

**RULE 44.2 — ONE-TURN OR TWO-TURNS PENALTIES**

After getting well clear of other boats as soon after the incident as possible, a boat takes a One-Turn or Two-Turns Penalty by promptly making the required number of turns in the same direction, each turn including one tack and one gybe. When a boat takes the penalty at or near the finishing line, her hull shall be completely on the course side of the line before she *finishes*.

When you want to do a One- or Two-Turns Penalty you must first get well clear of other boats as soon as possible after the incident (not half-way down the leg!). Remember that while you are getting clear you still have all your Section A rights; i.e., you are not taking a penalty until you clearly begin making your turns (rule 21.2, Starting Errors; Taking Penalties; Backing a Sail).

Once you are clear of other boats, you must promptly (i.e., without delay) make one or two turns in the same direction, each turn including a tack and a gybe. Notice that the turn does not need to be a complete 360-degree turn. Once you complete your final tack or gybe, your penalty is complete and you may continue in the race. This is why it is not called a “360” or “720.” Note that you have to do one turn immediately after the other, though it is generally acceptable to build enough speed after the first turn to be able to sail efficiently through the second one. While you are making your turns, you have to *keep clear* of other boats (see rule 21.2 and Case 108).

“What if I am not sure I have broken a rule; do I get some time to think about it before deciding to take a penalty?”

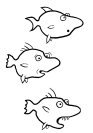


Unfortunately No! Appeal 60 says “Rule 44.1 permits a boat to take a penalty at the time of the incident. Rule 44.2 requires the boat to sail well clear of other boats as soon as possible after the incident and promptly make two turns as described in the rule. Together, these rules require a boat that decides to take a penalty to do so as soon as possible after the incident. The rule does not provide for time for a boat to deliberate whether she has broken a rule. If she delays in doing her penalty turns, she is still liable to be disqualified.”

Once you have completed your turns, i.e., your final tack or gybe, 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 second turn, you have to initially give them *room to keep clear* under rule 15 (Acquiring Right of Way).

Note that if you break a rule before the starting signal, you have to do your Two-Turns Penalty as soon as possible; i.e., you don’t have to wait until after the starting signal. As in touching a *mark*, the rationale is that the penalty should fit the crime. Breaking a rule three minutes before your start probably has little effect on anyone’s race; likewise your turns penalty will be of little adverse consequence to you. However, breaking a rule ten seconds before the start means that you are probably somewhere you shouldn’t be and are likely adversely affecting the start for others; by the same token, doing a Two-Turns Penalty while others are *starting* will be of more negative consequence to you.

If you break a *rule* near the finishing line, including while or just after you have *finished* but are still *racing*, you can do your Two-Turns Penalty anywhere, but you then have to cross the finishing line again from the course side of the line. The second time you cross the finishing line will be your actual *finish* (see the definition *Finish*).



“How many penalty turns do I have to take if I break more than one rule in the incident; and if I take a penalty on the water, can I still be disqualified for that incident?”

You only need to take one penalty per “incident,” regardless of how many rules you may have broken in that incident (first sentence of rule 44.1). Therefore, when a keep-clear boat breaks rule 10 (On Opposite Tacks) and fails to avoid a collision, thereby breaking rule 14(a) (Avoiding Contact), she need only do one Two-Turns Penalty. The same is true if you break a rule of Part 2 and rule 31 (Touching a Mark) in the same incident. Rule 44.1(a) is in effect saying that you know you got yourself in trouble; do your two turns for fouling the other boat but there’s no need to do a third turn for touching the *mark*!

Appeal 65 discusses the question of when two occurrences are considered one or two incidents, saying in essence that the test is whether the second occurrence was the “inevitable result” of the first.

If you have taken an applicable penalty on the water, you cannot be further penalized on shore unless the protest committee decides a turns or scoring penalty was not available to you or that you took it incorrectly, in which case it can disqualify you for the Part 2 rule(s) you broke (see rule 60.5(c)(2), Protest Decisions).



“If I’m not sure who’s right, can I do a One- or Two-Turns Penalty and still protest the other boat, or am I admitting guilt by taking a penalty?”

Excellent question. You can definitely protest the other boat and your penalty turns are not an admission of guilt. Rule 44.1 carefully says, “A boat may take a...Penalty when she *may* (emphasis added) *have broken one or more rules...*”. Furthermore, the US Sailing prescription to rule 65.1 (Legal Liability and Costs) says, “A boat that retires from a race or accepts a penalty does not, by that action alone, admit liability for monetary damages.”

Let’s say you do a Two-Turns Penalty and protest, and that the other boat did neither. If the protest committee finds that the other boat was wrong in your incident, she will be disqualified; but you cannot be compensated for any time or places you lost by taking your penalty. However, if the protest committee decides that you actually were wrong, you can’t be further penalized because you already took a penalty (rule 60.5(c)(2), Protest Decisions). Therefore, you can view your Two-Turns Penalty as “insurance” against further penalty in an incident where you’re not 100% certain how the protest committee will decide it.