

No. 172, S.]

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CHAPTER 505

AN ACT to repeal 30.06, 30.061, 30.10 and 60.29 (35); to amend 29.05 (1) and 331.048; and to create 20.280 (95) and 30.50 to 30.80 of the statutes, relating to the numbering of boats, the regulation of boating and related water activities and the enforcement of such regulations, granting rule-making authority, providing penalties, and making appropriations.

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

SECTION 1. 20.280 (95) of the statutes is created to read:

20.280 (95) BOATING SAFETY AND ENFORCEMENT. (a) All moneys received by the conservation commission under ss. 30.50 to 30.55, as a revolving appropriation for the execution of its functions under ss. 30.50 to 30.80. Of these receipts, \$300,000 shall be transferred, on June 30, 1960, to the appropriation under par. (b). (b). Of the balance, there is allotted on January 1, 1960, and annually beginning July 1, 1960, a sum sufficient to enable the conservation commission to execute its functions under ss. 30.50 to 30.80, except s. 30.79. To enable the conservation commission to execute such functions prior to July 1, 1960, the director of budget and accounts, when making quarterly allotments under ch. 15, is authorized to anticipate such receipts, s. 20.902 to the contrary notwithstanding.

(b) All moneys transferred under par. (a) as a revolving appropriation for the payment of state aids under s. 30.79. Of this appropriation there is allotted for the fiscal year beginning July 1, 1960, and annually thereafter, \$100,000. Any portion of such allotment which remains unexpended at the end of the fiscal year shall be added to the allotment for the succeeding fiscal year.

SECTION 2. 29.05 (1) of the statutes is amended to read:

29.05 (1) The state conservation commission and its deputies are * * * authorized to execute and serve * * * warrants and processes issued under any law relating to wild animals and ss. 29.221, 30.50 to 30.80, 940.24, 941.20 and 947.03 in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any * * * provision of this chapter * * * or ss. 30.50 to 30.80, 940.24, 941.20 and 947.03, and to take such person before any court in the county where the offense was committed and make proper complaint. *For the purpose of enforcing ss. 30.50 to 30.80, any such officer may stop and board any boat, if he has reasonable cause to believe there is a violation of such sections.*

SECTION 3. 30.06 and 30.061 of the statutes are repealed.

SECTION 4. 30.10 of the statutes is repealed.

SECTION 5. 30.50 to 30.80 of the statutes are created to read:

REGULATION OF BOATING

30.50 DEFINITIONS. In ss. 30.50 to 30.80:

(1) "Boat" means every description of watercraft, other than a sea-plane on the water, used or capable of being used as a means of transportation on water.

(2) "Motorboat" means any boat propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a boat which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

(3) "Owner" means the person who has lawful possession of a boat by virtue of legal title or equitable interest therein which entitles him to such possession.

(4) "Waters of this state" means any waters within the territorial limits of this state, including the Wisconsin portion of boundary waters.

(5) "Operate" when used with reference to a motor boat or boat means to navigate, steer, sail, row or otherwise to move or exercise physical control over the movement of such motorboat or boat.

(6) "Commission" means the state conservation commission, acting directly or through its duly authorized officers or agents.

30.51 OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED; EXEMPTIONS. (1) CERTIFICATE OF NUMBER REQUIRED. After March 31, 1960, no person shall operate, and no owner shall give permission for the operation of, any motorboat or sailboat on the waters of this state unless the motorboat or sailboat either is covered by a valid certificate of number issued pursuant to this chapter or is exempt from the numbering requirements of this chapter.

(2) EXEMPTIONS. A motorboat or sailboat is exempt from the numbering requirements of this chapter if it is:

(a) Covered by a valid certificate of number issued pursuant to federal law or a federally-approved numbering system of another state, with the identification number properly displayed on each side of the bow, but this exemption does not apply if the boat has been within this state for a period in excess of 90 consecutive days or if this state is the state of principal use of such motorboat; or

(b) Operated within a period of 15 days after application for certificate of number has been made and the required fee has been paid; or

- (c) A motorboat from a country other than the United States temporarily using the waters of this state; or
- (d) A motorboat whose owner is the United States, a state or a local governmental unit; or
- (e) A ship's lifeboat; or
- (f) A motorboat belonging to a class of boats which the commission by rule has exempted from numbering in accordance with sub. (3).

