

1 **SECTION 113.** 30.28 of the statutes is renumbered 30.243 and 30.243 (1), (2) (a) (intro.)
2 and (b), (2m) (am), (b) and (d) and (3) (b), as renumbered, are amended to read:

3 30.243 (1) FEES REQUIRED. The department shall charge a permit or approval fee for
4 carrying out its duties and responsibilities under ss. ~~30.10 to 30.205, 30.207 and 30.21 to 30.27~~
5 this subchapter. The permit or approval fee shall accompany the permit application, notice
6 or request for approval.

7 (2) AMOUNT OF FEES. (a) For fees charged for permits and approvals under ss. ~~30.10~~
8 ~~to 30.205 and 30.21 to 30.27~~ this subchapter, except for s. 30.223, the department shall classify
9 the types of permits and approvals based on the estimated time spent by the department in
10 reviewing, investigating and making determinations whether to grant the permits or
11 approvals. The department shall then set the fees as follows:

12 (b) 1. For an application for a general permit submitted under s. ~~30.207~~ 30.223 (3), the
13 fee shall be \$2,000.

14 2. For a notice submitted under s. ~~30.207~~ 30.223 (7), the fee shall be \$100.

15 (2m) (am) The department shall refund 50% of the fee specified in sub. (2) (b) 1. if the
16 department denies an application for a general permit under s. ~~30.207~~ 30.223 (3) (d) 1. or does
17 not issue a general permit under s. ~~30.207~~ 30.223 (6).

18 (b) If the applicant applies for a permit, requests an approval, or submits a notice under
19 s. ~~30.207~~ 30.223 (7) after the project is begun or after it is completed, the department shall
20 charge an amount equal to twice the amount of the fee that it would have charged under this
21 section.

22 (d) The department, by rule, may increase any fee specified in sub. (2) (a). The
23 department, by rule, may increase a fee specified in sub. (2) (b) only if the increase is necessary

1 to meet the costs incurred by the department in acting on general permits or on notices
2 submitted under s. ~~30.207~~ 30.223.

3 (3) (b) This section does not apply to a permit issued under s. 30.12 ~~(3)~~ (4) (a) 2., ~~2m.~~
4 ~~or 3.~~ or 9.

5 SECTION 114. 30.29 of the statutes is renumbered 30.86.

6 SECTION 115. 30.292 of the statutes is repealed.

NOTE: The repealed provision relates to parties to a violation. An
identical provision that applies to ch. 30 in its entirety already exists in s.
30.99.

7 SECTION 116. 30.294 of the statutes is renumbered 30.975.

8 SECTION 117. 30.298 (title) of the statutes is renumbered 30.381 (title).

9 SECTION 118. 30.298 (1), (2) and (3) of the statutes are renumbered 30.381 (1), (7) and
10 (9) and 30.381 (1) and (9), as renumbered, are amended to read:

11 30.381 (1) Any person who violates any provision of ss. 30.095, 30.12 to 30.21, 30.217,
12 30.223, 30.231, 30.265, 30.276, 30.278, 30.279, 30.281, 30.283, 30.293, 30.313, and 30.85
13 for which a penalty is not provided under the applicable section or by sub. ~~(2) or (3)~~ (7) shall
14 forfeit not less than \$100 nor more than \$10,000 for the first offense and shall forfeit not less
15 than \$500 nor more than \$10,000 upon conviction of the same offense a 2nd or subsequent
16 time.

17 (9) Any person who violates s. ~~30.206~~ 30.221 shall forfeit not less than \$10 nor more
18 than \$500 for the first offense and shall forfeit not less than \$50 nor more than \$500 upon
19 conviction of the same offense a 2nd or subsequent time.

20 SECTION 119. 30.298 (4) of the statutes is renumbered 30.98 (3).

21 SECTION 120. 30.298 (5) of the statutes is renumbered 30.381 (11) and amended to read:

1 30.381 (11) In addition to the forfeitures specified under subs. (1) ~~to (3)~~, (7) and (9),
2 the court may order the defendant to perform or refrain from performing such acts as may be
3 necessary to fully protect and effectuate the public interest in navigable waters. The court may
4 order abatement of a nuisance, restoration of a natural resource or other appropriate action
5 designed to eliminate or minimize any environmental damage caused by the defendant.

6 **SECTION 121.** 30.30 of the statutes is renumbered 30.491 and 30.491 (5) and (7), as
7 renumbered, are amended to read:

8 30.491 (5) **ACQUISITION OF LAND.** Acquire such lands or interests therein as it deems
9 necessary for properly carrying out its powers under this ~~chapter~~ subchapter, including such
10 lands outside the municipal limits as are necessary to protect its property or to carry out its
11 powers under sub. (3). Such acquisition may be by condemnation proceedings.

