



1997 ASSEMBLY BILL 426

June 12, 1997 - Introduced by Representatives DOBYNS, LINTON, JOHNSRUD, BOYLE, SERATTI and HANDRICK, cosponsored by Senators BRESKE and CLAUSING. Referred to Committee on Natural Resources.

1 **AN ACT** *to repeal* 30.51 (2) (a) 1., 30.51 (2) (a) 2., 30.531 (3) (b) and 30.74 (intro.)
2 (except 30.74 (title)); *to renumber and amend* 30.52 (3) (i), 30.547 and 30.68
3 (10); *to amend* 30.50 (4m), 30.50 (9x), 30.501 (1), 30.501 (5), 30.505, 30.51 (2)
4 (a) 4., 30.51 (2) (c) 4., 30.52 (1) (b) 1m., 30.52 (1) (c), 30.52 (3) (f), 30.52 (3m) (a),
5 30.52 (5) (a) 1., 30.52 (5) (a) 2., 30.52 (5) (a) 3., 30.52 (5) (b) 1., 30.523 (2) (c),
6 30.523 (3), 30.525, 30.531 (2), 30.533 (1) (intro.), 30.539 (2), 30.549 (1) (a), 30.66
7 (3) (a), 30.68 (6), 30.68 (9), 30.74 (1) (a), 30.74 (1) (b), 30.74 (1) (c), 30.74 (2) (a),
8 30.74 (3), 30.80 (6) (a), 30.80 (6) (e), 66.325 (1), 66.325 (2), 66.325 (3), 885.235
9 (1m), 885.235 (4) and 938.343 (5); *to repeal and recreate* 30.547 (title); and
10 *to create* 30.50 (1j), 30.51 (2) (a) 1m., 30.51 (2) (a) 2m., 30.52 (1) (b) 1r., 30.52
11 (3) (i) 2., 30.52 (3) (im), 30.52 (5) (bn), 30.531 (3) (am), 30.547 (2), 30.547 (3),
12 30.547 (4), 30.681 (1) (bn), 30.74 (1) (bn), 30.80 (2m), 30.80 (3m), 30.80 (6) (a)
13 4., 66.325 (2m) (b), 66.325 (4) and 971.19 (10) of the statutes; **relating to:** the
14 intoxicated boating law; capacity plates on boats; certificate of number,

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1 registration and titling requirements for boats; prohibitions against falsifying
2 boat titles and other documentation; prohibitions against operating boats using
3 unsafe methods and in certain locations; boating safety course and certificates;
4 emergency powers of counties over navigable waters; granting rule-making
5 authority; and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the laws governing boat registration and titling and boating safety. Most of the changes are described below.

BOAT REGISTRATION AND TITLING

Under current law, with certain exceptions, a boat owner must register a boat and pay a registration fee. Upon registration, the department of natural resources (DNR) issues to the boat owner a certificate of number card or a registration card that authorizes the operation of the boat in this state. The boat owner also receives 2 decals and an identification number that must be displayed on the boat. Current law exempts most nonmotorized boats from these requirements. Under this bill, all nonmotorized boats, except inflatable boats that are less than 8 feet in length and sailboards, are subject to these registration requirements. The bill established a reduced fleet fee for a boat owner wishing to register 3 or more nonmotorized boats.

Under current law, boats that are less than 16 feet in length are exempt from being titled. This bill eliminates this exemption.

Administratively, DNR charges a registration fee for a boat dealer or manufacturer to receive decals and an identification number that can be moved from boat to boat. Under current law, dealers and manufacturers may use these decals and numbers only for the purpose of testing or demonstrating a boat. This bill establishes a statutory registration fee for dealers and manufacturers for certificate of number cards, decals and identification numbers and imposes no restrictions on the purposes for which a manufacturer or dealer may use these decals and numbers.

Under current law, a boat is exempt from the registration requirements for 15 days after the registration application for the boat is submitted. The bill increases the time period to 60 days.

Current law prohibits a person from falsifying an application for a boat title or the boat title itself. Under this bill, a person may not falsify a registration application or a registration or certificate of number card.

INTOXICATED BOATING LAW

The changes under this bill to the intoxicated boating law, which covers the operation of motorboats, including personal watercraft, are the following:

1. The bill imposes an absolute-sobriety requirement on a person under 19 years old who is operating a motorboat. Under current law, there is no such requirement.

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2. The bill requires violations of local ordinances in conformity with the state intoxicated boating laws to count as a current offenses under the state law. Under current law, violations of local ordinances only count as previous offenses.

