also do an additional penalty turn for hitting the *mark*.