12 (7) **DOING OF WORK.** Contract for the doing of the work authorized by this section or
13 purchase the necessary equipment for the doing of the work itself, but if the municipality has
14 established a board of harbor commissioners such board shall have charge of the letting of
15 contracts and shall supervise the doing of the work, except as provided in ss. ~~30.31~~ 30.492 (1)
16 and ~~30.32~~ 30.493 (2).

17 **SECTION 122.** 30.31 of the statutes is renumbered 30.492 and 30.492 (1), (4) and (6),
18 as renumbered, are amended to read:

19 30.492 (1) **SUPERVISION OF WORK.** In exercising the powers granted by s. ~~30.30~~ 30.491
20 (1) to (3) a municipality shall be governed by the law governing the laying out, improvement
21 and repair of streets and bridges in such municipality, so far as applicable, except that no
22 petition of property owners for doing any such work is necessary. If the municipality has
23 established a board of harbor commissioners, such board shall be in charge of the work unless
24 the board determines that it is not equipped to supervise the work and by resolution delegates

1 such function to the agency which ordinarily performs such function for the municipality. If
2 the municipality does not have a board of harbor commissioners, the municipality's board of
3 public works or, in the event there is no such board, the municipality's governing body shall
4 be in charge of the work.

5 (4) ACQUISITION OF LAND. In acquiring land by condemnation for any of the purposes
6 specified in this ~~chapter~~ subchapter, a municipality shall be governed by the law relating to
7 condemnation of land for public grounds or street purposes. Whenever land is acquired
8 through a land contract arrangement, such contract may create a lien on such lands for the
9 purchase price and interest thereon but shall not create any liability therefor on the part of the
10 municipality.

11 (6) SPECIAL ASSESSMENTS. Special assessments for benefits to lands, when authorized
12 by s. ~~30.30~~ 30.491 (4), shall be made and enforced as provided by s. 66.0703, except that at
13 any time within the 90-day period immediately following the publication of the final
14 resolution as required by s. 66.0703 (8) (d), the owner of any property along which such
15 improvement is to be made may elect to make the improvement along the owner's property
16 at the owner's expense in accordance with the approved plans and specifications or in a
17 manner which conforms to good engineering practice and which provides for materials and
18 designs which, with respect to strength and permanence, are at least equal to the requirements
19 of the approved plans and specifications. If the owner makes the improvement at the owner's
20 expense, no assessment of benefits shall be made therefor. If such owner fails to commence
21 the work within the 90-day period specified herein or fails to carry on and complete the work
22 with due diligence, the work may be done or completed by the municipality and assessment
23 of benefits made therefor.

24 SECTION 123. 30.32 of the statutes is renumbered 30.493.

1 **SECTION 124.** 30.33 of the statutes is renumbered 30.494.

2 **SECTION 125.** 30.34 of the statutes is renumbered 30.495 and 30.495 (1), (2), (3) (a) and
3 (4), as renumbered, are amended to read:

4 30.495 (1) **HARBOR FUND TO BE CREATED.** All municipalities operating a public harbor
5 through a board of harbor commissioners shall establish in the municipal treasury a revolving
6 fund to be known as the "harbor fund". Moneys for such fund may be raised by appropriation
7 from the general fund or by taxation or loan as other moneys in the general fund are raised.
8 Moneys in such fund may be expended only as provided in s. ~~30.38~~ 30.498 (13).

9 (2) **FINANCING DOCK WALLS AND SHORE PROTECTION WALLS.** A municipality may pay
10 either or both the assessable and nonassessable parts of the cost of the construction,
11 maintenance or repair of any dock wall or shore protection wall, authorized by s. ~~30.30~~ 30.491
12 (3), out of its general fund or other available funds, or it may finance such work through the
13 issuance of its negotiable bonds as provided in ch. 67, except that it is not necessary to include
14 such bonds in the municipal budget or to submit the question of their issuance to a referendum
15 vote of the electors. The bonds shall be serial bonds, payable at any time within 10 years and
16 shall bear interest payable either annually or semiannually as the governing body determines.
17 The bonds shall be a direct obligation of the municipality and the full faith and credit of the
18 municipality shall be pledged for their payment. No such bonds shall be issued unless at or
19 before the time of their issuance the governing body levies a direct annual tax sufficient to pay
20 the principal and interest thereon as they fall due.