BOATING SAFETY COURSE AND OTHER SAFETY PROVISIONS

Current law requires DNR to establish a boating safety course. Under current law, minors who are 10 to 15 years old may operate a motorboat if they are accompanied by a parent, guardian or another adult designated by a parent or guardian. A minor who is 12 to 15 is exempt from this requirement if the minor has a boating safety certificate showing that the minor successfully completed the safety course.

Under current law, the fee for the course is \$2. This bill authorizes DNR to establish the fee by rule.

The bill also specifically authorizes courts to revoke a person's boating safety certificate for violating certain boating laws, including the intoxicated boating law.

Under current law, a motorboat less than 26 feet in length that is designed to carry 2 or more persons must have a capacity plate affixed on the boat. The capacity plate shows the total weight of persons, motor and other articles that the boat may safely carry. This bill limits this requirement to cover such motorboats that are 20 feet in length or less.

The bill expands the areas where a person may not operate a motorboat in excess of slow-no-wake speed to include the areas within 100 feet of a lake shoreline.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 30.50 (1j) of the statutes is created to read:

2 30.50 (1j) "Application" includes the form designated by the department and
3 any supporting document or other information that is submitted to the department.

4 **SECTION 2.** 30.50 (4m) of the statutes is amended to read:

5 30.50 (4m) "Intoxicated boating law" means s. 30.681 (1) or a local ordinance
6 in conformity with that section subsection, s. 30.681 (2) or, if the operation of a
7 motorboat is involved, s. 940.09 or 940.25.

8 **SECTION 3.** 30.50 (9x) of the statutes is amended to read:

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1 30.50 (9x) “Refusal law” means s. 30.684 (5) or a local ordinance in conformity
2 with that section subsection.

3 **SECTION 4.** 30.501 (1) of the statutes is amended to read:

4 30.501 (1) Every vessel less than ~~26~~ 20 feet in length designed to carry 2 or more
5 persons and to be propelled by machinery as its principal source of power or designed
6 to be propelled by oars shall, if manufactured or offered for sale in this state, have
7 affixed permanently thereto by the manufacturer a capacity plate as required by this
8 section. As used in this section “manufacture” means to construct or assemble a
9 vessel or alter a vessel so as to change its weight capacity.

10 **SECTION 5.** 30.501 (5) of the statutes is amended to read:

11 30.501 (5) The information appearing on a capacity plate shall be deemed to
12 warrant that the manufacturer, or the person affixing the capacity plate as permitted
13 by sub. (4), has correctly and faithfully employed a method and formula for the
14 calculation of maximum weight capacity prescribed by the department and that the
15 information appearing on the capacity plate with respect to maximum weight
16 capacity and recommended number of persons is the result of ~~the application of~~
17 applying such method and formula, and with respect to information concerning
18 horsepower limitations that such information is not a deliberate or negligent
19 misrepresentation.

20 **SECTION 6.** 30.505 of the statutes is amended to read:

21 **30.505 Certificate of number system to conform to federal system.** The
22 certificate of number system and the issuance of identification numbers employed
23 by the department shall be in conformity with the overall system of identification
24 numbering for ~~motorboats~~ boats established by the U.S. government. The
25 department shall promulgate rules as are necessary to bring the state certificate of

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

3 **SECTION 7.** 30.51 (2) (a) 1. of the statutes is repealed.

4 **SECTION 8.** 30.51 (2) (a) 1m. of the statutes is created to read:

5 30.51 (2) (a) 1m. A nonmotorized boat that is inflatable and that is 8 feet or less
6 in length.

7 **SECTION 9.** 30.51 (2) (a) 2. of the statutes is repealed.

8 **SECTION 10.** 30.51 (2) (a) 2m. of the statutes is created to read:

9 30.51 (2) (a) 2m. A sailboard.

10 **SECTION 11.** 30.51 (2) (a) 4. of the statutes is amended to read:

11 30.51 (2) (a) 4. Operated within a period of ~~15~~ 60 days after application for a
12 certificate of number has been made and the required fee has been paid, if proof of
13 application is carried on board.

14 **SECTION 12.** 30.51 (2) (c) 4. of the statutes is amended to read:

15 30.51 (2) (c) 4. Operated within ~~15~~ 60 days after an application for registration
16 is made and the required fee is paid if proof of the application for registration is
17 carried on board the boat.

18 **SECTION 13.** 30.52 (1) (b) 1m. of the statutes is amended to read:

19 30.52 (1) (b) 1m. Any person who owns a nonmotorized boat that is exempt from
20 the certificate of number and the registration requirement under s. 30.51 (2) (a) ~~1.~~
21 ~~or 2.~~ 1m. or 2m. may apply to the department for registration.