(3) COMMISSION AUTHORIZED TO EXEMPT CERTAIN CLASSES OF MOTORBOATS. The commission may, by rule, exempt any class of motorboats from the numbering requirements of this chapter if it finds that the numbering of motorboats of such class will not materially aid in their identification and if it further finds that such class of motorboats has been exempted from numbering by the officer or agency charged with administration of the federal law pertaining to numbering of motorboats, but no exemption may be based on horsepower alone, nor may sailboats be exempt.

30.52 CERTIFICATES OF NUMBER; APPLICATIONS; ISSUANCE; RENEWALS; FEES. (1) WHAT BOATS TO BE NUMBERED IN THIS STATE. A motorboat principally used in this state shall be numbered in this state. Whenever a motorboat covered by a valid certificate of number issued pursuant to federal law or the federally-approved numbering system of another state is used in this state in excess of 90 consecutive days or to the extent that this state becomes the state of principal use, the owner of such motorboat shall forthwith apply for a certificate of number under this section.

(2) NUMBERING PERIODS. Numbering periods shall run for 3 years, commencing April 1, 1960. Unless sooner terminated or discontinued in accordance with this chapter, certificates of number issued for the period commencing April 1, 1960 are valid until April 1, 1963 and shall then expire and subsequent certificates shall expire on March 31 of every third year thereafter.

(3) FEES. A fee of \$3 shall be paid to the commission for the issuance of a certificate of number or renewal thereof valid for the whole or any part of a numbering period, subject to the following exceptions:

(a) If the boat has not previously been numbered in this state or was last previously numbered pursuant to federal law or a federally-approved numbering system of another state, the fee shall be \$2 if 2 years or less, but more than one year, remains of the numbering period at the time application is received and \$1 if one year or less remains of the numbering period.

(b) For issuance of a certificate of number to the new owner upon transfer of ownership of a boat numbered in this state, the fee shall be \$1 if the certificate is issued for the remainder of the numbering period for which the previous certificate was issued.

(c) A person owning or otherwise holding 3 or more boats ready for hire generally or ready to let in connection with the operation of resort facilities or guide services may, at his option, pay a flat fee of \$5 plus 50 cents per boat for obtaining or renewing certificates of number for such boats in lieu of the fee which otherwise would be payable.

(4) ISSUANCE OF CERTIFICATE OF NUMBER. Upon receipt of a proper application accompanied by the required fee, the commission shall issue to the applicant a certificate of number stating the number awarded, the name and address of the owner and such other information as the commission deems necessary. The certificate of number shall be pocket size. A number shall be awarded to a particular boat unless the owner is a manufacturer of or dealer in boats, motors or trailers, and desires to use the number on his boats only while being tested or demonstrated or while being used for the purpose of testing or demonstrating a motor or trailer.

(5) **NUMBERING SYSTEM TO CONFORM TO FEDERAL SYSTEM.** The numbering system employed by the commission shall be in conformity with the over-all system of identification numbering for motorboats established by the United States government. The commission shall adopt such rules as are necessary to bring the state numbering system into conformity with such federal system.

(6) **DUPLICATE CERTIFICATES.** If a certificate of number is lost or destroyed the owner may apply for a duplicate. Such application shall be made upon a form designated by the commission and shall be accompanied by a fee of \$1. Upon receipt of a proper application and the required fee, the commission shall issue a duplicate certificate to the owner.

(7) **COMMISSION TO DISTRIBUTE SAFETY PAMPHLETS.** The commission shall furnish to each person obtaining a certificate of number a copy of the state laws pertaining to operation of boats or informational material based on such laws.

