

1 **SECTION 218.** 30.50 (9b) of the statutes is created to read:

2 ✓ 30.50 (9b) “Patrol boat” means a boat authorized by this state or by a local
3 governmental unit for the purpose of law enforcement, search and rescue, fire
4 fighting, emergency response, or water safety operations, including a water safety
5 patrol unit. ✓

NOTE: “Patrol boat” is defined here and used consistently in subch. V in statutes
related to the equipment and operation of such boats. ✓

6 ✓ **SECTION 219.** 30.50 (10g) of the statutes is created to read:

7 30.50 (10g) “Regulatory marker” means any anchored or fixed marker in the
8 water or anchored platform on the surface of the water, other than aids to navigation,
9 and includes a swimming area marker, speed zone marker, information marker,
10 mooring buoy, fishing buoy, and restricted activity area marker. ✓

NOTE: This definition is moved here from current s. 30.74 (2) (b). ✓

11 ✓ **SECTION 220.** 30.50 (13r) of the statutes is created to read:

12 30.50 (13r) “Water skiing or a similar activity” means any activity in which a
13 person is towed in the water behind or alongside of a boat, including barefoot skiing,
14 aquaplaning, kneeboarding, or being towed on an inflatable device. ✓

NOTE: This clarifies the use of the term “water skiing or a similar activity”. The
list of activities after “including” is not meant to be exclusive. This definition is intended
to apply to other similar activities that are currently enjoyed on the water, or that may
be developed and introduced in the future. ✓

15 **SECTION 221.** 30.5005 of the statutes is created to read:

16 **30.5005 Department duties and powers. (1) FEDERAL LAW.** The department
17 shall submit proposed legislation to the legislature in the manner provided under s.
18 13.172 (2) in order to conform the requirements under ss. 30.50 to 30.71 with federal
19 statutes and regulations. ✓

* NOTE: This provision directs the department to suggest new legislation to keep
statutory boat registration, equipment, and operation requirements in conformity with
federal regulations. Current statutes specifically requiring conformity with federal
regulations [ss. 30.501 (8), 30.505, 30.61 (9), 30.62 (9) and 30.67 (2) (a)] are amended or

repealed. The special committee does not intend by this new procedure to withdraw the statutory authority for any rules promulgated by the DNR that adopt federal statutes or regulations, whether wholly or in part. ✓

1 **(2) RULES; GENERALLY.** The department may promulgate rules under this
2 subchapter. Any reference to a provision of this subchapter includes any rule
3 promulgated under that provision. ✓

NOTE: The first sentence of sub. (2), above, restates the authority of the DNR to promulgate rules. This bill eliminates various statutes that grant permissive rule-making authority in subch. V. The 2nd sentence in sub. (2), above, eliminates the need for several instances of the phrase in the form, "this section, or rules promulgated under this section", and applies that principle to all rules promulgated under subch. V. In addition, it should be noted that DNR has emergency rule-making authority under s. 227.24. ✓

4 ✓ **SECTION 222.** 30.501 (8) of the statutes is repealed. ✓

NOTE: Current s. 30.501 (8) authorizes the DNR to promulgate rules regarding boat capacity plates, and requires the rules to conform with appropriate federal regulations. This provision is repealed for several reasons. First, the authorization to promulgate regulations is stated generally for all of subch. V in new s. 30.5005 (1) (b). Second, it is not necessary to state that the rules must comply with federal regulations. Third, if there is an issue regarding the consistency of statutes with federal regulations, that is a matter for the legislature, and not for DNR rules.

5 ✓ **SECTION 223.** 30.501 (9) of the statutes is amended to read:

6 **30.501 (9)** This section applies to vessels manufactured after January 1, 1966
7 and prior to November 1, 1972. All vessels manufactured on or after November 1,
8 1972, shall comply with appropriate federal regulations and the capacity
9 information shall be displayed as required. ✓

NOTE: Section 30.501 relates to capacity plates on boats. This amendment makes the statute applicable to all boats manufactured prior to November 1, 1972.

10 **SECTION 224.** 30.505 of the statutes is amended to read:

11 **30.505 Certificate of number system to conform to federal system.** The
12 certificate of number system and the issuance of identification numbers employed
13 by the department shall be in conformity with the overall system of identification
14 numbering for boats established by the U.S. federal government. The department
15 shall ~~promulgate rules as are necessary to bring the state certificate of number~~

1 ~~system and the issuance of identification numbers into conformity with this federal~~
2 ~~system.~~

NOTE: The rationale for this amendment is the same as that stated in the note describing the repeal of s. 30.501 (8). ✓

3 ✓ SECTION 225. 30.52 (1) (b) 1r. of the statutes is amended to read: ✓

4 30.52 (1) (b) 1r. ~~A~~ When a person applying applies for registration of a federally
5 documented vessel, the department shall submit ~~as part of the application a~~
6 ~~photocopy of the front and back of~~ verify that the federal certificate of documentation
7 for the vessel, ~~which must be~~ is current at the time of applying for registration. ✓

NOTE: Information on federally documented vessels is available on the U.S. Coast Guard web site, and the DNR may verify the federal documentation by that means. The DNR may also request a photocopy of the federal registration. ✓

8 ✓ SECTION 226. 30.537 (4) (e) of the statutes is repealed.

NOTE: This provision requires a person who receives notice from the DNR under s. 30.571 regarding perfection of a security interest on a boat titled in another state to pay a \$2 fee to the DNR. The DNR does not have an effective means to collect this fee and does not currently collect it, and it is therefore repealed.

9 ✓ SECTION 227. 30.54 (2) of the statutes is amended to read:

10 30.54 (2) If a person applies for a replacement certificate under sub. (1),
11 conservation wardens or local law enforcement officials, after presenting
12 appropriate credentials to the owner or legal representative of the owner named in
13 the certificate of title, shall may inspect the boat's engine serial number or hull
14 identification number, for purposes of verification or enforcement.

NOTE: This provision relates to replacement certificates of title. This provision requires a conservation warden or local law enforcement official to inspect the hull number of engine number of a boat in order to verify it in connection with replacement of the certificate of title by the DNR. This inspection is not consistently performed, and this bill makes the inspection optional. ✓

15 ✓ SECTION 228. 30.571 of the statutes is amended to read: ✓

16 **30.571 Notification of person who has perfected security interest.** If the
17 department receives information from another state that a boat that is titled in this

1 state is being titled in the other state and the information does not show that a
2 perfected security interest, as shown by the records of the department, has been
3 satisfied, the department shall notify the person who has perfected the security
4 interest. ~~The person shall pay the department the fee under s. 30.537 (4) (e) for each~~
5 ~~notification.~~

NOTE: The fee referenced in this provision is eliminated by this bill. ✓

6 ✓ SECTION 229. 30.60 of the statutes is repealed. ✓

NOTE: Current s. 30.60 creates a motorboat classification system based on boat
length. These classifications are only used in 3 places in the current statutes: ss. 30.61
(2) and (3) and 30.69 (1) (a). ✓ Rather than use this classification system, those statutes
are amended to substitute reference to the length of the motorboat. ✓

7 ✓ SECTION 230. 30.605 of the statutes is created to read: ✓

8 **30.605 Owner; definition.** In ss. 30.61 to 30.71, "owner" means any of the
9 following:

10 (1) An owner, as defined in s. 30.50 (9). ✓

11 (2) A lessee of a boat. ✓

NOTE: "Lessee" is added to the definition of owner to assure that the statutes apply
to those who may lease a boat on a long-term basis. Section 30.50 (9) ✓ defines "owner" to
include a person who has an equitable interest in a boat, but that term does not
necessarily describe a lease and, in any case, that definition is meant to apply primarily
to boat titling and registration statutes. "Lessee" does not include short-term rental of
boats, such as on a daily or weekly basis. ✓

12 ✓ SECTION 231. 30.61 (1), (2) (intro.), (3) (intro.), (4), (6) (b), (7) and (8) of the
13 statutes are amended to read:

14 30.61 (1) WHEN LIGHTS REQUIRED; PROHIBITED LIGHTS. (a) No person shall may ✓
15 operate any motorboat at any time from sunset to sunrise unless such the motorboat ✓
16 carries the lighting equipment required by this section and unless such the lighting ✓
17 equipment is lighted when and as required by this section.

1 (b) No owner shall may give a person permission ~~for the operation of~~ to operate
2 a motorboat at any time from sunset to sunrise unless such the motorboat is equipped
3 as carries the lighting equipment required by this section.

4 (c) No person shall may exhibit ~~from or~~ on any motorboat when under way at
5 any time from sunset to sunrise any light which may be mistaken for those required
6 by this section.

7 (2) LIGHTS FOR MOTORBOATS OF CLASSES A AND 1 LESS THAN 26 FEET LONG. (intro.)
8 All motorboats of classes A and 1 less than 26 feet long when under way at any time
9 from sunset to sunrise shall carry and have lighted the following lamps:

10 (3) LIGHTS FOR MOTORBOATS OF CLASSES 2 AND 3 26 OR MORE FEET LONG. (intro.) All
11 motorboats of classes 2 and 3 26 or more feet long when under way at any time from
12 sunset to sunrise shall carry and have lighted the following lamps:

13 (4) SAILBOATS WITH MOTORS. Sailboats A sailboat equipped with motors a motor
14 and being propelled in whole or in part by such the motor ~~must~~ shall comply with sub.
15 (2) or (3), ~~whichever is~~ as applicable. Whenever such a sailboat is being propelled
16 entirely by sail at any time from sunset to sunrise, it shall have lighted the lamps
17 showing the colored lights specified in sub. (2) or (3), but not the lamps showing the
18 white lights, and shall carry ready at hand a lantern or flashlight showing a white
19 light which shall be exhibited in sufficient time to avert collision.

20 (6) (b) ~~This subsection does not require any light to be shone from~~ A duck blinds
21 blind constructed on emergent vegetation is not required to be lighted.