22 **SECTION 14.** 30.52 (1) (b) 1r. of the statutes is created to read:

23 30.52 (1) (b) 1r. A person applying for registration of a federally documented
24 vessel shall submit as part of the application a photocopy of the front and back of the

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1 federal certificate of documentation for the vessel, which must be current at the time
2 of applying for registration.

3 **SECTION 15.** 30.52 (1) (c) of the statutes is amended to read:

4 30.52 (1) (c) *Application for duplicates.* If a certificate of number card, a
5 registration card, a certification sticker or decal or a registration sticker or decal is
6 lost or destroyed the owner may apply for a duplicate. ~~The application shall be made~~
7 ~~upon a form designated by the department and~~ owner shall submit an application
8 which shall be accompanied by the required fee for each duplicate certificate of
9 number card, registration card, certification sticker or decal or registration sticker
10 or decal applied for.

11 **SECTION 16.** 30.52 (3) (f) of the statutes is amended to read:

12 30.52 (3) (f) (title) *Fee for nonmotorized ~~sailboats~~ boats.* Notwithstanding pars.
13 (b) to (e), the fee for the issuance or renewal of a certificate of number for a sailboat
14 ~~which is not a motorboat~~ nonmotorized boat is \$10.

15 **SECTION 17.** 30.52 (3) (i) of the statutes is renumbered 30.52 (3) (i) 1. and
16 amended to read:

17 30.52 (3) (i) 1. A person owning or holding 3 or more boats ~~boats~~ motorboats may, at
18 the person's option, pay a fleet rate for these boats motorboats instead of the fees
19 which otherwise would be payable under pars. (b) ~~to~~, (c), (d), (e) or (g).
20 Notwithstanding pars. (b) ~~to~~, (c), (d), (e) or (g), the fee for the issuance or renewal of
21 certificates of number or registrations for boats under ~~the~~ this fleet rate is \$18 plus
22 50% of the fees which would otherwise be applicable for the boats under pars. (b) ~~to~~,
23 (c), (d), (e) or (g)

24 **SECTION 18.** 30.52 (3) (i) 2. of the statutes is created to read:

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1 30.52 (3) (i) 2. A person owning or holding 3 or more nonmotorized boats may,
2 at the person's option, pay a fleet rate for these nonmotorized boats instead of the fees
3 which otherwise would be payable under pars. (f) and (fm). Notwithstanding pars.
4 (f) and (fm), the fee for the issuance or renewal of certificates of number for
5 nonmotorized boats under this fleet rate is \$25.

6 **SECTION 19.** 30.52 (3) (im) of the statutes is created to read:

7 30.52 (3) (im) *Dealer or manufacturer fees.* A manufacturer or dealer in boats
8 may, at the manufacturer's or dealer's option, pay a fee of \$50 for the issuance or
9 renewal of a certificate of number.

10 **SECTION 20.** 30.52 (3m) (a) of the statutes is amended to read:

11 30.52 (3m) (a) Any applicant for the issuance or renewal of a certificate of
12 number or registration under sub. (3) (b) to (i) (im) may, in addition to paying the fee
13 charged for the certificate, elect to make a voluntary \$1 contribution to be used for
14 lake research.

15 **SECTION 21.** 30.52 (5) (a) 1. of the statutes is amended to read:

16 30.52 (5) (a) 1. Upon receipt of a proper application for the issuance or renewal
17 of a certificate of number accompanied by the required fee, a sales tax report and, the
18 payment of any sales and use tax due under s. 77.61 (1) and any other information
19 the department determines to be necessary, the department shall issue to the
20 applicant a certificate of number card. The certificate of number card shall state the
21 identification number awarded, the name and address of the owner and other
22 information the department ~~deems~~ determines to be necessary. The certificate of
23 number card shall be of pocket size and of durable water resistant material.

24 **SECTION 22.** 30.52 (5) (a) 2. of the statutes is amended to read:

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1 30.52 (5) (a) 2. At the time the department issues a certificate of number card,
2 it shall issue 2 certification stickers or decals per boat. The certification stickers or
3 decals shall bear the year of expiration of the current certification and registration
4 period. For nonmotorized boats, the certification stickers or decals shall be distinct
5 in form and design from the other certification stickers or decals issued under this
6 subdivision. The department shall provide the applicant with instructions
7 concerning the attachment of the certification stickers or decals to the boat.