30.53 IDENTIFICATION NUMBER TO BE DISPLAYED ON BOAT; CERTIFICATE TO BE CARRIED. (1) **DISPLAY OF IDENTIFICATION NUMBER.** Upon being issued a certificate of number, the owner of the motorboat shall paint on or attach to each side of the bow thereof the identification number in such manner as may be prescribed by the rules of the commission in order that it may be clearly visible and shall maintain such number in legible condition at all times. The commission shall furnish the owner with instructions relative to painting or attaching the awarded number to the motorboat. A manufacturer or dealer in boats, motors or trailers may have the awarded number printed upon or attached to removable signs to be temporarily but firmly mounted upon or attached to the boat while being tested or demonstrated or while being used in connection with the testing or demonstrating of a motor or trailer. No number other than the number awarded by the commission or granted reciprocity under this chapter shall be painted, attached, or otherwise displayed on either side of the bow of a motorboat. The commission shall determine in the case of sailboats, however, where such identification number shall be shown.

(2) **CERTIFICATE OF NUMBER TO BE AVAILABLE FOR INSPECTION.** The certificate of number shall be available at all times for inspection on the boat for which issued, whenever such boat is in use, unless the commission determines the boat is of such size or type as to make the retention of same on the boat impractical.

30.54 TRANSFER OF OWNERSHIP OF NUMBERED BOAT. (1) **DUTY OF SELLER.** Whenever the owner of a motorboat covered by a valid or expired certificate of number issued by this state transfers all or any part of his interest in such motorboat, other than by the creation of a security interest, he shall notify the commission of such transfer.

(2) **DUTY OF PURCHASER.** Transfer of the ownership of a motorboat terminates the certificate of number for such motorboat, except in the case of a transfer of a part interest which does not affect the transferor's right to operate such motorboat. The transferee shall make application for a new certificate of number as prescribed by the commission. Upon receipt of such application accompanied by the required fee, the commission shall issue a new certificate for the boat but shall not assign a new number to the boat unless compliance with federal numbering regulations require otherwise.

30.55 NOTICE OF ABANDONMENT OR DESTRUCTION OF BOAT OR CHANGE OF ADDRESS. (1) **DESTRUCTION OR ABANDONMENT.** If a boat covered by a certificate of number issued by this state is destroyed or abandoned, the owner shall notify the commission of such fact within

15 days after the destruction or abandonment and shall at the same time return the certificate of number to the commission for cancellation.

(2) **CHANGE OF ADDRESS.** Whenever any person, after applying for or receiving a certificate of number, moves from the address given in such application or certificate, he shall within 15 days thereafter notify the commission in writing of both his old and new address and of the numbers awarded by any certificates held by him. At the same time he shall indorse his new address on his certificates.

30.60 CLASSIFICATION OF MOTORBOATS. For the purposes of ss. 30.61 and 30.62, motorboats are divided on the basis of their length into 4 classes as follows:

- (1) Class A—those less than 16 feet.
- (2) Class 1—those 16 feet or over but less than 26 feet.
- (3) Class 2—those 26 feet or over but less than 40 feet.
- (4) Class 3—those 40 feet or over.

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

(b) No owner shall give permission for the operation of a motorboat at any time from sunset to sunrise unless such motorboat is equipped as required by this section.

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

(2) **LIGHTS FOR MOTORBOATS OF CLASSES A AND 1.** All motorboats of classes A and 1 when under way at any time from sunset to sunrise shall carry and have lighted the following lamps:

(a) One lamp aft showing a bright white light all around the horizon.

(b) One combined lamp in the fore part of the motorboat and lower than the white light aft, showing green to starboard and red to port and so fixed that each side of the combined lamp throws a light from directly ahead to 2 points abaft the beam on its respective side.

(3) **LIGHTS FOR MOTORBOATS OF CLASSES 2 AND 3.** All motorboats of classes 2 and 3 when under way at any time from sunset to sunrise shall carry and have lighted the following lamps:

(a) One lamp in the fore part of the boat as near the stem as practicable, so constructed as to show an unbroken bright white light over an arc of the horizon of 20 points of the compass and so fixed as to throw the light from directly ahead to 2 points abaft the beam on either side.

(b) One lamp aft showing a bright white light all around the horizon and higher than the white light forward.

(c) On the starboard side, one lamp showing a green light, and on the port side, one lamp showing a red light, both fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow. Each such side lamp shall be so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and shall be so fixed as to throw the light from directly ahead to 2 points abaft the beam on its respective side.