21 (3) **FINANCING BY MEANS OF NOTES, BONDS OR ASSIGNMENTS OF NET PROFITS.** (a) Any
22 municipality may, with the consent of its board of harbor commissioners, finance the cost of
23 acquisition, construction, alteration or repair of any harbor facility by issuing evidences of
24 indebtedness payable only out of the revenue obtained from the public harbor facilities. Such

1 evidences of indebtedness may be revenue bonds, refunding bonds or bond anticipation notes
2 issued under s. ~~30.35~~ 30.496 or 66.1103 or may be pledges or assignments of net profits, issued
3 pursuant to s. 66.0621 (5) as if the harbor facility were a public utility.

4 (4) EMERGENCY REPAIR FUND. Any municipality having established a board of harbor
5 commissioners to operate its harbor facilities may create a contingent fund for the purpose of
6 permitting the secretary of the board to pay for repairs to harbor facilities which constitute
7 emergency repairs within the meaning of s. ~~30.32~~ 30.493 (4). The secretary may pay for such
8 repairs out of such fund on the secretary's signature alone.

9 SECTION 126. 30.35 of the statutes, as affected by 2001 Wisconsin Act 16, is
10 renumbered 30.496 and 30.496 (6), as renumbered, is amended to read:

11 30.496 (6) BONDHOLDERS AND NOTEHOLDERS HAVE LIEN. Title to all of the harbor
12 facilities for which revenue bonds, refunding bonds or bond anticipation notes are issued
13 remains in the municipality, but a statutory lien exists in favor of the bondholders and
14 noteholders against the facilities which have been acquired, constructed, altered or remodeled
15 and the cost of which has been financed with funds obtained through the issuance of such
16 bonds and notes. To provide further security for the bondholders and noteholders, the
17 ordinance or resolution authorizing the issuance of revenue bonds, refunding bonds or bond
18 anticipation notes may provide for a pledge of the revenues of the facilities, including, if the
19 facilities are leased under sub. ~~(6)~~ this subsection, an assignment of all or part of the
20 municipality's rights as lessor.

21 SECTION 127. 30.353 of the statutes is created to read:

22 30.353 Department may raise water elevations. If after examination and
23 investigation the department determines that it is necessary to raise water elevations in any
24 navigable stream or navigable lake for conservation purposes, the department may, if funds

1 are available from any source other than license fees, determine and establish the elevations
2 to which the water may be raised or maintained, but the water elevation may not be established
3 below the normal elevation. If any lands are damaged by raising the water levels above normal
4 and the department cannot acquire the right to flow the lands by agreement with the owner,
5 the department may acquire the lands or the right to flow the lands by condemnation under
6 ch. 32.

NOTE: This provision is identical to current s. 30.18 (8).

7 **SECTION 128.** 30.37 of the statutes is renumbered 30.497 and 30.497 (6) and (7), as
8 renumbered, are amended to read:

9 **30.497 (6) EFFECT OF REVISION ON EXISTING HARBOR BOARDS.** Boards of harbor
10 commissioners, harbor commissions or dock and harbor boards in existence on January 1,
11 1960 are deemed to be valid boards of harbor commissioners as if created pursuant to this
12 section and are vested with all the powers and duties conferred upon boards of harbor
13 commissioners by this ~~chapter~~ subchapter. The members of such boards may continue to hold
14 office until their terms expire, notwithstanding any provision of this section which would
15 otherwise disqualify them, but appointments made after January 1, 1960 shall be made only
16 in accordance with this section. Nothing in this subsection is intended to prevent a
17 municipality by resolution from abolishing its board of harbor commissioners, harbor
18 commission or dock and harbor board.

19 **(7) MILWAUKEE COUNTY.** Milwaukee County, with respect to the land ceded or granted
20 to Milwaukee County as described in 1997 Wisconsin Act 70, section 3, may directly exercise
21 all of the powers and perform all of the duties conferred on a board of harbor commissioners
22 under ss. ~~30.34~~ 30.495, ~~30.35~~ 30.496 and ~~30.38~~ 30.498, but Milwaukee County may not create
23 a board of harbor commissioners if sub. (1) (b) applies. Milwaukee County shall have

1 exclusive jurisdiction over the operation, administration, maintenance, improvement,
2 alteration and repair of any marina facility or marina related anchorage located on this land.

3 **SECTION 129.** 30.38 of the statutes, as affected by 2001 Wisconsin Act 16, is
4 renumbered 30.498 and 30.498 (3) and (13) (a) and (b), as renumbered, are amended to read:

5 **30.498 (3) CONTRACT PROCEDURES.** In the letting of work relative to the construction,
6 repair or maintenance of a harbor or harbor facility or in the purchase of equipment, supplies
7 or materials relative to carrying out its powers and duties, a board of harbor commissioners
8 shall be governed by the procedures and requirements set forth in s. ~~30.32~~ 30.493.