8 **SECTION 23.** 30.52 (5) (a) 3. of the statutes is amended to read:

9 30.52 (5) (a) 3. At the time the department issues a certificate of number card,
10 it shall award an identification number. The department shall provide the applicant
11 with instructions concerning the painting or attachment of the awarded
12 identification number to the boat. The identification number shall be awarded to a
13 particular boat unless the owner of the boat is a manufacturer of or dealer in boats,
14 motors or trailers who has paid the fee under sub. (3) (im) and desires to use the
15 identification number on his or her boats only while being tested or demonstrated or
16 while being used for the purpose of testing or demonstrating a motor or trailer is used
17 on that boat.

18 **SECTION 24.** 30.52 (5) (b) 1. of the statutes is amended to read:

19 30.52 (5) (b) 1. Upon receipt of a proper application for the issuance or renewal
20 of a registration accompanied by the required fee and, a sales tax report, the payment
21 of any sales and use tax due under s. 77.61 (1) and any other information the
22 department determines to be necessary, the department shall issue to the applicant
23 a registration card. The registration card shall state the name and address of the
24 owner and other information the department deems determines to be necessary. The
25 registration card shall be of pocket size and of durable water resistant material.

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1 **SECTION 25.** 30.52 (5) (bn) of the statutes is created to read:

2 30.52 (5) (bn) *Sales tax information required.* 1. For an application submitted
3 under par. (a) 1. or (b) 1., the purchaser of the boat shall complete the sales tax
4 information required by the department on the application unless subd. 2. applies.

5 2. For an application submitted under par. (a) 1. or (b) 1., if the seller is a
6 manufacturer or a dealer, the manufacturer or dealer shall complete the sales tax
7 information if the manufacturer or dealer agrees to do so on behalf of the purchaser.

8 **SECTION 26.** 30.523 (2) (c) of the statutes is amended to read:

9 30.523 (2) (c) *Stickers or decals for boats owned by manufacturers and dealers.*
10 Notwithstanding ~~pars. par.~~ par. (a) and (b), a manufacturer or dealer in boats, motors or
11 trailers who has paid the fee under s. 30.52 (3) (im) may attach or affix the
12 certification ~~or registration~~ stickers or decals to removable signs to be temporarily
13 but firmly mounted upon or attached to the boat while the boat is being tested ~~or~~
14 ~~demonstrated or while the boat is being used in connection with the testing or~~
15 ~~demonstration of a motor or trailer operated.~~

16 **SECTION 27.** 30.523 (3) of the statutes is amended to read:

17 30.523 (3) DISPLAY OF IDENTIFICATION NUMBER. Upon being issued a certificate
18 of number card and awarded an identification number, the owner of the boat shall
19 paint on or attach the identification number to each side of the forward half of the
20 boat in the manner prescribed by rules promulgated by the department. The owner
21 shall paint or attach the identification number so it is clearly visible and shall
22 maintain the identification number in a legible condition at all times. A
23 manufacturer or dealer in boats, motors or trailers who has paid the fee under s.
24 30.52 (3) (im) may paint the identification number on or attach the identification
25 number to removable signs to be temporarily but firmly mounted upon or attached

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1 to the boat while being tested or demonstrated or while being used in connection with
2 the testing or demonstrating of a motor or trailer operated. No number other than
3 the identification number awarded by the department or granted reciprocity under
4 this chapter may be painted, attached or otherwise displayed on either side of the
5 forward half of a boat.

6 **SECTION 28.** 30.525 of the statutes is amended to read:

7 **30.525 Voluntary contributions for nonmotorized boats.** The
8 department shall encourage owners of boats which are exempt from the certificate
9 of number requirement under s. 30.51 (2) (a) 1. or 2. to contribute funds to be utilized
10 for the development or enhancement of programs or services which provide benefits
11 relating directly to nonmotorized boating activities. The department shall make
12 reasonable efforts to publicize the nonmotorized boat voluntary contribution
13 program and the purposes for which these revenues are to be utilized.

14 **SECTION 29.** 30.531 (2) of the statutes is amended to read:

15 30.531 (2) PREREQUISITE TO REGISTRATION. Except as provided in sub. (3), an
16 applicant's eligibility for a certificate of title is a prerequisite to registration of the
17 boat. If the applicant for registration holds a valid certificate of title previously
18 issued to the applicant by the department for the boat, that is prima facie evidence
19 of ownership of the boat and the applicant need not apply for a new certificate of title
20 on application when applying for registration.

21 **SECTION 30.** 30.531 (3) (am) of the statutes is created to read:

22 30.531 (3) (am) *Nonmotorized boats.* A nonmotorized boat is exempt from both
23 the certificate of origin and certificate of title requirements of this chapter.