(4) **SAILBOATS WITH MOTORS.** Sailboats equipped with motors and being propelled in whole or in part by such motor must comply with sub. (2) or (3), whichever is applicable. Whenever such a sailboat is being propelled entirely by sail at any time from sunset to sunrise, it shall have lighted the lamps showing the colored lights specified in sub. (2) or (3), but not the lamps showing the white lights, and shall carry ready at hand

a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(5) **SAILBOATS WITHOUT MOTORS AND ROWBOATS.** Every boat propelled by muscular power and every sailboat not equipped with a motor, when under way at any time from sunset to sunrise, shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(6) **PERFORMANCE SPECIFICATIONS FOR LAMPS.** Every white light prescribed by this section shall be of such character as to be visible at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile on a dark night with clear atmosphere.

(7) **OPTIONAL LIGHTING REQUIREMENTS.** Any boat may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, 1948, federal act of October 11, 1951, (33 USC 143-147d) as amended, in lieu of the lights required by subs. (2) and (3).

30.62 OTHER EQUIPMENT. (1) **WHEN EQUIPMENT REQUIRED.** No person shall operate, and no owner shall give permission for the operation of, any motorboat on the waters of this state unless such motorboat is equipped as required by this section and the rules of the commission issued pursuant thereto.

(2) **MUFFLERS.** The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times while the engine is in operation.

(3) **LIFE PRESERVERS.** Every boat shall carry at least one life preserver, life belt, ring buoy, buoyant cushion or other device of the sort prescribed by the regulations of the commandant of the U.S. coast guard, for each person on board, so placed as to be readily accessible, except that the commission may make such rules as it deems desirable with respect to sailboats without motors.

(4) **FIRE EXTINGUISHERS.** Every motorboat, except outboards of open construction, shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectively extinguishing burning gasoline, as prescribed by rules of the commission. Such fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(5) **CARBURETOR FLAME ARRESTORS.** Every motorboat equipped with an inboard motor using gasoline as a fuel shall have the carburetors of every such motor fitted with an efficient device for arresting backfire. Such device shall meet the specifications prescribed by rules of the commission.

(6) **BILGE VENTILATORS.** Every motorboat, except open boats, using as fuel any liquid of a volatile nature, shall be provided with an efficient natural or mechanical ventilation system which is capable of removing resulting inflammable or explosive gases.

(7) **EXCEPTIONS.** Subsections (2) and (4) do not apply to a motorboat while competing in a race conducted pursuant to a permit from a town, village or city or from an authorized agency of the United States government, nor does it apply to a boat designed and intended solely for racing, while such boat is operated incidentally to the tuning up of the boat and engine for the race.

(8) **CONSERVATION COMMISSION TO ADOPT RULES.** The commission shall adopt such rules modifying or supplementing the equipment requirements of this section as are necessary to keep those requirements in conformity with the equipment rules adopted by the U. S. coast guard.

30.64 PATROL BOATS EXEMPT FROM CERTAIN TRAFFIC REGULATIONS. The operator of a duly authorized patrol boat, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, need not comply with state or local regulations fixing maximum speed limits and, if a siren is being sounded, need not comply with state or local boat traffic regulations governing meeting, passing or right of way.

30.65 TRAFFIC RULES. (1) MEETING; OVERTAKING; RIGHT OF WAY. Every person operating a boat shall comply with the following traffic rules, except when deviation therefrom is necessary to comply with federal pilot rules while operating on the navigable waters of the United States:

(a) When 2 motorboats are approaching each other "head and head," or so nearly so as to involve risk of collision, each boat shall bear to the right and pass the other boat on its left side.

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

(d) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right of way to the other boat.

(e) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right of way to the boat being overtaken, notwithstanding any other rule in this section to the contrary.

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

(2) **ADDITIONAL TRAFFIC RULES.** The conservation commission may adopt such additional traffic rules as it deems necessary in the interest of public safety. Such rules shall conform as nearly as possible to the federal pilot rules.

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

(2) **FIXED LIMITS.** In addition to complying with sub. (1), no person shall operate a motorboat at a speed in excess of the following:

(a) Eight miles per hour on the Brule river or any of its tributaries in Douglas county.

(b) Fifteen miles per hour on the Waupaca Chain o'Lakes, located in the towns of Farmington and Dayton in Waupaca county.