22 (7) PERFORMANCE DESIGN SPECIFICATIONS FOR LAMPS. Every white light
23 ~~prescribed~~ required by this section shall be of such character as designed to be visible
24 at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored
25 light ~~prescribed~~ required by this section shall be of such character as designed to be

1 visible at a distance of at least one mile on a dark night with clear atmosphere. The
 2 owner of a motorboat that is required to carry lighting equipment under this section
 3 shall maintain the equipment so that the equipment functions as designed. ✓

NOTE: The current statute requires lights to be "of such character" as to be "visible".
 This language establishes a design standard for the lights, and the requirement is revised
 and clarified accordingly. A requirement to maintain the lights is added. ✓

4 (8) OPTIONAL LIGHTING REQUIREMENTS. Any boat may carry and exhibit the lights
 5 required by the federal international regulations for preventing collisions at sea,
 6 1948, ~~federal act of October 11, 1951, (33 USC 143-147d) as amended,~~ as
 7 implemented by 33 CFR part 81 and interpreted by 33 CFR part 82 in lieu of the
 8 lights required by subs. (2) and (3). ✓

9 ✓ SECTION 232. 30.61 (9) of the statutes is repealed. ✓

NOTE: The current statute requires DNR to promulgate rules to keep the lighting
 requirement consistent with federal law. This provision is replaced by a directive in new
 s. 30.5005 for the DNR to propose statutory amendments to keep statutory registration,
 equipment and operation requirements in conformity with federal regulations.

10 ✓ SECTION 233. 30.61 (10) of the statutes is renumbered 30.68 (13) and amended
 11 to read:

12 30.68 (13) OPERATION NIGHTTIME OPERATION OF PERSONAL WATERCRAFT. (a)
 13 Notwithstanding subs. (1), (2), (8) and (9), ~~no~~ No person may operate a personal
 14 watercraft at any time from sunset to sunrise. ✓

15 (b) If a person operates a personal watercraft in violation of par. (a), the
 16 operation shall be subject to additional penalties for any failure to comply with the
 17 applicable lighting requirements under subs. s. 30.61 (1), (2), and (8) and (9). ✓

18 ✓ SECTION 234. 30.62 (title), (1) and (2) (b) of the statutes are amended to read:

19 30.62 (title) ~~Other equipment~~ Equipment other than lighting. (1) WHEN
 20 EQUIPMENT REQUIRED. No person shall may operate any boat on the waters of this

1 state unless ~~such~~ the boat is equipped as required by this section and the rules of the
2 department ~~promulgated under this section.~~

3 **(1m) RENTAL BOATS.** No owner of a boat shall ~~may~~ rent ~~such~~ a boat to any other
4 person for use ~~upon~~ on the waters of this state unless ~~such~~ the boat is equipped at
5 the time of rental as required by this section and the rules of the department
6 ~~promulgated under this section.~~ ~~If such.~~ If the boat is properly equipped at the time
7 of rental for conditions then existing, the responsibility of the owner under this
8 section is met, notwithstanding a subsequent change in the number of passengers
9 or a change in time from daylight to dark.

NOTE: The provision regarding rules of the department is repealed and replaced
by a general provision in new s. 30.5005[✓] as created by this bill. That provision states that
any reference to statutory requirements includes additional requirements promulgated
by the DNR by rule pursuant to that statutory requirement. ✓

10 **(2) (b) Maximum noise levels for operation.** No person may operate a motorboat
11 powered by an engine ~~on the waters of this state~~ in such a manner as to exceed a noise
12 level of 86 measured on an "A" weighted decibel scale. ✓

13 **SECTION 235.** 30.62 (2) (c) of the statutes is renumbered 30.62 (2) (c) 1. and
14 amended to read:

15 30.62 (2) (c) 1. No person may sell, resell, or offer for sale any motorboat for use
16 on the waters of the state if the motorboat has been so modified that it cannot be
17 operated ~~in such a manner that it will comply with the noise level requirements~~
18 under in compliance with par. (b).

19 **SECTION 236.** 30.62 (2) (c) 2. of the statutes is created to read:

20 30.62 (2) (c) 2. No person engaged in the business of selling motorboats at retail
21 within this state may sell a motorboat for use on the waters of this state in the
22 ordinary course of that person's business if the motorboat cannot be operated in
23 compliance with par. (b).

NOTE: Current s. 30.62 (2) (d) prohibits the manufacture and sale of a motorboat for use in this state if it does not comply with maximum noise levels. That statute does not prohibit offering for sale a motorboat that does not meet maximum noise level standards if the boat is not manufactured in this state. This new provision prohibits the retail sale of a motorboat for use on the waters of this state if the motorboat does not meet noise level requirements. ✓

1 ✓ **SECTION 237.** 30.62 (2) (d) 1. of the statutes is renumbered 30.62 (2) (d) and
2 amended to read:

3 30.62 (2) (d) *Maximum noise level for manufacture.* No person may
4 manufacture ~~and~~ or offer for sale any motorboat for use on the waters of this state
5 if the motorboat cannot be operated ~~in such a manner so as to comply with the noise~~
6 ~~level requirements under~~ in compliance with par. (b).

7 ✓ **SECTION 238.** 30.62 (2) (d) 2. of the statutes is renumbered 30.62 (2) (dm) and
8 amended to read:

9 30.62 (2) (dm) *Testing procedures.* The department may promulgate rules
10 establishing testing procedures to determine noise levels for the enforcement of this
11 section. The department may revise these rules as necessary to adjust to advances
12 in technology. ✓

13 ✓ **SECTION 239.** 30.62 (2) (d) 3. of the statutes is repealed. ✓

14 ✓ **SECTION 240.** 30.62 (2) (f) of the statutes is repealed. ✓

NOTE: This provision requires local ordinances to be identical to this statute. This requirement is imposed by s. 30.77 and is unnecessary here.

15 ✓ **SECTION 241.** 30.62 (2) (g) 1. to 3. of the statutes are amended to read:

16 30.62 (2) (g) 1. A motorboat while competing in a water exhibition or race
17 conducted under a permit from a ~~town, village or city~~ local governmental unit that
18 enacts an ordinance under s. 30.77 or from an authorized agency of the federal
19 government. ✓

NOTE: This provision is expanded by use of "local governmental unit" to include counties, town sanitary districts, and lake districts. The reference to a local governmental unit "that enacts an ordinance under s. 30.77" is meant to require that the

local governmental unit have some degree of commitment to local regulation of boating. However, this provision does not require the local governmental unit to enact an ordinance related to motor boat racing or speed records. The local governmental unit may simply issue the permit. "Water exhibition" is added to make this provision consistent with s. 30.742 and rules promulgated by the DNR under s. NR 5.19, Wis. Adm. Code.

1 2. A motorboat designed and intended solely for racing, while the boat
2 motorboat is operated incidentally to the testing or tuning up of the motorboat and
3 engine for the water exhibition or race in an area designated by and operated under
4 a permit specified under subd. 1.

5 3. A motorboat on an official trial for a speed record if conducted under a permit
6 from a ~~town, village or city~~ local governmental unit that enacts an ordinance under
7 s. 30.77.

8 **SECTION 242.** 30.62 (2) (i) of the statutes is repealed. ✓

NOTE: The repealed provision exempts governmental agents from the noise limits when on official duties. This provision is repealed and replaced by a general statute applicable to all statutes and local regulations related to police, rescue, fire fighting, and other similar official boat users. See s. 30.64 (1). ✓

9 **SECTION 243.** 30.62 (2m) and (3) (a) of the statutes are amended to read:

10 30.62 (2m) OVERPOWERING. No person may sell, equip, or operate, and no owner
11 of a boat motorboat may allow a person to operate, a boat motorboat with any motor
12 or other propulsion machinery beyond its safe power capacity, taking into
13 consideration the type and construction of such ~~watercraft and other existing~~
14 operating conditions the motorboat. ✓

NOTE: The definition of "motorboat" in s. 30.50 (6) is "any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion". This provision refers to a boat with a motor or propulsion machinery, which is by definition a motorboat. This provision is redrafted accordingly. The reference to "other existing operating conditions" is deleted on the grounds that safe power capacity is determined by the size and design of the motorboat and not by operating conditions. ✓

15 (3) (a) Every boat, except a sailboard and except as provided in ~~par.~~ pars. (b)
16 and (c), shall carry at least one personal flotation device prescribed by federal

1 regulations 33 CFR part 175 for each person on board or being attended by the boat,
2 so placed as to be readily accessible and available to the persons.

3 **SECTION 244.** 30.62 (3) (c) of the statutes is created to read:

4 30.62 (3) (c) 1. In this paragraph, "racing vessel" means a manually propelled
5 racing shell, rowing scull, racing canoe, or racing kayak of the type that is recognized
6 by a national or international racing association for use in competitive racing. ✓

7 2. Paragraph (a) does not apply to a racing vessel if all of the vessel's occupants,
8 other than a coxswain, row, scull, or paddle the vessel and if the vessel is not designed
9 to carry and does not carry any equipment other than equipment used solely for
10 competitive racing. ✓

NOTE: This provision duplicates the exemptions in current federal rules, 33 CFR
s. 175.17. ✓

11 **SECTION 245.** 30.62 (4) (a) of the statutes is amended to read:

12 30.62 (4) (a) Every motorboat, ~~except outboards of open construction,~~ shall be
13 provided with ~~such number, size and type of~~ fire extinguishers, capable of promptly
14 and ~~effectively extinguishing burning gasoline,~~ as prescribed by rules of the
15 department. ~~Such~~ The fire extinguishers shall be ~~at all times~~ kept in condition for
16 immediate and effective use and shall be ~~so placed as to be~~ readily accessible. "Open
17 construction" ~~means construction which will not permit the entrapment of explosive~~
18 ~~or flammable gases or vapors.~~ ✓

19 **SECTION 246.** 30.62 (4) (b) of the statutes is renumbered 30.62 (4) (b) (intro.)
20 and amended to read:

21 30.62 (4) (b) (intro.) This subsection does not apply to ~~a~~ any of the following:

22 1. A motorboat while competing in a race conducted pursuant to a permit from
23 a town, village or city local governmental unit that enacts an ordinance under s.

1 30.77 or from an authorized agency of the U.S. federal government, nor does it apply
2 to a 2.

3 2. A boat designed and intended solely for racing, while the boat is operated
4 incidentally to the tuning up of the boat and engine for the race at the race location
5 on the day of the race.

6 SECTION 247. 30.62 (4) (b) 3. of the statutes is created to read:

7 30.62 (4) (b) 3. A motorboat that is equipped with an outboard motor and that
8 is constructed in a manner that does not permit explosive or flammable gases or
9 vapors to become entrapped in the motorboat.