24 **SECTION 31.** 30.531 (3) (b) of the statutes is repealed.

25 **SECTION 32.** 30.533 (1) (intro.) of the statutes is amended to read:

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1 30.533 (1) CERTIFICATE; CONTENTS. (intro.) An application for a certificate of
2 title shall be made to the department ~~upon a form prescribed by it~~ and shall be
3 accompanied by the required fee. Each application for certificate of title shall contain
4 the following information:

5 **SECTION 33.** 30.539 (2) of the statutes is amended to read:

6 30.539 (2) FORMS. The certificate of title shall contain forms for assignment and
7 warranty of title by the owner, and for assignment and warranty of title by a dealer,
8 or insurance company, and may contain forms for ~~application~~ applying for a
9 certificate of title by a transferee.

10 **SECTION 34.** 30.547 (title) of the statutes is repealed and recreated to read:

11 **30.547 (title) Alterations and falsifications prohibited.**

12 **SECTION 35.** 30.547 of the statutes is renumbered 30.547 (1) and amended to
13 read:

14 30.547 (1) ~~Any~~ No person who ~~may intentionally falsifies~~ falsify an application
15 for a certificate of title or a certificate of title issued under s. 30.537 (1) or 30.541 (4)
16 ~~or who intentionally alters a hull identification number or engine serial number~~
17 ~~shall be fined not more than \$5,000 or imprisoned not more than 5 years or both.~~

18 **SECTION 36.** 30.547 (2) of the statutes is created to read:

19 30.547 (2) No person may intentionally falsify an application for a certificate
20 of number or registration or a certificate of number or registration card issued under
21 s. 30.52.

22 **SECTION 37.** 30.547 (3) of the statutes is created to read:

23 30.547 (3) No person may intentionally alter, remove or change any number
24 or other character in an engine serial number.

25 **SECTION 38.** 30.547 (4) of the statutes is created to read:

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1 30.547 (4) No person may do any of the following:

2 (a) Intentionally alter, remove or change any number or other character in a
3 hull identification number.

4 (b) Manufacture a hull identification number that the person knows to be false
5 to be placed on a boat that is manufactured after November 1, 1972.

6 (c) Place a hull identification number that the person knows to be false on a boat
7 that is manufactured after November 1, 1972.

8 **SECTION 39.** 30.549 (1) (a) of the statutes is amended to read:

9 30.549 (1) (a) If the owner of a boat ~~covered by a valid certificate of title and~~
10 ~~a valid or expired certificate of number or registration issued by this state~~ transfers
11 all or any part of the owner's interest in the boat, other than by the creation of a
12 security interest, the owner shall give the current certificate of number card or the
13 registration card to the new owner and shall deliver the current certificate of title,
14 if the boat is required to be titled, to the new owner as provided under s. 30.541 (1).
15 If the owner does not possess a current certificate of number or registration or a
16 current title, the owner shall provide to the department any documentation or
17 information the department determines to be necessary to effect the transfer of
18 ownership.

19 **SECTION 40.** 30.66 (3) (a) of the statutes is amended to read:

20 30.66 (3) (a) Except under s. 30.69 (3), no person may operate a motorboat
21 within 100 feet of any dock, raft, pier or buoyed restricted area or any shoreline on
22 any lake at a speed in excess of slow-no-wake speed.

23 **SECTION 41.** 30.68 (6) of the statutes is amended to read:

24 30.68 (6) RIDING ON DECKS AND GUNWALES. No person operating a motorboat
25 ~~shall allow any person to~~ may ride or sit, or may allow any other person in the

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1 motorboat to ride or sit, on the gunwales, tops of seat backs or sides or on the decking
2 over the bow of the boat while under way, unless such person is inboard of guards or
3 railings provided on the boat to prevent ~~passengers~~ persons from being lost
4 overboard. Nothing in this section shall be construed to prohibit entry upon the
5 decking over the bow of the boat for the purpose of anchoring, mooring or casting off
6 or other necessary purpose.

7 **SECTION 42.** 30.68 (9) of the statutes is amended to read:

8 30.68 (9) OVERLOADING. No person may operate, and no owner of a boat may
9 allow a person to operate, a boat shall be that is loaded with passengers or cargo
10 beyond its safe carrying capacity, taking into consideration weather and other
11 existing operating conditions.

