

CHAPTER 275, Laws of 1979

AN ACT to amend 30.50 (1), (2) and (5), 30.501 (8) and (9), 30.52 (1), 30.53, 30.54, 30.62 (3), (5), (6) and (9) and 30.67 (2) (a) and (3) (b); to repeal and recreate 30.51 and 30.64; and to create 30.50 (6) to (10), 30.61 (8) and 30.67 (6) of the statutes, relating to revision of boating laws to conform to applicable federal regulations affecting boat numbering, equipment and accident reporting and granting rule-making authority.

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

SECTION 1. 30.50 (1), (2) and (5) of the statutes are amended to read:

30.50 (1) "Boat" or "vessel" 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 equipped with propulsion machinery, whether or not such the 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 U. S. government or any federal agency successor thereto.

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

SECTION 2. 30.50 (6) to (10) of the statutes are created to read:

30.50 (6) "Employ" means to make use of for any purpose other than maintenance.

(7) "Associated equipment" means any system, part or component of a boat as originally manufactured or any similar system, part or component manufactured or sold for replacement, repair or improvement of the system, part or component; any accessory or equipment for, or appurtenance to, a boat and any marine safety article, accessory or equipment intended for or used by a person on board a boat except radio equipment.

(8) "Manufacturer" means any person engaged in the manufacture, construction or assembly of boats or associated equipment; the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly and the importation into this state for sale of boats, associated equipment or components for boats.

(9) "State of principal use" means the state where the boat is used or is to be used most during the year.

(10) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

SECTION 3. 30.501 (8) and (9) of the statutes are amended to read:

30.501 (8) The department may issue rules to carry out the purposes of this section, but rules on vessel capacity requirements shall conform with appropriate federal regulations.

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

SECTION 4. 30.51 of the statutes is repealed and recreated to read:

30.51 Operation of unnumbered boats prohibited; exemptions. (1) **CERTIFICATE OF NUMBER REQUIRED.** No person may operate, and no owner may give permission for the operation of, any boat on the waters of this state unless the boat is covered by a valid certificate of number issued under this chapter or is exempt from the numbering requirements of this chapter.

(2) **EXEMPTIONS.** A boat is exempt from the numbering requirements of this chapter if it is:

(a) Manually propelled and is not equipped with propulsion machinery or sail.

(b) A sailboat 12 feet in length or less.

(c) Covered by a valid certificate of number issued under federal law or a federally approved numbering system of another state, with the identification number properly displayed on each side of the forward half, but this exemption does not apply if the boat has been within this state for a period in excess of 60 consecutive days or if this state is the state of principal use of the boat.

(d) Operated within a period of 15 days after application for a certificate of number has been made and the required fee has been paid, if proof of application is carried on board.

(e) From a country other than the United States temporarily using the waters of this state.

(f) A military or public boat of the United States, except recreational-type public vessels.

(g) A boat whose owner is a state or subdivision of a state, which is used principally for governmental purposes, and which is clearly identifiable.

(h) A ship's lifeboat.

(i) Present in this state, for a period of not to exceed 10 days, for the express purpose of competing in a race conducted under a permit from a municipality or an authorized agency of the U.S. government.

SECTION 5. 30.52 (1) of the statutes is amended to read:

30.52 (1) WHAT BOATS TO BE NUMBERED IN THIS STATE. ~~A motorboat~~ Any boat required to be numbered under this chapter and principally used in this state shall be numbered in this state under this section. ~~Whenever~~ If a motorboat boat otherwise subject to the numbering requirements of this chapter covered by a valid certificate of number issued ~~pursuant to~~ under federal law or the ~~federally-approved~~ federally approved numbering system of another state is used in this state in excess of ~~90~~ 60 consecutive days or to the extent that this state becomes the state of principal use, the owner of ~~such motorboat~~ the boat shall ~~forthwith~~ immediately apply for a certificate of number under this section.