30.67 ACCIDENTS AND ACCIDENT REPORTS. (1) DUTY TO RENDER AID. Insofar as he can do so without serious danger to his own boat or to persons on board, the operator of a boat involved in a boating accident shall stop his boat and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his boat to any person injured and to the owner of any property damaged in the accident.

(2) **DUTY TO REPORT.** (a) If the boating accident results in death or injury to any person or damage to property in excess of \$100, every operator of a boat involved in such accident shall, as soon as possible, give notice of the accident to a conservation warden or local law enforcement

officer and shall within 10 days after the accident, file a written report thereof with the commission on the form prescribed by it.

(b) If the operator of a boat is physically incapable of making the report required by this subsection and there was another occupant in the boat at the time of the accident capable of making the report he shall make such report.

(3) **TERMS DEFINED.** In this section:

(a) "Boating accident" means a collision, accident or other casualty involving a boat.

(b) "Injury" means any injury of a physical nature resulting in the need of first aid or attention by a physician or surgeon, whether or not such aid or attention was received.

(c) "Total property damage" means the sum total cost of putting the property damaged in the condition it was in before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing the property.

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

(5) **TRANSMITTAL OF INFORMATION TO FEDERAL AUTHORITIES.** If any request for information available on the basis of reports filed pursuant to this section is duly made by an authorized official or agency of the United States government, the commission shall compile and furnish such information in accordance with such request.

30.68 PROHIBITED OPERATION. (1) INTOXICATED OPERATION. No person shall operate a boat upon the waters of this state while under the influence of an intoxicant or a narcotic drug or while under the influence of any dangerous drug specified in s. 151.07 (1) (a) 1 to 8.

(2) **NEGLIGENT OPERATION.** No person shall operate or use any boat upon the waters of this state in a careless, negligent or reckless manner so as to endanger the life, property or person of another.

(3) **OPERATION BY INCAPACITATED PERSON.** No owner of a boat, and no person in charge or control of a boat, shall authorize or knowingly permit the boat to be operated by any person who by reason of physical or mental disability is incapable of operating such boat under the prevailing circumstances.

(4) **CREATING HAZARDOUS WAKE OR WASH. (a)** No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.

(b) An operator of a motorboat is liable for any damage caused to the person or property of another by the wake or wash from such motorboat unless the negligence of such other person was the primary cause of the damage.

(5) **OPERATING IN CIRCULAR COURSE.** No person shall operate a motorboat repeatedly in a circular course around any other boat, or around any person who is swimming, if such circular course is within 200 feet of such boat or swimmer.

(6) **RIDING ON DECKS AND GUNWALES.** Except for the purpose of anchoring, mooring or casting off or for other necessary purpose, no person operating a motorboat shall ride or sit on the gunwales thereof or on the decking over the bow of the boat while under way.

(7) **RESTRICTED AREAS.** No person shall operate a boat within a water area which has been clearly marked in accordance with law by buoys or some other distinguishing device as a bathing or swimming area. This subsection does not apply in the case of an emergency, or to patrol or rescue craft.

(8) **ANCHORING IN TRAFFIC LANES.** No person shall anchor any boat in the traveled portion of any river or channel or in any traffic lane established and legally marked, so as to prevent, impede or interfere with the safe passage of any other boat through the same.

(9) **OVERLOADING.** No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions.

(10) **OVERPOWERING.** No boat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.

(11) **UNNECESSARILY SOUNDING WHISTLES.** No person shall unnecessarily sound a horn, whistle or other sound-producing device on any boat while at anchor or under way. The use of a siren on any except duly authorized patrol boats on patrol or rescue duty is prohibited.

30.69 WATER SKIING. (1) PROHIBITED AT CERTAIN TIMES; EXCEPTIONS. (a) Except as provided in par. (b), no person shall operate a motorboat towing a person on water skis, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning or similar activity, at any time from sunset to sunrise, but this restriction of the hours of water skiing does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to s. 30.77 (3).

(b) Paragraph (a) does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefor, where adequate lighting is provided.

(2) **CAREFUL AND PRUDENT OPERATION.** A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

30.70 SKIN DIVING. No person shall engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus unless the approximate location of such diving or swimming is distinctly marked by a flag designed so as to have one diagonal white stripe on a red background, and be of a size and height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions. Except in the case of emergency anyone engaging in such diving or swimming shall not rise near or to the surface of the water except within a radius of 50 feet from such flag.