12 **SECTION 43.** 30.68 (10) of the statutes is renumbered 30.62 (2m) and amended
13 to read:

14 30.62 (2m) OVERPOWERING. No person may sell, equip or operate, and no owner
15 of a boat may allow a person to operate, a boat shall be equipped with any motor or
16 other propulsion machinery beyond its safe power capacity, taking into consideration
17 the type and construction of such watercraft and other existing operating conditions.

18 **SECTION 44.** 30.681 (1) (bn) of the statutes is created to read:

19 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
20 *age 19.* A person who has not attained the age of 19 may not engage in the operation
21 of a motorboat while he or she has a blood alcohol concentration of more than 0.0 but
22 less than 0.1.

23 **SECTION 45.** 30.74 (intro.) (except 30.74 (title)) of the statutes is repealed.

24 **SECTION 46.** 30.74 (1) (a) of the statutes is amended to read:

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1 30.74 (1) (a) ~~Create~~ The department shall create comprehensive courses on
2 boating safety and operation. These courses shall be offered in cooperation with
3 schools, private clubs and organizations, and may be offered by the department in
4 areas where requested and where other sponsorship is unavailable. The department
5 shall issue certificates to persons 10 years of age or older successfully completing
6 such courses.

7 **SECTION 47.** 30.74 (1) (b) of the statutes is amended to read:

8 30.74 (1) (b) The department shall prescribe the course content, the form of the
9 certificate and may collect \$2 a fee from each person who enrolls in the course. The
10 department may authorize instructors conducting such courses meeting standards
11 established by it to retain \$1 a portion of the fee to defray expenses incurred locally
12 to operate the program. ~~The remaining \$1~~ remainder of the fee shall be retained by
13 the department for the purpose of defraying a part of its expenses incurred to operate
14 the program. The department by rule shall set the fee for the course and the amount
15 of the fee that may be retained by instructors.

16 **SECTION 48.** 30.74 (1) (bn) of the statutes is created to read:

17 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
18 life unless revoked by a court under s. 30.80 (2m) or (6) (e) or 938.343 (5).

19 **SECTION 49.** 30.74 (1) (c) of the statutes is amended to read:

20 30.74 (1) (c) ~~Valid certificates~~ A valid certificate issued by ~~other states or~~
21 ~~provinces~~ another state, as defined in s. 115.46 (2) (f), or a province of Canada that
22 is held by persons between the ages of 10 and 16 years a person will be honored if the
23 course content substantially meets that established by the department.

24 **SECTION 50.** 30.74 (2) (a) of the statutes is amended to read:

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1 30.74 (2) (a) ~~By~~ The department by rule shall establish uniform marking of the
2 water areas of this state through the placement of aids to navigation and regulatory
3 markers. These rules shall establish a marking system compatible with the system
4 of aids to navigation prescribed by the U.S. coast guard and shall give due regard to
5 the system of uniform waterway markers approved by the advisory panel of state
6 officials to the merchant marine council, U.S. coast guard. No municipality or person
7 may mark the waters of this state in any manner in conflict with the marking system
8 prescribed by the department. Any regulatory marker or aid to navigation that does
9 not comply with this marking system is considered an unlawful obstruction to
10 navigable waters and may be removed in accordance with law. The department may
11 not prohibit the placement of a regulatory marker or an aid to navigation if it
12 complies with this marking system and if it is being placed pursuant to an ordinance
13 that has been enacted in compliance with s. 30.77.

14 **SECTION 51.** 30.74 (3) of the statutes is amended to read:

15 30.74 (3) ENFORCEMENT. ~~Assist~~ The department shall assist in the enforcement
16 of ss. 30.50 to 30.80 and in connection therewith maintain patrol boats and operate
17 such patrol boats at such times and places as the department deems necessary in the
18 interest of boating safety and the effective enforcement of boating laws.

19 **SECTION 52.** 30.80 (2m) of the statutes is created to read:

20 30.80 (2m) Any person violating s. 30.68 shall be required to obtain a certificate
21 of satisfactory completion of a safety course under s. 30.74 (1). If the person has a
22 valid certificate at the time that the court imposes sentence under sub. (1) or (2), the
23 court shall permanently revoke the certificate and order the person to obtain a
24 certificate of satisfactory completion of a safety course under s. 30.74 (1).

25 **SECTION 53.** 30.80 (3m) of the statutes is created to read:

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1 30.80 **(3m)** Any person violating s. 30.547 (1), (3) or (4) shall be fined not more
2 than \$5,000 or imprisoned not more than 5 years or both.