10 SECTION 248. 30.62 (5) of the statutes is amended to read:

11 30.62 (5) BACKFIRE FLAME ARRESTERS. Every boat motorboat equipped with an
12 inboard motor using gasoline as a fuel shall have the carburetors of every each
13 inboard gasoline motor fitted with an efficient effective device for arresting backfire
14 flames. The device shall ~~meet the specifications prescribed by~~ comply with federal
15 regulations.

16 SECTION 249. 30.62 (6) of the statutes is renumbered 30.62 (6) (a) and amended
17 to read:

18 30.62 (6) (a) ~~Every boat, except open boats,~~ Except as provided in par. (b), every
19 motorboat using as fuel any liquid of a volatile nature, liquid fuel shall be provided
20 with an ~~efficient natural or mechanical~~ effective ventilation system which that is
21 capable of removing ~~resulting inflammable~~ flammable or explosive gases.

22 SECTION 250. 30.62 (6) (b) of the statutes is created to read:

23 30.62 (6) (b). Paragraph (a) does not apply to a motorboat that is constructed
24 in a manner that does not permit explosive or flammable gases or vapors to become
25 entrapped in the motorboat.

1 SECTION 251. 30.62 (8) of the statutes is amended to read:

2 30.62 (8) BATTERY COVER. ~~Every motorboat~~ If a boat is equipped with storage
3 batteries a battery as part of the boat's electrical system, the battery shall be
4 ~~provided with suitable supports and~~ secured against shifting with the motion of the
5 boat. ~~Such storage batteries~~ Both battery terminals shall be equipped with a
6 ~~nonconductive shielding means~~ covered to prevent accidental shorting of battery
7 terminals.

NOTE: Several changes are proposed for the provision on batteries. The current statute applies only to motorboats. If a nonmotorized boat uses a battery to power an electrical system, there does not appear to be a reason why the nonmotorized boat should not require securing and covering the battery. The current reference to "storage batteries" is replaced by a reference to a battery that is part of the boat's electrical system. This will exclude from this requirement any other equipment such as depth finders, navigation lights or global positioning system units that are typically operated by dry cell batteries or by small, separate 12 volt lead-acid batteries.

8 SECTION 252. 30.62 (9) of the statutes is repealed.

NOTE: The current statute requires DNR to promulgate rules to conform state requirement regulations with federal law. This provision is replaced by a general directive in new s. 30.5005 for the DNR to propose statutory amendments, registration, operation and equipment standards in conformity with federal regulations.

9 SECTION 253. 30.625 (1) (intro.) and (2) of the statutes are amended to read:

10 30.625 (1) (intro.) No person who is engaged in the rental or leasing of rents
11 or leases personal watercraft to the public may do any of the following:

12 (2) The department may shall promulgate rules to establish minimum
13 standards for the instruction given under sub. (1) (a).

NOTE: Section 30.5005 (1) (b), as created by this bill, states the general authority of DNR to promulgate rules under this subchapter. However, rather than repealing s. 30.625 (2), it is changed to a mandatory provision. This makes this provision consistent with what appears to be the legislative intent of this provision that the DNR is required to supplement the statute with rules regarding standards for instruction on personal watercraft operation. *en dash*

14 SECTION 254. 30.63 of the statutes is renumbered 30.62 (10) and amended to
15 read:

1 30.62 (10) SALE AND USE OF CERTAIN OUTBOARD MOTORS RESTRICTED. (a) *Sale*. No
2 person may sell any new outboard motor for use ~~in~~ [✓] on the waters of this state unless
3 ~~such~~ [✓] the motor is equipped with a crankcase effectively sealed to prevent the
4 drainage of raw fuel into the waters in which the motor is operated.

5 (b) *Use*. ~~Beginning on January 1, 1990, no~~ [✓] person may operate an outboard
6 motor ~~in~~ [✓] on the waters of this state unless ~~such~~ [✓] the motor is equipped with a
7 crankcase effectively sealed to prevent the drainage of raw fuel into the waters in
8 which ~~such~~ [✓] the motor is operated.

9 [✓] SECTION 255. 30.635 of the statutes is renumbered 30.66 (4) and amended to
10 read:

11 30.66 (4) ~~MOTORBOAT PROHIBITION~~ SLOW-NO-WAKE; LAKES 50 ACRES OR LESS. ~~On~~
12 No person may operate a motorboat in excess of slow-no-wake speed on lakes of 50
13 acres or less having public access, motorboats may not be operated in excess of
14 slow-no-wake speed, except when such [✓] the lakes serve as thoroughfares between 2
15 or more navigable lakes. The department by rule may modify or waive the
16 requirements of this section ~~as to particular~~ [✓] subsection for individual lakes, if it finds
17 that public safety is not impaired by ~~such~~ [✓] the modification or waiver. [✓]

18 [✓] SECTION 256. 30.64 of the statutes is renumbered 30.68 (14), and 30.68 (14) (a)
19 and (b), as renumbered, are amended to read:

20 30.68 (14) (a) The operator of a ~~duly authorized~~ [✓] patrol boat, when responding
21 to an emergency call or when in pursuit of an actual or suspected violator of the law,
22 need not comply with ~~state law or local~~ [✓] this subchapter or ordinances fixing
23 maximum speed limits under s. 30.77 when a siren is ~~being sounded or emergency~~ [✓]
24 light is activated and if due regard is given to the safety of other persons in the
25 vicinity. ~~If a~~ [✓] an emergency light is used in conjunction with a siren, [✓] it shall be the

1 ~~oscillating or flashing type and be fitted with a blue lens of a type and design specified~~
2 ~~under 33 CFR 88.11 or 88.12.~~ ✓

NOTE: Patrol boats are subject to exceptions from various boat operation statutes in ss. 30.62 (2) (i), 30.68 (7) and 30.73 (2) (a). These individual exceptions are deleted in lieu of the general exemption from all boating operation statutes and local regulations for a "patrol boat", as defined in new s. 30.50 (9b). ✓

A blue light is required for law enforcement patrol boats. Red and yellow lights are required for fire and emergency patrol boats. ✓

3 (b) Upon the approach of a ~~duly authorized~~ ✓ patrol boat giving an audio or visual
4 signal, ✓ the operator of a boat shall reduce the boat speed to ~~that speed necessary to~~ ✓
5 ~~maintain steerage control~~ slow-no-wake ✓ and yield the right-of-way to the patrol
6 boat until it has passed.

7 ✓ **SECTION 257.** 30.65 (1) (intro.), (b) and (f) and (2) of the statutes are amended
8 to read:

9 30.65 (1) MEETING; OVERTAKING; RIGHT-OF-WAY. (intro.) Every person operating
10 a boat shall comply with the following traffic rules, except when deviation ~~therefrom~~
11 from these rules ✓ is necessary to comply with federal ~~pilot~~ ✓ inland navigational rules,
12 under 33 USC 2001 to 2073 and 33 CFR parts 84 to 90, while operating on the
13 navigable waters of the United States:

14 (b) When 2 motorboats are approaching each other obliquely or at right angles,
15 the boat ~~which~~ ✓ that has the other on ~~her~~ ✓ the right shall yield the right-of-way to the
16 other. "Right" means from dead ahead, clockwise to 2 points abaft the starboard
17 beam.

18 (f) A boat granted the right-of-way by this section shall maintain ~~her~~ ✓ course
19 and speed, unless to do so would probably result in a collision.

20 (2) ADDITIONAL TRAFFIC RULES. The department may promulgate such
21 additional traffic rules ✓ ~~as it deems necessary in the interest of public safety.~~ Such

1 rules shall [✓]that conform as nearly as possible to the federal [✓]pilot inland navigational
2 rules under 33 USC 2001 to 2073 and the regulations under 33 CFR parts 84 to 90.

3 **SECTION 258.** 30.66 (1), (2) (title) [✓]and (3) of the statutes are amended to read:

4 30.66 (1) SPEED TO BE REASONABLE AND PRUDENT. No person shall [✓]may operate
5 a motorboat at a speed greater than is reasonable and prudent under the conditions
6 and having regard for the actual and potential hazards then existing. The speed of
7 a motorboat shall be [✓]so controlled as to avoid colliding with any [✓]boat, object lawfully
8 ~~in or on the water or with any, or~~ person, ~~boat or other conveyance~~ in or on the water
9 ~~in compliance with legal requirements and exercising due care.~~ [✓]

NOTE: The 2nd sentence of this subsection requires the speed of a motorboat to be controlled to avoid collision with objects "lawfully in or on the water" or with persons or boats that are "in compliance with legal requirements and exercising due care". This suggests that the speed of a motorboat does not need to be controlled to avoid collision with any object, boat, or person that does not meet these requirements. The amendment to this subsection requires motorboat speed to be controlled so as to avoid collision with any boat, object, or person in or on the water, whether or not that boat, object, or person is lawfully in or on the water or in compliance with legal requirements or exercising due care. This change establishes a principle of "defensive driving" for motorboat operation. A motorboat operator is required to control motorboat speed so as to avoid collision, no matter how any other boat is operated, any object is placed in the water, or any person uses the water.

10 (2) (title) ~~FIXED~~ POSTED LIMITS. [✓]

11 (3) ~~PROHIBITED OPERATION~~ SLOW-NO-WAKE. (a) ~~Except under s. 30.69 (3), no~~ No [✓]
12 person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed
13 restricted area on any lake at a speed in excess of slow-no-wake speed.