30.71 BOATS EQUIPPED WITH TOILETS. No person shall maintain or operate upon the inland waters of this state, except Lake Winnebago and the Mississippi river, any boat which is equipped with a toilet unless such toilet is sealed or otherwise rendered inoperative so that no human wastes can be discharged into such waters. "Inland waters" means the waters defined as inland waters by s. 29.01 (4).

30.74 ADDITIONAL FUNCTIONS OF CONSERVATION COMMISSION. In addition to other powers and duties conferred upon the commission relative to boating safety and the regulation of boating, the commission shall:

(1) **BOATING SAFETY EDUCATION.** Carry on a comprehensive educational program designed to advance boating safety. Such program shall in-

clude the preparation and dissemination of water safety information to the public, including the informational pamphlets specified in s. 30.52 (7). The commission shall co-operate with organizations working in the field of boating safety to establish training courses whereby interested persons may receive instruction in the safe and proper operation of boats.

(2) **UNIFORM NAVIGATION AIDS.** By rule establish a color scheme for buoys or other markers used to designate traffic lanes, restricted areas, anchorages, or otherwise used to promote safety navigation. Such color scheme shall be uniform throughout the state and shall conform to the color scheme used by the U. S. coast guard. Any such marker which does not comply with such color scheme is deemed an unlawful obstruction of navigable waters and may be removed in accordance with law.

(3) **ENFORCEMENT.** Assist in the enforcement of ss. 30.50 to 30.80 and in connection therewith maintain patrol boats and operate such patrol boats at such times and places as the commission deems necessary in the interest of boating safety and the effective enforcement of boating laws.

30.75 SERVICE OF PROCESS ON NONRESIDENT. (1) **HOW SERVED.** Service of process upon a nonresident defendant in any action claiming injury to person or property arising out of the operation of a boat in this state may be either by personal service within or without this state or by registered mail as provided in sub. (2).

(2) **SERVICE BY REGISTERED MAIL.** If service of process is to be by registered mail, the original and necessary copies of the summons shall be left with the clerk of the court in which the action is to be brought, together with a sum of 75 cents to cover the cost of mailing. The clerk shall mail a copy to the defendant at his last address as known to the plaintiff or clerk, with the return receipt signed by the addressee requested. Service of such summons is deemed completed when it is mailed. The clerk shall enter upon the docket the date when the summons is mailed and the name of the person to whom mailed.

30.76 DEPOSIT OF MONEY TO OBTAIN RELEASE FROM ARREST. (1) **HOW DEPOSIT IS MADE.** A person arrested without a warrant for a violation of any provision of ss. 30.50 to 30.80 or any rule or local regulation enacted pursuant thereto, who is not released at the time of arrest or without unnecessary delay brought before a magistrate or a court, shall be allowed to make a deposit of money by mailing the deposit as directed by the arresting officer, at the nearest mail box, to the office of the sheriff, area conservation headquarters, city or village police headquarters or precinct stations or to the office of the clerk of court or justice of the peace or police justice before whom he is summoned to appear, or by going in the custody of the arresting officer to any of those places to make the deposit.

(2) **AMOUNT OF DEPOSIT.** The amount of the deposit shall be based on a predetermined schedule set by the court or justice before whom the alleged violator is summoned to appear, and shall not exceed the maximum fine or forfeiture fixed by statute or ordinance for the offense. The arresting officer or the person accepting the deposit may in his discretion accept a personal bank check as the equivalent of money.

(3) **RECEIPT.** The person receiving the deposit shall prepare a receipt in triplicate on a serially numbered form, showing the purpose for which the deposit is made and stating that the alleged violator may inquire at the office of the clerk of court or justice regarding the disposition of the deposit, and shall deliver the original to the alleged violator or, if the deposit is made by mail, shall mail it by return mail.

(4) **RELEASE FROM CUSTODY.** If the alleged violator is in custody he shall be released after he has made the deposit as specified in this section, except that if the charge is operating a boat while under the influence of an intoxicant or narcotic or dangerous drug, he shall not be released until in the opinion of the officer having his custody, he is in fit condition to care for his own safety or is accompanied by a person who is able to care for his safety and prevent further violations of the law.