3 **SECTION 54.** 30.80 (6) (a) of the statutes is amended to read:

4 30.80 **(6)** (a) *Penalties related to prohibited operation of a motorboat;*
5 *intoxicants; refusal.* 1. Except as provided under subds. 2. and 3., a person who
6 violates s. 30.681 (1) (a) or (b), a local ordinance in conformity with s. 30.681 (1) (a)
7 or (b) or 30.684 (5) the refusal law shall forfeit not less than \$150 nor more than \$300.

8 2. Except as provided under subd. 3., a person who violates s. 30.681 (1) (a) or
9 (b), a local ordinance in conformity with s. 30.681 (1) or (b) or 30.684 (5) the refusal
10 law and who, within 5 years prior to the arrest for the current violation, was
11 convicted previously under the intoxicated boating law or the refusal law shall be
12 fined not less than \$300 nor more than \$1,000 and shall be imprisoned not less than
13 5 days nor more than 6 months.

14 3. A person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity
15 with s. 30.681 (1) (a) or (b) or 30.684 (5) the refusal law and who, within 5 years prior
16 to the arrest for the current violation, was convicted 2 times previously under the
17 intoxicated boating law or refusal law shall be fined not less than \$600 nor more than
18 \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the
19 county jail.

20 **SECTION 55.** 30.80 (6) (a) 4. of the statutes is created to read:

21 30.80 **(6)** (a) 4. A person who violates s. 30.681 (1) (bn) or a local ordinance in
22 conformity with s. 30.681 (1) (bn) shall forfeit \$50.

23 **SECTION 56.** 30.80 (6) (e) of the statutes is amended to read:

24 30.80 **(6)** (e) *Certificate of satisfactory completion of safety course.* In addition
25 to any other penalty or order, a person who violates s. 30.681 (1) or (2) or 30.684 (5)

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1 or who violates s. 940.09 or 940.25 if the violation involves the operation of a
2 motorboat, shall be ordered by the court to obtain a certificate of satisfactory
3 completion of a safety course under s. 30.74 (1). If the person has a valid certificate
4 at the time that the court imposes sentence, the court shall permanently revoke the
5 certificate and order the person to obtain a certificate of satisfactory completion of
6 a safety course under s. 30.74 (1).

7 **SECTION 57.** 66.325 (1) of the statutes is amended to read:

8 66.325 (1) Notwithstanding any other provision of law to the contrary, the
9 governing body of any city, village ~~or~~, town or county is empowered to declare, by
10 ordinance or resolution, an emergency existing within the city, village ~~or~~, town or
11 county whenever conditions arise by reason of war, conflagration, flood, heavy snow
12 storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and
13 including conditions, without limitation because of enumeration, which impair
14 transportation, food or fuel supplies, medical care, fire, health or police protection or
15 other vital facilities of the city, village ~~or~~, town or county. The period of the emergency
16 shall be limited by the ordinance or resolution to the time during which the
17 emergency conditions exist or are likely to exist.

18 **SECTION 58.** 66.325 (2) of the statutes is amended to read:

19 66.325 (2) (a) The emergency power of the governing body conferred under sub.
20 (1) includes the general authority to order, by ordinance or resolution, whatever is
21 necessary and expedient for the health, safety, welfare and good order of the city,
22 village ~~or~~, town or county in the emergency and. The powers of a county under sub.
23 (1) and this subsection only apply to a navigable water or a portion of a navigable
24 water that is located in the county.

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1 **(2m)** (a) The emergency power of a city, village or town includes without
2 limitation because of enumeration the power to bar, restrict or remove all
3 unnecessary traffic, both vehicular and pedestrian, from the local highways,
4 notwithstanding any provision of chs. 341 to 349 or any other provisions of law but
5 does not include the powers conferred on a county under this subsection.

6 (c) The governing body of the city, village ~~or~~, town or county may provide
7 penalties for violation of any emergency ordinance or resolution not to exceed a \$100
8 forfeiture or, in default of payment of the forfeiture, 6 months' imprisonment for each
9 separate offense.

10 **SECTION 59.** 66.325 (2m) (b) of the statutes is created to read:

11 66.325 **(2m)** (b) The powers of a county under sub. (1) include without
12 limitation because of enumeration the power to bar, restrict and remove all
13 unnecessary boats from the navigable water, or part thereof.

14 **SECTION 60.** 66.325 (3) of the statutes is amended to read:

15 66.325 **(3)** If, because of the emergency conditions, the governing body of the
16 city, village ~~or~~, town or county is unable to meet with promptness, the chief executive
17 officer or acting chief executive officer of any city, village ~~or~~, town or county shall
18 exercise by proclamation all of the powers conferred upon the governing body under
19 sub. (1) or (2) which within the discretion of the officer appear necessary and
20 expedient for the purposes herein set forth. The proclamation shall be subject to
21 ratification, alteration, modification or repeal by the governing body as soon as that
22 body can meet, but the subsequent action taken by the governing body shall not affect
23 the prior validity of the proclamation.