NOTE: The cross-reference to s. 30.69 (3) [✓]relates to restrictions on operation of a motorboat in connection with water skiing. The cross-referenced provision establishes various restrictions on the distance that must be maintained between a motorboat or personal watercraft towing a skier and various other objects. The restrictions in s. 30.69 (3) (a) to (c) do not overlap or contradict the restrictions above in s. 30.66 (3) (a). [✓]Therefore, the phrase "Except under s. 30.69 (3)", is deleted. The exception in current s. 30.69 (3) (d) remains relevant, and is duplicated below in new s. 30.66 (3) (c). See the description in the following comment. [✓]

14 (b) No person may operate a personal watercraft at a speed in excess of
15 slow-no-wake within 100 feet of any other boat or within 200 feet of the shoreline

1 of any lake. This paragraph does not apply if s. 30.69 (3) (a), (c) or (d) applies to the
2 operation of the personal watercraft. ✓

NOTE: The restriction on the operation of a personal watercraft within 200 feet of the shoreline of a lake was added by 1997 Wisconsin Act 198. The placement of that language in the first sentence of s. 30.66 (3) (b) creates a problem in connection with the sentence that follows. Most of the restrictions in s. 30.69 (3) (a), (c) and (d) apply to operation of a motorboat that is towing a water skier, and the distances that must be maintained between the motorboat and other objects. The problem is that, for example, if a personal watercraft operator is towing a skier, the restriction on operation within 200 feet of the shoreline of the lake does not apply. This does not appear to be the intent of the legislature. The only portion of s. 30.69 (3) (a), (c) and (d) that applies to operation of a personal watercraft that is towing a skier in relation to the shoreline is s. 30.69 (3) (d), which applies to pickup and drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to motorboats engaged in water skiing. To resolve this problem, the bill deletes the cross-reference in par. (b) and recreates the substance of the exception for pickup and drop areas in s. 30.66 (3) (c), below.

3 ✓ SECTION 259. 30.66 (3) (c) of the statutes is created to read:

4 30.66 (3) (c) This subsection does not apply to pickup or drop areas that are
5 marked with regulatory markers and that are open to operators of personal
6 watercraft and to persons and motorboats engaged in water skiing or a similar
7 activity. ✓

NOTE: See the comment to s. 30.66 (3) (b), above.

8 ✓ SECTION 260. 30.67 (1) of the statutes is renumbered 30.67 (1m) and amended
9 to read:

10 30.67 (1m) DUTY TO RENDER AID. Insofar as If the operator of a boat can do so
11 without serious danger to the operator's boat or to persons on board, the operator of
12 a boat involved in a boating accident shall stop the operator's boat and render to other
13 persons affected thereby such to any person affected by the accident any assistance
14 as that may be practicable and necessary to save them from or feasible to save the
15 person or to minimize any danger caused by the accident. The operator shall give
16 the operator's name and address and identification of the operator's boat to any
17 person injured and to the owner of any property damaged in the accident.

NOTE: "Other persons" is replaced by "any person" to clearly provide that the duty to render aid applies to any person affected by the accident. The current statute commences with the provision that the operator must be able to render aid without danger to the operator's boat or to persons on board. It is possible to read the current statute that "other persons" does not apply to the operator or to persons on board the operator's boat.

"Practicable" is replaced by "feasible", to use a more understandable word and with no intention of making a change to this requirement. In effect, this is a standard of reasonableness for the effort that must be undertaken to render aid at the scene of an accident. "Necessary" is deleted as superfluous.

D

SEC. #. 30.67(1g)(title) is created to read: 30.67(1g) (title) Definitions.

1

2

SECTION 261. 30.67 (2) of the statutes is amended to read: 30.67 (2) DUTY TO REPORT. (a) If a boating accident results in death or injury

3

to any person, the disappearance of any person from a boat under circumstances

4

indicating death or injury, or property damage, every operator of a boat involved in

5

an accident shall, without delay and by the quickest means available, give notice of

6

the accident to a conservation warden or local law enforcement officer and shall file

7

a written report with the department on the form prescribed by it. The department

8

shall promulgate rules necessary to keep accident reporting requirements in

9

conformity with rules adopted by the U.S. coast guard.

10

(b) If the operator of a boat is physically incapable of making the report required

11

by this subsection and there was another occupant in the boat at the time of the

12

accident capable of making the report, the other occupant shall make such the report.

NOTE: The rationale for the repeal of the last sentence of this provision is the same as that stated in the note describing the repeal of s. 30.501 (8).

O

SEC. #. 30.67(3)(title) is repealed.

13

SECTION 262. 30.67 (3) (intro.) of the statutes is renumbered 30.67 (1g) (intro.),

14

and 30.67 (1g) (title), as renumbered, is amended to read:

15

30.67 (1g) (title) TERMS DEFINED DEFINITIONS.

16

SECTION 263. 30.67 (3) (a) and (b) of the statutes are renumbered 30.67 (1g) (a)

17

and (b).

18

SECTION 264. 30.67 (3) (c) of the statutes is repealed.

NOTE: The definition of "total property damage" is eliminated because it is not used in s. 30.67, stats. This term was originally used in connection with a property damage threshold of \$100 for reporting under current s. 30.67 (2), but that threshold is no longer part of the current statute. ✓

1 ✓ **SECTION 265.** 30.67 (4), (5) and (6) (b) of the statutes are amended to read:

2 30.67 (4) REPORTS CONFIDENTIAL. No report required by this section to be filed
3 with the department shall may be used as evidence in any trial, civil or criminal,
4 arising out of an accident, except that the department shall furnish upon demand of
5 any person who has or claims to have made such a report, or upon demand of any
6 court, a certificate showing that a specified accident report has or has not been made
7 to the department solely to prove a compliance or a failure to comply with the
8 requirement that such a report be made.

9 (5) TRANSMITTAL OF INFORMATION TO FEDERAL AND STATE AUTHORITIES. If any
10 request for information available on the basis of reports filed pursuant to this section
11 is duly made by an authorized official or agency of the U.S. federal government or
12 of the state which that registered the boat involved or the state where the accident
13 occurred, the department shall compile and furnish such the information in
14 accordance with such the request.

15 (6) (b) In cases of death involving a boat in which the person died within 6 hours
16 of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from
17 the body of the decedent within 12 hours after his or her death, by the coroner or
18 medical examiner, or by a physician so designated by the coroner or medical
19 examiner or by a qualified person at the direction of the physician. All morticians
20 shall obtain a release from the coroner or medical examiner prior to proceeding with
21 embalming any body coming under the scope that is subject to the requirements of
22 this section. The blood so drawn shall be forwarded to a laboratory approved by the
23 state health officer for analysis of the alcoholic alcohol content of the blood specimen.

1 The laboratory shall notify the coroner or medical examiner causing the blood to be
2 withdrawn ~~shall be notified~~ of the results of each analysis made and the coroner or
3 medical examiner shall forward the results of each analysis to the state health
4 officer. The state health officer shall keep a record of all examinations to be used for
5 statistical purposes only. The cumulative results of the examinations, without
6 identifying the individuals involved, shall be disseminated and made public by the
7 state health officer. The department shall reimburse coroners and medical
8 examiners for the costs incurred in submitting reports and taking blood specimens
9 and laboratories for the costs incurred in analyzing blood specimens under this
10 section.

11 ~~✓~~ SECTION 266. 30.675 (intro.) and (1) of the statutes are renumbered 30.675 (1g)
12 and (1r) and amended to read:

13 30.675 (1g) The display on a boat or by a person ~~of an orange flag~~ ^{stet} approximately
14 ~~18 by 30 inches in size~~ a visual distress signal of a type approved by the U.S. coast
15 guard under 33 CFR 175.101 to 175.140 shall indicate that such boat or person is in
16 need of help.

17 (1r) ~~Insofar as~~ If it is possible without serious danger to the operator's boat or
18 persons on board, the operator of a boat observing a distress signal shall render to
19 the boat or person displaying the signal such assistance as ~~may be practicable and~~
20 ~~necessary~~ is feasible to save the boat or person or to minimize any danger to them.

21 ~~✓~~ SECTION 267. 30.675 (2) of the statutes is amended to read:

22 30.675 (2) No person shall ~~may~~ display a flag like that distress signal described
23 ~~in~~ under sub. (1) (1g) unless such person is in need of assistance to prevent bodily
24 injury or destruction of property.

25 SECTION 268. 30.68 (title) and (2) of the statutes are amended to read:

1 **30.68** (title) **Prohibited Boat operation.**

2 (2) NEGLIGENT OPERATION. No person may operate or use any boat, or
3 ~~manipulate any water skis, aquaplane~~ engage in water skiing or a similar device
4 upon activity on the waters of this state in a careless, negligent, or reckless manner
5 so as to endanger ~~that person's life, property or person or the life,~~ or property or of
6 any person of another.

NOTE: "Manipulate" is replaced by "engage in" with no intention of making any change. "Water skiing or a similar activity" is defined in s. 30.50 by this bill. The last phrase of this provision is simplified to refer to "the life or property of any person". The reference to the "life" of a person refers to risks of both injury and death. The reference to "any person" simplifies the language while continuing to refer to the person operating or using a boat, water skis, or other device, any person on board the boat, as well as any other person.

7 **SECTION 269.** 30.68 (3) (a) of the statutes is renumbered 30.68 (3) and amended
8 to read:

9 **30.68 (3) OPERATION BY INCAPACITATED PERSON OR MINOR.** No person in charge or
10 control of a boat ~~shall~~ may authorize or knowingly permit the boat to be operated by
11 any person who by reason of physical or mental ~~disability~~ incapacity is incapable of
12 operating ~~such~~ the boat under the prevailing circumstances.

NOTE: This subsection is split into 2 subsections (see sub. (3m), below). Subsection (3) applies only to persons lacking the capability of operating a boat. This provision currently refers to physical or mental disability, but the title uses the word "incapacitated". The title suggests that this provision is meant to be broader than a narrow concept of physical or mental disability. This bill substitutes "incapacity" for "disability". Incapacity is broader than "physical or mental disability", as it could include any condition that has a bearing on the ability to operate a boat, such as physical strength or fatigue. The last phrase, "under the prevailing circumstances", makes it clear that the capacity to operate a boat under some conditions (e.g., in a sheltered bay) may not indicate a capacity to operate the boat under other conditions (e.g., on a wind-swept lake).

13 **SECTION 270.** 30.68 (3) (b) to (d) of the statutes are renumbered 30.68 (3m) (a)
14 to (c), and 30.68 (3m) (a) and (c), as renumbered, are amended to read:

15 **30.68 (3m) (a)** No person under the age of 10 years may operate a motorboat.
16 Persons at least 10 and less than 12 years of age may operate a motorboat only if they

1 are either accompanied in the boat by a parent or guardian or a person at least 18
2 years of age designated by a parent or guardian. Persons at least 12 and less than
3 16 years of age may operate a motor of any horsepower motorboat, but only if they
4 are either accompanied by a parent or guardian or a person at least 18 years of age
5 designated by a parent or guardian, or in possession of a certificate issued under s.
6 30.74 (1). This paragraph does not apply to personal watercraft.