(5) **DELIVERY TO COURT OR JUSTICE.** Any person other than the clerk of court or the justice before whom the defendant is summoned to appear, who accepts the deposit shall, before the time fixed for the appearance of the defendant, deliver the deposit and a copy of the receipt to the clerk of the court or the justice. The clerk or justice shall give a receipt therefor, specifying the serial number of the officer's receipt accompanying the deposit.

(6) **PROCEEDINGS IN COURT.** (a) If the defendant appears in court at the time directed, the case shall be tried as provided by law and any fine or forfeiture and costs shall be taken out of the deposit and the balance, if any, returned to the defendant. If the fine or forfeiture and costs exceed the deposit the court or justice shall proceed as prescribed by s. 288.09 or 959.055, as the case may be.

(b) If the defendant fails to appear in court at the time he is directed to appear, he is deemed to have tendered a plea of nolo contendere and submitted to a fine or forfeiture plus costs, not exceeding the amount of the deposit. The court may either accept the plea of nolo contendere and enter judgment accordingly or reject the plea and issue a warrant or summons under s. 954.02. If the court accepts the plea of nolo contendere, the defendant may move within 20 days to withdraw it and enter a plea of not guilty if he shows to the satisfaction of the court that his failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening, the defendant is found not guilty the court shall return the deposit to him. If the defendant is found guilty, whether on the plea of nolo contendere or after trial, any fine or forfeiture and costs imposed shall be taken out of the deposit and the balance, if any, returned to the defendant.

30.77 LOCAL REGULATION OF BOATING. (1) **LOCAL REGULATION PROHIBITED; EXCEPTIONS.** Sections 30.50 to 30.71 shall be uniform in operation throughout the state. No municipality may:

(a) Enact any local regulation requiring local numbering, registration or licensing of boats or any local regulation charging fees for inspection, except as provided in sub. (3) (b); or

(b) Except as provided in subs. (2) and (3), enact any local regulation which in any manner excludes any boat from the free use of the waters of this state or which pertains to the use, operation or equipment of boats or which governs any activity regulated by ss. 30.50 to 30.71.

(2) **ORDINANCES CONFORMING TO STATE LAW.** Any municipality may enact ordinances which are in strict conformity with ss. 30.50 to 30.71 or rules of the commission enacted pursuant thereto.

(3) **LOCAL REGULATIONS.** (a) Any town, village or city may, in the interest of public health or safety, adopt local regulations not contrary to or inconsistent with this chapter, relative to the equipment, use or operation of boats or relative to any activity regulated by ss. 30.60 to 30.71, but no such local regulation which in any manner pertains to the equipment, use or operation of a boat on an inland lake is valid unless all towns, cities and villages having jurisdiction on the waters of the lake have enacted an identical local regulation. If any county operates any marine development adjacent to any waters or lake, the authority heretofore conferred upon

any town, village or city shall exclusively vest in said county in respect to adoption of such local regulations insofar as they relate to the development, operation and use of said facility and its adjoining waters.

(b) Notwithstanding the prohibition in sub. (1) against local regulations which exclude any boat from the free use of the waters of the state, any municipality may charge reasonable fees for the use of public boat-launching facilities owned or operated by it and any town, village or city may regulate the operation, equipment, use and inspection of those boats carrying passengers for hire which operate from a base within its jurisdiction and charge reasonable fees for such inspection.

(4) PUBLICIZING LOCAL REGULATIONS. All local regulations adopted under sub. (3) shall be prominently posted by the local authority which enacted them at all public access points within the local authority's jurisdiction and also shall be filed with the commission. The commission shall periodically compile and publish such local regulations and make such publications available to the boating public.

30.78 MUNICIPAL REGULATION OF SEA PLANES. (1) REGULATION AUTHORIZED. Any city, village or town adjoining or surrounding any waters may, after public hearing, by ordinance:

(a) Prescribe reasonable safety regulations relating to the operation on the surface of such waters of any aircraft capable of landing on water.

(b) Prescribe the areas which may be used as a landing and take-off strip for such aircraft or prohibit such use of the waters altogether.