SECTION 6. 30.53 of the statutes is amended to read:

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 and stickers or decals under this chapter, the owner of the boat shall paint on or attach the identification number and attach or affix the stickers or decals to each side of the ~~bow thereof~~ forward half in such the manner as is prescribed by rules of the department in order that they may be clearly visible and shall maintain ~~such the~~ number and stickers or decals in legible condition at all times. The department shall furnish the owner with instructions relative to painting or attaching the awarded number and stickers or decals to the ~~motorboat~~ boat. 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 and no stickers or decals other than those provided by the department or granted reciprocity under this chapter ~~shall~~ may be painted, attached, or otherwise displayed on either side of the ~~bow~~ forward half of a ~~motorboat~~ boat. ~~The department shall determine in the case of sailboats, however, where such identification number and stickers or decals shall be shown.~~

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

SECTION 7. 30.54 of the statutes is amended to read:

30.54 Transfer of ownership of numbered boat. (1) DUTY OF SELLER. ~~Whenever~~ If the owner of a ~~motorboat or sailboat~~ boat covered by a valid or expired certificate of number issued by this state transfers all or any part of his or her interest in ~~such motorboat or sailboat~~ the boat, other than by the creation of a security interest, he or she shall notify the department of ~~such~~ the transfer and shall at the same time return the certificate of registration number to the department.

(2) DUTY OF PURCHASER. Transfer of the ownership of a ~~motorboat~~ boat terminates the certificate of number for ~~such motorboat~~ the boat, except in the case of a transfer of a part interest which does not affect the transferor's right to operate ~~such motorboat~~ the boat. The transferee shall make application for a new certificate of number as prescribed by the department. Upon receipt of ~~such~~ the application accompanied by the required fee, the department 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.

SECTION 8. 30.61 (8) of the statutes is created to read:

30.61 (8) DEPARTMENT TO ADOPT RULES. The department shall adopt rules modifying or supplementing the lighting requirements of this section as may be necessary to keep those requirements in conformity with the lighting rules adopted by the U.S. coast guard.

SECTION 9. 30.62 (3), (5), (6) and (9) of the statutes are amended to read:

30.62 (3) (title) PERSONAL FLOATATION DEVICES. Every boat shall carry at least one ~~life preserver, life belt, ring buoy, buoyant cushion or other device of the sort~~ personal floatation device as prescribed by the federal regulations of the commandant of the U.S. coast guard, for each person on board or being attended by ~~such~~ the boat, so placed as to be readily accessible and available to ~~such~~ the persons.

(5) (title) BACKFIRE FLAME ARRESTERS. Every ~~motorboat~~ boat equipped with an in-board motor using gasoline as a fuel shall have the carburetors of every ~~such~~ inboard gasoline motor fitted with an efficient device for arresting backfire flames. ~~Such~~ The device shall meet the specifications prescribed by ~~rules of the department~~ federal regulations.

(6) (title) BILGE, ENGINE AND FUEL COMPARTMENT VENTILATORS. Every ~~motorboat~~ boat, 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.

(9) (title) DEPARTMENT MAY ADOPT RULES. The department shall adopt such rules modifying or supplementing the associated 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~~ federal regulations.

SECTION 10. 30.64 of the statutes is repealed and recreated to read:

30.64 Patrol boats. (1) 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 when a siren is being sounded and if due regard is given to the safety of other persons in the vicinity. If a light is used in conjunction with a siren it shall be the oscillating or flashing type and be fitted with a blue lens.

(2) Upon the approach of a duly authorized patrol boat giving an audio or visual signal the operator of a boat shall reduce the boat speed to that speed necessary to maintain steering control and yield the right-of-way to the patrol boat until it has passed.

(3) No person operating a boat may refuse to stop after being requested or signaled to do so by a law enforcement officer.

SECTION 11. 30.67 (2) (a) and (3) (b) of the statutes are amended to read:

30.67 (2) (a) If the a boating accident results in death or injury to any person, the disappearance of any person from a boat under circumstances indicating death or injury, or total property damage in excess of \$100, every operator of a boat involved in such an accident shall, as soon as possible without delay and by the quickest means available, 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 department on the form prescribed by it. The department shall adopt rules necessary to keep accident reporting requirements in conformity with rules adopted by the U.S. coast guard.

(3) (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 medical treatment, disability for more than 24 hours or loss of consciousness.

SECTION 12. 30.67 (6) of the statutes is created to read:

30.67 (6) CORONERS AND MEDICAL EXAMINERS TO REPORT; REQUIRE BLOOD SPECIMEN. (a) Every coroner or medical examiner shall on or before the 10th day of each month report in writing to the department the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving a boat and the circumstances of the accident.

(b) In cases of death involving a boat in which the person died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after his or her death, by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of the physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood so drawn shall be forwarded to a laboratory approved by the state health officer for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the state health officer. The state health officer shall keep a record of all examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the state health officer. The department shall reimburse coroners and medical examiners for the costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.