NOTE: The reference to a motor of any horsepower is deleted because none of the
other provisions related to age of a motorboat operator related to horse power.

7 (c) A violation of par. (a) or (b) or (e) done with the knowledge of a parent or
8 guardian shall may also be deemed a violation by the parent or guardian, and
9 punishable under s. 30.80.

NOTE: "Shall" is replaced by "may" to provide discretion in citing a parent or
guardian under the particular circumstances. "Also" is added so that the violation of
requirements related to operation, leasing or rental of a motorboat or personal watercraft
by a minor applies both to the minor and to the parent or guardian who knew of the
violation. The current statute could be interpreted to mean that only the parent or
guardian who knew of the violation is deemed to be in violation of the statute. The
reference to the punishment under s. 30.80 is eliminated as unnecessary.

10 SECTION 271. 30.68 (3m) (title) of the statutes is created to read:

11 30.68 (3m) (title) OPERATION OF MOTORBOATS BY MINORS.

12 SECTION 272. 30.68 (4) (a) of the statutes is renumbered 30.68 (4) and amended
13 to read:

14 30.68 (4) CREATING HAZARDOUS WAKE OR WASH. No person shall may operate a
15 motorboat so as to approach or pass near another boat in such a manner as to create
16 that creates a hazardous wake or wash.

NOTE: The phrase regarding approaching or passing another boat is eliminated to
make this provision broader. There does not appear to be a reason to limit it to these
conditions of boat operation. Eliminating this phrase applies this regulation to all
methods of motorboat operation, including operation in a circular course.

17 SECTION 273. 30.68 (4) (b) of the statutes is repealed.

NOTE: Current s. 30.68 (4) (b) creates a standard of strict liability for damage
caused by the wake or wash from a motorboat. A defense is provided if the negligence of

the other person was the primary cause of the damage. This statute relates to private remedies and not to DNR enforcement. The special committee determined that such damage should be subject to a standard of ordinary negligence, and thus recommends repeal of this provision. ✓

1 ✓ SECTION 274. 30.68 (4m) (title) and (5) of the statutes are amended to read:

2 30.68 (4m) (title) ~~FACING PERSONAL WATERCRAFT, FACING BACKWARDS.~~ ✓

3 (5) OPERATING IN ~~CIRCULAR~~ CIRCUITOUS COURSE. No person may operate a
4 motorboat repeatedly in a circuitous course around any other boat, or around any
5 person who is swimming, if ~~such~~ the circuitous course is within 200 feet of ~~such~~ the
6 boat or swimmer; ~~nor shall any.~~ ✓

7 (5g) OPERATION NEAR SKIN DIVER OR SWIMMER. No person may operate a boat or
8 ~~water skier operate or approach~~ and no person may engage in water skiing or a
9 similar activity closer than 100 feet to any skin diver's flag or any swimmer unless
10 the one of the following applies: ✓

11 (a) The person is operating a boat that is part of the a skin diving operation or. ✓

12 (b) The person is operating a boat that is accompanying the a swimmer, or
13 unless physical conditions make compliance impossible. ✓

14 ✓ SECTION 275. 30.68 (5g) (c) of the statutes is created to read:

15 30.68 (5g) (c) There is insufficient room for the person to operate the boat 100
16 or more feet from the skin diver's flag or the swimmer and the boat is not being
17 operated in excess of slow-no-wake speed. ✓

NOTE: The current statute prohibits operation of a boat or use of water skis or similar devices within 100 feet of a skin diver's flag or a swimmer. An exception is provided for boats that are part of a skin diving operation or that are accompanying a swimmer. A further exception applies if "physical conditions" make compliance impossible. Presumably, this latter exception applies to narrow areas on a body of water (e.g., channels or rivers) or when swimming or skin diving occurs near a boat landing. The language of the current statute is clarified to better describe the latter exception with a reference to the available room to navigate. Further, in the latter exception, a requirement to operate at slow-no-wake speed is imposed for boats operating within 100 feet of a skin diver's flag or a swimmer pursuant to this exception. It should be noted that s. 30.70 prohibits diving in established traffic lanes. ✓

1 ✓ **SECTION 276.** 30.68 (5^m) of the statutes is renumbered 30.66 (5) and amended
2 to read:

3 30.66 (5) ~~TOWING SLOW-NO-WAKE;~~ TOWING BY A PERSONAL WATERCRAFT. A person
4 may use a personal watercraft to tow a stranded or disabled boat if, during towing,
5 the speed of the personal watercraft does not exceed slow-no-wake.

6 ✓ **SECTION 277.** 30.68 (6) of the statutes is amended to read:

7 30.68 (6) RIDING ON DECKS AND GUNWALES. No person operating a motorboat may
8 ride or sit, or may allow any other person in the motorboat to ride or sit, on the
9 gunwales, on tops of seat backs or sides, or on the decking over the bow of the boat
10 in an unsafe manner while under way, unless such the person is inboard of guards
11 or railings provided on the boat to prevent persons from being lost overboard.
12 Nothing in this ~~section~~ subsection shall be construed to prohibit entry upon the
13 decking over the bow of the boat for the purpose of anchoring, mooring, or casting off
14 or other necessary purpose.

15 ✓ **SECTION 278.** 30.68 (7) (title) of the statutes is amended to read:

16 30.68 (7) (title) RESTRICTED SWIMMING AREAS AND REGULATORY MARKERS.

17 ✓ **SECTION 279.** 30.68 (7) of the statutes is renumbered 30.68 (7) (a) and amended
18 to read:

19 30.68 (7) (a) No person shall may operate a boat within ~~a water~~ any area which
20 that has been clearly marked by regulatory markers or buoys ~~or some other~~
21 ~~distinguishing device as a bathing or swimming area; nor,~~

22 (b) No person may operate a boat in restricted use areas contrary to regulatory
23 notice pursuant to s. 30.74 (2). ~~This subsection does not apply in the case of an~~
24 ~~emergency, or to patrol or rescue craft~~ markers.

NOTE: The deletion of "restricted use areas" clarifies that this provision applies to all regulatory markers, whether or not the regulatory marker designates a restricted use area. See s. 30.68 (14) for the general exception for patrol boats. ✓

1 ✓ **SECTION 280.** 30.68 (8) and (8m) (a) of the statutes are amended to read:

2 30.68 (8) ANCHORING IN TRAFFIC LANES. No person may anchor, place, affix, or ✓
3 abandon any unattended boat, raft, float, or similar structure in the traveled portion
4 of any river or channel or in any traffic lane ~~established and legally marked~~
5 designated by aids to navigation, so as to prevent, impede or interfere with the safe
6 passage of any other boat through the same. ✓

7 (8m) (a) No person may use a mooring or attach a boat to a mooring buoy if the
8 mooring or mooring buoy violates s. 30.772 or 30.773. ✓

NOTE: "Attach a boat to a mooring buoy" duplicates the prohibition on use of a mooring. "Mooring" is defined in s. 30.01 (3e), when used as a noun, to mean "a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless the term is qualified or restricted". ✓

9 ✓ **SECTION 281.** 30.68 (8m) (c) of the statutes is created to read:

10 30.68 (8m) (c) No person may attach a boat to any aid to navigation or
11 regulatory marker, except to mooring buoys. ✓

NOTE: The prohibition in new sub. (8m) (c) is moved to this location from s. 30.68 (12). ✓

12 ✓ **SECTION 282.** 30.68 (9) and (11) of the statutes are amended to read:

13 30.68 (9) OVERLOADING. No person may operate, and no owner of a boat may
14 allow a person to operate, a boat that is loaded with passengers or cargo beyond its
15 safe carrying capacity, taking into ~~consideration weather and other~~ account existing
16 operating conditions. ✓

17 (11) UNNECESSARILY SOUNDING WHISTLES HORNS; USE OF FLASHING LIGHTS. No
18 person shall may unnecessarily sound a horn, whistle, or other sound-producing
19 device on any boat while at anchor or under way on the water. The use of a siren or
20 a light that resembles an emergency light specified under sub. (14) (a) on any boat ✓

1 except ~~duly authorized a patrol boats on patrol or rescue~~ boat that is on duty is
2 prohibited.

NOTE: "At anchor or underway" is replaced by "on the water" to make this prohibition broader. For example, the broader language would prohibit unnecessary sounding of a horn while a boat is tied to a dock. "Emergency light" is added to the prohibition on use of a siren.

3 **SECTION 283.** 30.68 (12) of the statutes is repealed.

NOTE: The prohibition on mooring or fastening a boat to aids to navigation or regulatory markers is deleted here and recreated in s. 30.68 (8m) (c), above.

4 **SECTION 284.** 30.68 (14) (title) of the statutes is created to read:

5 30.68 (14) (title) PATROL BOATS.

6 **SECTION 285.** 30.69 (title) of the statutes is amended to read:

7 **30.69 (title) Water skiing and similar activities.**

8 **SECTION 286.** 30.69 (1) (title) of the statutes is amended to read:

9 30.69 (1) (title) ~~PROHIBITED AT CERTAIN TIMES~~ PROHIBITIONS; EXCEPTIONS.

10 **SECTION 287.** 30.69 (1) (a) of the statutes is renumbered 30.69 (1) (a) (intro.)

11 and amended to read:

12 30.69 (1) (a) (intro.) ~~Except as provided in par. (b), no~~ No person may operate
13 do any of the following:

14 1. Operate a motorboat towing a person ~~on~~ engaged in water skis, aquaplane
15 ~~or skiing or a similar device activity~~ unless there is in the boat a competent person
16 in addition to the operator in a position to observe the progress of the person being
17 towed. ~~An observer shall be considered competent if that person~~ who is in a position
18 to observe, and can in fact observe, the person being towed and relay any signals to
19 the operator. ~~This observer requirement does not apply to motorboats classified as~~
20 ~~Class A motorboats by the department actually operated by the persons being towed~~

1 and so constructed as to be incapable of carrying the operator in or on the motorboat.