(c) Provide proper and reasonable penalties for the violation of any such ordinance.

(2) MARKING OF REGULATED OR RESTRICTED AREAS. Every such ordinance shall direct that the regulated or prohibited areas be designated by standard marking devices.

(3) CONFLICT OF JURISDICTION. Any conflict in jurisdiction arising from the enactment of ordinances by 2 or more municipalities shall be resolved under s. 66.32.

30.79 MUNICIPAL WATER SAFETY PATROLS; STATE AIDS.

(1) DEFINITIONS. In this section:

(a) "State aid" means payments by the state to a municipality for or toward the cost of the operation or maintenance of a water safety patrol unit.

(b) "Water safety patrol unit" means a unit within an existing municipal law enforcement agency or a separate municipal agency, created by a municipality or by a number of municipalities riparian to a single body of water for the purpose of enforcing ss. 30.50 to 30.80 and any rules and ordinances enacted pursuant thereto.

(2) STATE AID. In order to protect public rights in navigable waters and to promote public health, safety and welfare and the prudent and equitable use of the navigable waters of the state, a system of state aids for local enforcement of ss. 30.50 to 30.80 and ordinances enacted pursuant thereto is hereby established. Such aid shall be granted under this section to those municipalities which establish, maintain and operate water safety patrol units.

(3) ENFORCEMENT POWERS. Officers patrolling the waters as part of a water safety patrol unit may stop and board any boat for the purpose of enforcing ss. 30.50 to 30.80 or any rules or ordinances enacted pursuant thereto, if he has reasonable cause to believe there is a violation of such sections, rules or ordinances.

(4) JURISDICTION. Upon petition by any municipality or group of municipalities operating or intending to operate a water safety patrol unit, the commission shall, if it finds that it is in the interest of efficient

and effective enforcement to do so, by rule define the waters which may be patrolled by such unit, including waters lying within the territorial jurisdiction of some other town, village or city if such town, village or city consents thereto. Officers patrolling the waters as part of such water safety patrol unit shall have the powers of sheriff in enforcing ss. 30.50 to 30.80, or rules or ordinances enacted pursuant thereto, on any of the waters so defined, whether or not such waters are within the municipality's jurisdiction for other purposes.

(5) PAYMENT OF AIDS. On or before December 1 of the year in which a municipality operated a water safety patrol unit, it shall file with the commission on the forms prescribed by it a detailed statement of the costs incurred by the municipality in the operation of the water safety patrol unit during the past fiscal year and of the receipts resulting from fines or forfeitures imposed upon persons convicted of violations of ordinances enacted pursuant to s. 30.77. The commission shall audit the statement and determine the net costs (after deduction of any fines or forfeitures imposed upon persons convicted of violations of ordinances enacted pursuant to s. 30.77) which are directly attributable to the operation and maintenance of the watersafety patrol unit, including a reasonable amount for depreciation of equipment. The commission shall compute the state aids on the basis of 75 per cent of such net costs directly attributable to the operation and maintenance of the water safety patrol unit and shall cause such aids to be paid on or before March 1 of the year following the filing of the statements under this subsection. If the state aids payable to municipalities exceed the moneys available for such purpose, the commission shall prorate the payments.

30.80 PENALTIES. (1) Any person violating any provision of ss. 30.50 to 30.80 for which a penalty is not provided by sub. (2) shall be fined not more than \$50 or imprisoned not more than 30 days, or both, for the first offense and fined not more than \$100 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year.

(2) Any person violating s. 30.67 (1) or 30.68 (1) shall be fined not more than \$200 or imprisoned not more than 6 months or both.

SECTION 6. 60.29 (35) of the statutes is repealed.

SECTION 7. 331.048 of the statutes is amended to read:

331.048 The owner of a motor vehicle *or motorboat* which, while being * * * *operated* by the spouse or minor child of such owner, is damaged as the result of an accident involving another vehicle *or boat*, may not recover from the owner or operator of such other vehicle *or boat* for such damages, if the negligence of such spouse or minor child exceeds that of the operator of such other vehicle *or boat*.

SECTION 8. This act shall take effect on January 1, 1960.

Approved September 22, 1959.