24 **SECTION 61.** 66.325 (4) of the statutes is created to read:

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1 66.325 (4) An ordinance, resolution or proclamation enacted or declared by a
2 county for a navigable water under this section shall be prominently posted and shall
3 also be filed with the department of natural resources. The secretary of natural
4 resources may suspend such an ordinance, resolution or proclamation.

5 **SECTION 62.** 885.235 (1m) of the statutes is amended to read:

6 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m)
7 or (7) or 350.101 (1) (c), evidence of the amount of alcohol in the person's blood at the
8 time in question, as shown by chemical analysis of a sample of the person's blood or
9 urine or evidence of the amount of alcohol in the person's breath, is admissible on the
10 issue of whether he or she had an alcohol concentration in the range specified in s.
11 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m) or 350.101 (1) (c) or an alcohol
12 concentration above 0.0 under s. 346.63 (7) if the sample was taken within 3 hours
13 after the event to be proved. The fact that the analysis shows that the person had
14 an alcohol concentration of more than 0.0 but not more than 0.1 is prima facie
15 evidence that the person had an alcohol concentration in the range specified in s.
16 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m) or 350.101 (1) (c) or an alcohol
17 concentration above 0.0 under s. 346.63 (7).

18 **SECTION 63.** 885.235 (4) of the statutes is amended to read:

19 885.235 (4) The provisions of this section relating to the admissibility of
20 chemical tests for alcohol concentration or intoxication shall not be construed as
21 limiting the introduction of any other competent evidence bearing on the question
22 of whether or not a person was under the influence of an intoxicant, had a specified
23 alcohol concentration or had an alcohol concentration in the range specified in s.
24 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m) or 350.101 (1) (c).

25 **SECTION 64.** 938.343 (5) of the statutes is amended to read:

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1 938.343 (5) If the violation is related to unsafe use of a boat, order the juvenile
2 to attend a safety course under s. 30.74 (1). If the juvenile has a valid certificate at
3 the time that the court imposes sentence, the court shall permanently revoke the
4 certificate and order the person to obtain a certificate of satisfactory completion of
5 a safety course under s. 30.74 (1).

6 **SECTION 65.** 971.19 (10) of the statutes is created to read:

7 971.19 (10) In an action under s. 30.547 for intentionally falsifying an
8 application for a certificate of number, a registration or a certificate of title, the
9 defendant may be tried in the defendant's county of residence at the time that the
10 complaint is filed, in the county where the defendant purchased the boat if purchased
11 from a dealer or the county where the department of natural resources received the
12 application.

13 **SECTION 66. Initial applicability.**

14 (1) INTOXICATED BOATING LAW. The treatment of section 30.80 (6) (a) 1., 2. and
15 3. of the statutes first applies to violations committed on the effective date of this
16 subsection.

17 (2) FALSIFIED APPLICATIONS. The treatment of section 971.19 (10) of the statutes
18 first applies to criminal actions commenced on the effective date of this subsection.

19 **SECTION 67. Effective dates.** This act takes effect on the day after
20 publication, except as follows:

21 (1) CERTIFICATE OF NUMBERS FOR NONMOTORIZED BOATS AND FOR BOATS OWNED BY
22 DEALERS OR MANUFACTURERS; TITLING OF BOATS UNDER 16 FEET. The treatment of
23 sections 30.505, 30.51 (2) (a) 1., 1m., 2. and 2m., 30.52 (1) (b) 1m., (3) (f), (i) 2. and (im)
24 and (5) (a) 2. and 3., 30.523 (2) (c) and (3), 30.525 and 30.531 (3) (am) and (b) of the

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1 statutes and the renumbering and amendment of section 30.52 (3) (i) of the statutes
2 take effect on the April 1 after publication.

3 (2) BOATING SAFETY PROGRAM. The treatment of sections 30.74 (intro.), (1) (a),
4 (b), (bn) and (c), (2) (a) and (3) and 30.80 (2m) of the statutes takes effect on the first
5 day of the 12th month beginning after publication.

6 (3) OTHER. The treatment of sections 30.52 (1) (b) 1r., 30.66 (3) (a), 30.681 (1)
7 (bn), 30.80 (6) (a) 4. and 885.235 (1m) and (4) of the statutes takes effect on the first
8 day of the 3rd month beginning after publication.

9 (END)