2 No person may engage ✓

3 2. Engage in water skiing, aquaplaning or a similar activity, or operate a
4 motorboat towing a person engaged in water skiing or a similar activity, at any time
5 from sunset to sunrise. ~~This restriction of the hours of water skiing does not prevent~~
6 ~~restrictions of the hours of water skiing between sunrise and sunset by local~~
7 ~~ordinances enacted pursuant to s. 30.77 (3).~~ ✓

NOTE: The reference to local ordinances is eliminated, and all provisions related to local ordinances will be consolidated in s. 30.77. It is proposed to expand this prohibition to apply to the motorboat operator as well as to the person engaged in water skiing or a similar activity. ✓

8 ✓ SECTION 288. 30.69 (1) (b) of the statutes is renumbered 30.69 (1) (b) (intro.)

9 and amended to read:

10 30.69 (1) (b) (intro.) Paragraph (a) 1. does not apply to ~~duly authorized water~~
11 any of the following: ✓

12 1. Water ✓ ski tournaments, competitions, exhibitions ~~or trials therefor, where~~
13 adequate lighting is provided, or practice sessions that are authorized by a permit
14 from a local governmental unit that enacts an ordinance under s. 30.77. ✓

NOTE: The reference to "duly authorized" water ski tournaments and other activities is unclear. A specific reference to authorization by means of a permit from a local governmental unit that adopts ordinances under s. 30.77 is substituted for that phrase. ✓

"Practice sessions" is substituted for "trials". The meaning of "trials" is not clear, although one sense of that word is a preliminary competition. The special committee believes that the exemption from the observer requirement is widely understood to apply to all activities related to organized water ski activities, including practice sessions, and that the broader exemption from the observer requirement is appropriate, so the statute is redrafted accordingly. ✓

Current s. 30.69 (1) (a) commences with "Except as provided in par. (b)". That provision is recreated above in s. 30.69 (1) (c), with the omission of the reference to the provision of adequate lighting. It appears to be the intent of the current statute that the observer requirement does not apply to water ski tournaments, competitions, exhibitions or practice sessions under any circumstances. ✓

15 ✓ SECTION 289. 30.69 (1) (b) 2. of the statutes is created to read:

1 30.69 (1) (b) 2. Motorboats less than 16 feet long that are operated by the person
2 being towed and that are so constructed as to be incapable of carrying the operator
3 in or on the motorboat. ✓

4 ✓ **SECTION 290.** 30.69 (1) (bm) of the statutes is created to read:

5 30.69 (1) (bm) Paragraph (a) 2. does not apply to water ski tournaments,
6 competitions, exhibitions, or practice sessions that are conducted under a permit
7 from a local governmental unit that enacts an ordinance under s. 30.77 and for which
8 adequate lighting is provided. ✓

9 ✓ **SECTION 291.** 30.69 (1) (c) of the statutes is renumbered 30.69 (1) (b) 3. and
10 amended to read:

11 30.69 (1) (b) 3. ~~In addition to complying with par. (a), no person may operate~~
12 ~~a~~ A personal watercraft that is towing a person who is engaged in water skis, an
13 aquaplane skiing or a similar device activity unless the personal watercraft is
14 designed to seat at least 3 persons. ✓

15 ✓ **SECTION 292.** 30.69 (2) of the statutes is amended to read:

16 30.69 (2) CAREFUL AND PRUDENT OPERATION. A person operating a motorboat
17 having in tow a person ~~on water skis, aquaplane or~~ engaged in water skiing or a
18 similar device activity shall operate ~~such boat~~ the motorboat in a careful and prudent
19 manner and at a reasonable distance from persons and property so as not to
20 endanger the life or property of any person. ✓

21 ✓ **SECTION 293.** 30.69 (3) of the statutes is amended to read:

22 30.69 (3) RESTRICTIONS. (a) No person operating a motorboat that is towing
23 ~~persons~~ a person engaged in water skiing, ~~aquaplaning~~ or a similar activity may
24 operate the motorboat within 100 feet of any occupied, ~~anchored~~ anchored boat, any personal
25 watercraft, or any marked swimming area or public boat landing.

1 (b) No person who is engaged in water skiing, ~~aquaplaning~~ or a similar activity
2 may get come within 100 feet of a personal watercraft or allow the tow rope while in
3 use to get come within 100 feet of a personal watercraft.

4 (c) 1. A motorboat towing a person who is engaged in water skiing, ~~aquaplaning~~
5 or a similar activity.

6 2. The tow rope of a motorboat towing a person who is engaged in water skiing,
7 ~~aquaplaning~~ or a similar activity.

8 3. A person who is engaged in water skiing, ~~aquaplaning~~ or a similar activity.

9 (d) Paragraphs (a) to (c) do not apply to pickup or drop areas that are marked
10 with regulatory markers and that are open to operators of personal watercraft and
11 to persons and motorboats engaged in water skiing or a similar activity.

12 **SECTION 294.** 30.69 (4) of the statutes is amended to read:

13 30.69 (4) INTOXICATED OPERATION. No person may use engage in water skis, an
14 aquaplane skiing or a similar device activity while under the influence of an
15 intoxicant to a degree which renders him or her incapable of safely using engaging
16 in water skis, an aquaplane skiing or a similar device activity, or under the combined
17 influence of an intoxicant and any other drug to a degree which renders him or her
18 incapable of safely using engaging in water skis, an aquaplane skiing or a similar
19 device activity.

20 **SECTION 295.** 30.70 of the statutes is renumbered 30.70 (1) and amended to
21 read:

22 30.70 (1) No person may engage in underwater diving or swimming with the
23 use of swimming fins or skin diving in waters other than marked swimming areas
24 or within 150 feet of the shoreline, and no unless the location of the swimming or
25 diving is marked by a diver's flag. No person may engage in underwater diving or

1 swimming with the use of self-contained any underwater breathing apparatus in
2 waters other than marked swimming areas, unless the location of such the diving or
3 swimming is distinctly marked by a diver's flag, ~~not less than.~~

NOTE: "Underwater diving" is eliminated and "skin diving" is retained. Skin diving appears to be a clear reference to all types of diving that do not involve the use of an underwater breathing apparatus. ✓

4 (2) A diver's flag under sub. (1) shall consist of a flag that is 12 inches high and
5 15 inches long, displaying and displays one diagonal white stripe 3 inches wide on
6 a red background, and. The diver's flag shall be of a height above the water so as to
7 be clearly apparent at a distance of 100 yards under normal conditions, and so
8 designed and displayed as to be visible from any point on the horizon. Except in case
9 of emergency, anyone no person engaging in such diving or swimming shall not that
10 requires a diver's flag may rise to the surface outside of a radius of 50 feet from such
11 the diver's flag.

12 (3) No person engaged in such diving or swimming shall that requires a diver's
13 flag may interfere with the operation of anyone fishing nor or engage in such diving
14 or swimming in established traffic lanes; nor shall any such person alone or with
15 another, intentionally or unintentionally, block or. No person engaged in diving or
16 swimming that requires a diver's flag may obstruct any boat in any manner from
17 proceeding to its destination in its course where -a- no reasonable alternative is
18 unavailable available. A reasonable alternative route course is available when the
19 otherwise unobstructed boat can proceed to its destination pass the diver's flag
20 without reducing its lawful speed, by passing to the right or to the left of a marked
21 diving operation while complying with s. 30.68 (5g).

NOTE: This provision is modified to eliminate the requirement that the boat must be proceeding to its destination in order for the prohibition on obstructing the boat to apply. This makes the prohibition on obstructing a boat applicable to any legal course

that the boat may take. The added reference to s. 30.68 (5g) is the newly numbered requirement for boats to remain at least 100 feet from a diver's flag.

1 **SECTION 296.** 30.71 (1) of the statutes is repealed.

NOTE: The definition of "outlying waters" duplicates the definition of that term in current s. 30.01 (4r).

2 **SECTION 297.** 30.73 (2) (a) of the statutes is ~~amended~~ ^{repealed and recreated} to read:

3 30.73 (2) (a) ~~Peace officers or rescue units engaged in emergency operations~~

4 Patrol boat operators. plain

NOTE: See the exception for patrol boat operators in s. 30.68 (14), as renumbered from s. 30.64.

5 **SECTION 298.** 30.73 (4) of the statutes is repealed.

NOTE: Section 30.73 pertains to use regulations on the Brule River. Subsection (4) establishes a penalty by cross-reference to s. 30.80 (1). However, that cross-reference is unnecessary because s. 30.80 (1) provides that it establishes penalties for violation of ss. 30.50 to 30.80 for which a specific penalty is not provided elsewhere.

6 **SECTION 299.** 30.735 of the statutes is created to read:

7 **30.735 Tampering with navigation aids or regulatory markers.** No
8 unauthorized person may move, remove, molest, tamper with, destroy, or attempt to
9 destroy any aid to navigation or regulatory marker, sign, or other device established
10 and maintained to aid boaters.

NOTE: This provision is currently part of s. 30.68 (12), which is repealed in this bill.

11 **SECTION 300.** 30.74 (1) (c) and (d) of the statutes are amended to read:

12 30.74 (1) (c) A valid certificate issued by another state, as defined in s. 115.46
13 (2) (f), or a province of Canada or the Canadian government that is held by a person
14 will shall be honored if the course content substantially meets that established by
15 the department.

NOTE: Canadian provinces no longer issue boating safety certificates. This is done by the Canadian government.

1 (d) The department shall also prepare and disseminate information on water
2 safety to the public, including the informational pamphlets specified in s. 30.52 (5)
3 (a) 4. and (b) 3. ✓

4 ✓ **SECTION 301.** 30.74 (2) (a) of the statutes is amended to read:

5 30.74 (2) (a) The department by rule shall establish uniform marking of the
6 water areas waters of this state through the placement of aids to navigation and
7 regulatory markers. These rules shall establish a marking system compatible with
8 the system of aids to navigation prescribed by the U.S. coast guard and shall give due
9 regard to the system of uniform waterway markers approved by the advisory panel
10 of state officials to the merchant marine council, U.S. coast guard. ✓

11 (bm) No municipality local governmental unit that enacts an ordinance under
12 s. 30.77 or person may mark the waters of this state in any manner in conflict with
13 the marking system prescribed established by the department under par. (a). Any
14 regulatory marker or aid to navigation that does not comply with this marking
15 system is considered an unlawful obstruction to navigable waters and may be
16 removed ~~in accordance with law under s. 30.975~~ 30.95

17 (c) The department may not prohibit the placement of a regulatory marker or
18 an aid to navigation if it complies with this the marking system established by the
19 department under par. (a) and if it is being placed pursuant to an ordinance that has
20 been enacted in compliance with under s. 30.77.

NOTE: The advisory panel is obsolete.

21 ✓ **SECTION 302.** 30.74 (2) (b) of the statutes is repealed.

NOTE: The definitions of these terms are deleted here and recreated as definitions
in s. 30.50.

22 ✓ **SECTION 303.** 30.74 (3) of the statutes is amended to read:

1 30.74 (3) ENFORCEMENT. The department shall assist in the enforcement of ss.
2 30.50 to 30.80 ~~and in connection therewith.~~ The department may maintain patrol
3 boats and may operate such the patrol boats at such times and places as the
4 department deems necessary in the interest of boating safety and the effective
5 enforcement of boating laws. An ordinance enacted under s. 30.77 does not apply to
6 a patrol boat operated by the department if the patrol boat is engaged in a law
7 enforcement activity. ✓

NOTE: This allows wardens to more effectively patrol lakes and streams, primarily
by avoiding the need to comply with extensive slow-no-wake ordinances.

8 ✓ **SECTION 304.** 30.742 of the statutes is renumbered 30.5005 (3). ✓

9 **SECTION 305.** 30.77 of the statutes is repealed and recreated to read:

10 **30.77 Local regulation of boating. (1) DEFINITIONS.** In this section:

11 (a) "Footage of shoreline" means the length of shoreline in feet measured by use
12 of a map wheel on the U.S. geological survey 7 1/2 minute map series. ✓

13 ~~(c)~~ ^(b) "State law" means this section, ss. 30.50 to 30.71, and those penalties under
14 s. 30.80 that apply to ss. 30.50 to 30.71. ✓

NOTE: SECTION 30.5005 (1) (b), as created by this bill, provides that a reference to
a statute in any of the boating statutes also includes the rules promulgated under that
statute. Thus, "state laws" includes the department of natural resources (DNR) boating
rules. keep

15 **(2) LOCAL REGULATION PROHIBITED; EXCEPTION.** State laws shall be uniform in
16 operation throughout the state. No local governmental unit may enact an ordinance
17 on any matter pertaining to a state law except as provided under this section, or as
18 provided under another statute that, by its express terms, and, notwithstanding this
19 section, authorizes enactment of an ordinance by a local governmental unit. ✓

NOTE: This first part of this subsection restates current law. See current s. 30.77
(1). The purpose of this provision is to establish the policy that state boating laws are
intended to be uniform, and that the authorization of local regulation is within the
context of this uniformity.

The provision regarding statutory authority other than s. 30.77 is new and states expressly what is the apparent intent of s. 30.77, that this statute is the exclusive authority for local regulation of boating equipment and operations, as well as other matters subject to regulation under this section, unless specific authority is provided elsewhere in the statutes. ✓

1 **(3) DUTIES OF THE DEPARTMENT.** (a) *Assistance.* ✓ The department shall draft and
2 disseminate model ordinances that meet the requirements of this section. The
3 department shall consult with and assist local governmental units in enacting and
4 enforcing ordinances that meet the requirements of this section. ✓

NOTE: This provision creates a new requirement that DNR must prepare model ordinances and assist local governmental units in enforcing ordinances enacted by those governmental units. ✓

5 (b) *Review of ordinances.* ✓ The department shall review ordinances as provided
6 under sub. (10). ✓

7 **(4) JURISDICTION OF CERTAIN LOCAL GOVERNMENTAL UNITS.** (a) *Cities, villages, and*
8 *towns.* 1. A city, village, or town that has the entire shoreline of an inland lake within
9 the boundaries of the city, village, or town may enact ordinances applicable to that
10 lake. ✓

11 2. A city, village, or town that has both banks of a stream within the boundaries
12 of the city, village, or town may enact ordinances applicable to that portion of the
13 stream that is within the boundaries of the city, village, or town. ✓

NOTE: The current statute authorizes a town, village, or city to enact ordinances applicable to both lakes and streams “within its jurisdiction”. With respect to streams, the current statute does not clearly define the jurisdiction of a town, village, or city. This bill authorizes the town, village, or city to enact ordinances applicable to streams within its boundaries (i.e., the town, village, or city has territory on both banks of the stream). A later provision, in sub. (4) (e), provides that a town, village, or city that is adjacent to a stream may enact ordinances if the town, village, or city that is also adjacent to the stream (i.e., on the opposite shore) enacts the identical ordinance. ✓

14 3. Notwithstanding pars. (b) 1. to 3. or (c) to (e), a city, village, or town may enact
15 ordinances applicable to waters of this state that pertain to issues of local concern
16 to that city, village, or town, as specified in sub. (5) (h). If there is a disagreement
17 among local governmental units regarding the content of an ordinance enacted

1 under this subdivision, or the priority of an ordinance enacted under this
2 subdivision, as provided in sub. (7) (c), the matter may be submitted to the
3 department for a determination. ✓

NOTE: This provision is new. It authorizes ordinances that are of concern only to an individual town, village, or city. The provisions regarding priority of local governmental unit authority in sub. (7) (c) make it clear that a town, village, or city ordinance related only to local issues supersedes inconsistent provisions of any other ordinance applicable to the same body of water. The scope of these ordinances of local concern is limited by sub. (5) (h).

4 (b) *Counties*. 1. A county that has both banks of a stream within the county
5 boundaries may enact ordinances applicable to that portion of the stream. ✓

NOTE: "Stream" is used instead of "river or stream", which is used in the current statute. There is not a substantive distinction between these 2 terms.

6 2. A county that has the entire shore of an inland lake within the county
7 boundaries may enact ordinances applicable to that lake.

8 2g. A county ordinance enacted under subd. 2. is void if the ordinance is enacted
9 with respect to a lake for which an ordinance is enacted under par. (a) 1., (c), or (d). ✓

10 2r. A county ordinance enacted under subd. 2 with respect to a lake for which
11 an ordinance has not been enacted under par. (a) 1., (c), or (d) is void if any of the
12 following applies: ✓

13 a. The entire shoreline of the lake is within the boundaries of a city, village, or
14 town that adopts a resolution declaring the county ordinance void, and the city,
15 village, or town files a copy of the resolution with the department. ✓

16 b. At least 50%^{percent} of the cities, villages, or towns with a portion of the shoreline
17 of the lake within the boundaries of the city, village, or town adopt a resolution
18 declaring the county ordinance void, a copy of the resolution is filed with the
19 department, and at least 40%^{percent} of the footage of shoreline of the lake is within the
20 boundaries of those cities, villages, or towns.

NOTE: This provision is new. Counties have authority under the current statutes to enact ordinances related only to streams and county marina developments. This bill gives counties the authority to enact ordinances related to an inland lake if the entire shore of the inland lake is within the county boundaries. The county is not required to obtain authorization from the towns, villages, or cities bordering the lake. A county is not required to enact ordinances for all lakes, but rather may determine which lakes within the county merit regulation. Although not stated in the bill, it is obvious that one or more towns, villages, or cities bordering the lake may request the county to enact an ordinance. ✓

Under the current statute, the primary authority to enact boating regulations, or to delegate authority to enact boating regulations, rests with the towns, villages, and cities. Although counties are given authority in this bill to enact boating ordinances, the preeminent authority of towns, villages, and cities is retained. If a town, village, or city enacts an ordinance applicable to a lake or adopts a resolution declaring the county ordinance void, the county ordinance is void with respect to that lake. Similarly, the towns, villages, or cities with concurrent jurisdiction of a lake may adopt a resolution declaring the county ordinance void, if the requisite number of municipalities do so, as provided in this bill. Finally, a town sanitary district or lake district that enacts an ordinance pursuant to authority granted by the towns, villages, or cities bordering a lake renders the county ordinance on that lake void. ✓

- 1 3. A county may enact ordinances applicable to outlying waters that are
2 contiguous to the county. ✓

NOTE: The current statute authorizes a town, village, or city to enact ordinances applicable to "waters of this state within its jurisdiction". Municipal jurisdiction of outlying waters is determined by the municipal charter. It appears that there is some variability in jurisdiction, with the jurisdiction of some municipalities ending at the water's edge and others extending into the Great Lakes for varying distances. It does not appear that there is substantial reason for towns, villages, or cities to adopt boating regulations on the Great Lakes other than in the near-shore areas. Therefore, this bill provides that counties may enact ordinances applicable to outlying waters. Towns, villages, and cities have authority in sub. (4) (a) 3. to enact ordinances of local concern on outlying waters, whether or not the county has adopted ordinances on those waters.

- 3 4. A county that operates a marina development adjacent to waters of this state
4 may enact ordinances that relate to the development, operation, and use of the
5 marina and the waters adjoining the marina. ✓

- 6 (c) *Multiple cities, villages, and towns; inland lakes.* A city, village, or town may
7 enact ordinances applicable to an inland lake if the city, village, or town has a portion
8 of the shoreline of the lake within the boundaries of the city, village, or town and all
9 of the following apply: ✓

- 10 1. At least 50%^{percent} of the cities, villages, or towns with a portion of shoreline of the
11 lake within their boundaries enact an identical ordinance.

1 2. At least 60%^{e percent} of the footage of shoreline of the lake is within the boundaries
2 of the cities, villages, and towns that enact an identical ordinance. ✓

3 (d) *Town sanitary district or lake district.* A town sanitary district or public
4 inland lake protection and rehabilitation district may enact ordinances applicable
5 to an inland lake if at least 60%^{e percent} of the footage of the shoreline of the lake is within
6 the town sanitary district or public inland lake protection and rehabilitation district
7 boundary and all of the following apply:

8 1. At least 50%^{e percent} of the cities, villages, or towns with a portion of the shoreline
9 of the lake within their boundaries adopt a resolution authorizing the town sanitary
10 district or public inland lake protection and rehabilitation district to enact the
11 ordinance. ✓

12 2. At least 60%^{e percent} of the footage of shoreline of the lake is within the boundaries
13 of the cities, villages, and towns that adopt the resolution. ✓

14 (e) *Multiple cities, villages, towns, and counties; streams.* 1. A city, village, or
15 town that is contiguous to a stream may enact ordinances applicable to any portion
16 of the stream if each city, village, or town that is contiguous to that portion of the
17 stream on the opposite bank enacts an identical ordinance. ✓

18 2. A county that is contiguous to a stream may enact ordinances applicable to
19 any portion of the contiguous stream if each county that is contiguous to that portion
20 of the stream on the opposite bank enacts an identical ordinance. ✓

NOTE: The current statute does not distinguish between streams within and streams contiguous to a county, town, village, or city. This bill makes that distinction, and requires identical ordinances in the latter case. (The requirement to adopt an identical ordinance is determined by the portion of the stream to which the ordinance applies.)

It should also be noted that the requirement for adopting identical ordinances with respect to a stream that is contiguous to a town, village, or city does not apply to the provision of this bill related to ordinances regarding local issues of concern only to the town, village, or city. See sub. (4) (a) 3., above.

1 (5) STRICT CONFORMITY AND CONSISTENCY; PROHIBITIONS. (a) *Ordinances*
2 *authorized.* A local governmental unit may enact and enforce ordinances as provided
3 under this subsection. ✓

NOTE: The current statute, in several instances, authorizes a local governmental unit “to enact and enforce” ordinances. This phrase is not used consistently, and a number of other authorizations in the current statute refer only to “enacting” ordinances. Ordinarily, authority to enforce an ordinance would be implied by the authority to enact an ordinance. However, the jurisdiction of many local governmental units ends at the water’s edge, and the authority to enact ordinances under s. 30.77 is extraterritorial in some cases. This bill retains “enforce” with respect to ordinances in this general grant of authority to enact ordinances. The authority to enforce ordinances is intended to apply to any waters of the state for which the local governmental unit is authorized to enact ordinances. ✓

4 (b) *Strict conformity required.* Ordinances that relate to the subject matter
5 encompassed by ss. 30.61, 30.62, 30.65, 30.67, 30.675, 30.68 (3m) (a) and (b) and (14),
6 30.681 to 30.687, and 30.71 shall be in strict conformity with these statutes. ✓

NOTE: The current statutes provide that an ordinance may either be in strict conformity with or “not contrary to or inconsistent with” state law. The current statutes further provide that an ordinance which is “not contrary to or inconsistent with” state law must relate to “the equipment, use, or operation of boats or to any activity regulated by ss. 30.60 to 30.77”. The current statute does not provide sufficient guidance to determine which state laws require strict conformity, and which ones require consistency in the corresponding ordinances. Therefore, this bill simply lists the statutes that require strict conformity in ordinances on the same subject. Any statute that meets the definition of a “state law” in this bill, and is not on this list, requires consistency in a corresponding ordinance, but may also be in strict conformity with the state law. ✓

7 (c) *Ordinances consistent with state law.* Except for a state law that requires
8 strict conformity under par. (b), every ordinance enacted by a local governmental
9 unit under this section shall be at least consistent with state law if all of the following
10 apply:

- 11 1. The ordinance is in the interest of public health, safety, or welfare, including
12 the public’s interest in preserving the state’s natural resources. ✓
- 13 2. The ordinance relates either to the equipment, use, or operation of boats or
14 to any activity subject to a state law. ✓

NOTE: Current s. 30.77 authorizes certain ordinances that are “not contrary to or inconsistent with” state law. “Consistent with” is substituted for that phrase in this bill.

There does not appear to be any substantive difference between these phrases. “Consistent with” is used in the interest of clarity, without intending any change in the standard for ordinances. ✓

1 (d) *Standards for consistency.* An ordinance is consistent with state law even
2 if it varies from the specific provisions of state law if the ordinance achieves the same
3 general objective as state law, allows free use of the waters of this state within the
4 framework established by state law, and is a reasonable restriction on public rights
5 in waters of this state. An ordinance that meets the standards for consistency in this
6 paragraph is not inconsistent with state law solely because the ordinance establishes
7 standards that are more restrictive than the state law. ✓

NOTE: This provision creates standards regarding what is meant by “consistency” between ordinances and state law. The effect of this statutory standard is to create a framework for the DNR to make comments on the issue of consistency in its advisory review under sub. (10) in this bill, and to guide the decision of the hearing examiner under the objection procedures in sub. (11) of this bill. ✓

The special committee recognizes that it is difficult to draft statutory standards regarding consistency that draw a clear line between ordinances that are consistent and ordinances that are not consistent with state law. The new statutory standards are intended to aid in the discussion and adjudication of these issues. ✓

8 (e) *Considerations in enacting ordinances.* In enacting an ordinance for an
9 individual body of water, a local governmental unit may take into account factors
10 that include the following:

11 1. The type, size, shape, and depth of the body of water and any features of
12 special environmental significance that the body of water has. ✓

13 2. The amount, type, and speed of boating traffic on the body of water and
14 boating safety and congestion. ✓

15 3. The degree to which boating traffic on the body of water affects other
16 recreational uses and the public’s health, safety, and welfare, including the public’s
17 interest in preserving the state’s natural resources. ✓

18 (f) *Specific ordinances authorized.* Ordinances that require strict conformity
19 under par. (b) include those that relate to any of the following:

- 1 1. Restrictions on speed. ✓
- 2 2. Restrictions on certain types of boating activities on all, or on specified parts,
- 3 of the lake or stream. ✓
- 4 3. Restrictions on certain types of boating activities during specified hours of
- 5 the day or specified days of the week. ✓
- 6 4. The operation, equipment, use, and inspection of boats carrying passengers
- 7 for hire that operate from a base within the jurisdiction of the local governmental
- 8 unit, including the regulation of reasonable fees for the inspection of such boats. ✓
- 9 5. Reasonable fees for using a public boat launching facility that the local
- 10 governmental unit owns or operates. ✓
- 11 6. Reasonable fees for the local governmental unit's costs for operating or
- 12 maintaining a water safety patrol unit, as defined in s. 30.79 (1) (b) 2. ✓
- 13 7. Reasonable fees for the local governmental unit's costs of providing other
- 14 recreational boating services. ✓

NOTE: The provision regarding fees for "other recreational boating services" retains current law. The special committee discussed the possibility of repealing or modifying this provision, but decided against making changes. The special committee acknowledges that although the current statute authorizes "reasonable" fees, a fee related to boating that might be reasonable for purposes of the police power may nevertheless exceed the bounds of the public trust in navigable waters under art. IX, s. 1, Wis. const. However, the special committee concluded that local governments should have the opportunity to impose reasonable fees that do not violate the public trust, and that the statute should continue to allow this. ✓

article IX, section 1, of the Wisconsin Constitution

- 15 (g) *Prohibitions.* 1. An ordinance may not require numbering, registration, or
- 16 licensing of boats. ✓
- 17 2. An ordinance may not charge a fee for inspection of boats, except as provided
- 18 in par. (f) 4. ✓
- 19 (h) *Cities, villages, and towns; issues of local concern.* A city, village, or town
- 20 may enact ordinances under sub. (4) (a) 3. that relate only to establishing

1 slow-no-wake zones and prohibiting boats from designated areas and that apply
2 only within the following areas:

3 1. A mooring area designated under s. 30.773[✓] by the city, village, or town.

4 2. A bridge, dam, channel, canal, or other similar hazard to navigation that is
5 within the corporate limits of the city, village, or town.[✓]

6 3. Any construction project that requires a permit under subch. II or ch. 31 and
7 either is undertaken by the city, village, or town or is within the corporate limits of
8 the city, village, or town.[✓]

9 4. A marina that is either owned by the city, village, or town or is within the
10 corporate limits of the city, village, or town.[✓]

11 5. An area that is within 200 feet from any riparian property or lake bed that
12 is owned by the city, village, or town.[✓]

13 6. An area within a breakwater that is adjacent to the city, village, or town.[✓]

14 7. A harbor that is within the corporate limits of the city, village, or town.[✓]

15 **(6) RESCINDING AUTHORITY TO ENACT ORDINANCES.** (a) *Multiple cities, villages,*
16 *and towns.* If a city, village, or town enacts an ordinance for an inland lake under
17 sub. (4)[✓] (c) and the city, village, or town amends or repeals the ordinance, that
18 ordinance is void for each city, village, or town with shoreline on the inland lake
19 unless the requirements of sub. (4) (c) 1. and 2.[✓] continue to apply.[✓]

20 (b) *Delegated jurisdiction.* If a public inland lake protection and rehabilitation
21 district or town sanitary district is authorized to enact ordinances for an inland lake
22 under sub. (4) (d) and a city, village, or town rescinds the resolution that grants that
23 authority, the public inland lake protection and rehabilitation district or town
24 sanitary district may not enact ordinances for that inland lake and any ordinance
25 enacted by the public inland lake protection and rehabilitation district or town

1 sanitary district for that inland lake is void, unless the requirements of sub. (4) (d)
2 1. and 2. continue to apply. ✓

3 (7) PRIORITY OF ORDINANCES. (a) *Counties*. 1. An ordinance enacted by a county
4 for a stream under sub. (4) (b) 1. or (e) 2. supersedes any provision of an ordinance
5 enacted by a city, village, or town for a stream under sub. (4) (a) 2. or (e) 1. that is
6 inconsistent with the county ordinance. ✓

7 2. An ordinance enacted by a county for a marina under sub. (4) (b) 4.
8 supersedes any provision of an ordinance enacted by another local governmental
9 unit that is inconsistent with the county ordinance.

10 (b) *Town sanitary districts and lake districts*. An ordinance enacted by a public
11 inland lake protection and rehabilitation district or a town sanitary district for an
12 inland lake under sub. (4) (d) supersedes any provision of an ordinance enacted by
13 a city, village, or town under sub. (4) (a) 1. or (c) that is inconsistent with the public
14 inland lake protection and rehabilitation district or town sanitary district ordinance. ✓

15 (c) *Cities, villages, or towns; ordinances of local concern*. An ordinance enacted
16 by a city, village, or town for any waters of this state under sub. (4) (a) 3. supersedes
17 any provision of an ordinance enacted under sub. (4) (b) 1. to 3. and (c) to (e) that is
18 inconsistent with the city, village, or town ordinance under sub. (4) (a) 3.

19 (8) POSTING ORDINANCES. All ordinances enacted under this section applicable
20 to a lake or stream shall be prominently posted by the local governmental unit that
21 enacted them at each point of public access to the lake or stream within the local
22 governmental unit. For ordinances enacted under sub. (4) (c), the ordinances shall
23 be posted by each local governmental unit at any point of public access to the lake
24 or stream within the boundaries of that local governmental unit. ✓