9 **(13) FUNDS; DISBURSEMENTS; NET REVENUE.** (a) All moneys appropriated to a board of
10 harbor commissioners, all revenues derived from the operation of the public harbor except in
11 the case of a joint harbor revenue from joint improvements before division thereof, and all
12 other revenues of the board shall be paid into the municipal treasury and credited to the harbor
13 fund, except that revenues assigned or pledged under s. ~~30.35~~ 30.496 (6) or 66.1103 shall be
14 paid into the fund or funds provided for in the ordinance or resolution authorizing the issuance
15 of the bonds and shall be applied in accordance with that ordinance or resolution.

16 (b) Subject to the limitations and conditions otherwise expressed in this section and to
17 a budget approved by the municipal governing body, moneys in the harbor fund may be used
18 for the acquisition, construction, improvement, repair, maintenance, operation and
19 administration of the public harbor and harbor facilities and for the acquisition, chartering and
20 operation of vessels under sub. (8) (b) 3. Except as provided in s. ~~30.34~~ 30.495 (4), such
21 moneys shall be paid out of the harbor fund only on orders signed by the president and
22 secretary of the board, or some other official authorized by the board, after the allowance of
23 claims by the board or on orders entered in the minutes of the board. Disbursements from the
24 harbor fund shall be audited as other municipal disbursements are audited; however, the board

1 may determine on some other procedure it deems appropriate for the consideration of claims
2 and the reporting thereof notwithstanding the provisions of this paragraph. If a procedure
3 other than that set forth in this paragraph is prescribed by the board, the approval of the chief
4 auditing officer shall be obtained.

5 **SECTION 130.** 30.381 (title) of the statutes is created to read:

6 **30.381 Penalties.**

7 **SECTION 131.** 30.50 (1b) of the statutes is created to read:

8 **30.50 (1b)** "Aids to navigation" means buoys, beacons and other fixed objects in the
9 water which are used to mark obstructions to navigation or to direct navigation through safe
10 channels.

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

11 **SECTION 132.** 30.50 (2) of the statutes is renumbered 30.01 (1a).

NOTE: The definition of "boat" or "vessel" is relocated to the definitions
applicable to the entire chapter.

12 **SECTION 133.** 30.50 (4q) of the statutes is amended to read:

13 **30.50 (4q)** "Lake sanitary district" means a town sanitary district that has within its
14 boundaries at least 60% of the footage of shoreline of a public inland lake, as defined in s.
15 60.782 (1), for which a public inland lake protection and rehabilitation district is not in effect.
16 The footage of shoreline shall be measured by use of a map wheel on the U.S. geological
17 survey 7-1/2 minute series map.

NOTE: The current statutes provide for the determination of shoreline
footage in s. 30.105. Section 30.105 is replicated in the 3 statutes where
measurement of shoreline footage is specified.

18 **SECTION 134.** 30.50 (4u) of the statutes is created to read:

19 **30.50 (4u)** "Local governmental unit" means a town, village, city, county, town sanitary
20 district or public inland lake protection and rehabilitation district.

1 **SECTION 135.** 30.50 (9b) of the statutes is created to read:

2 **30.50 (9b)** "Patrol boat" means a boat authorized by the state or a town, village, city,
3 county, town sanitary district or public inland lake protection and rehabilitation district for the
4 purpose of law enforcement, search and rescue, fire fighting, emergency response or water
5 safety operations, including a water safety patrol unit.

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

6 **SECTION 136.** 30.50 (10m) of the statutes is created to read:

7 **30.50 (10m)** "Regulatory markers" means any anchored or fixed marker in the water
8 or anchored platform on the surface of the water, other than aids to navigation, and includes
9 swimming area markers, speed zone markers, information markers, mooring buoys, fishing
10 buoys and restricted activity area markers.

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

11 **SECTION 137.** 30.50 (13r) of the statutes is created to read:

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

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

15 **SECTION 138.** 30.5005 of the statutes is created to read:

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

NOTE: This provision directs the department to suggest new legislation to keep statutory boat registration, equipment and operation requirements in conformity with federal regulations. Current statutes specifically requiring conformity with federal regulations [ss. 30.501 (8), 30.505, 30.61 (9), 30.62 (9) and 30.67 (2) (a)] are amended or repealed. The special committee does not intend by this new procedure to withdraw the statutory authority for any rules promulgated by the DNR that adopt federal statutes or regulations, whether wholly or in part.

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

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

- 4 **SECTION 139.** 30.501 (8) of the statutes is repealed.

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

- 5 **SECTION 140.** 30.501 (9) of the statutes is amended to read:

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

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

1 **SECTION 141.** 30.505 of the statutes is amended to read:

2 **30.505 Certificate of number system to conform to federal system.** The certificate
3 of number system and the issuance of identification numbers employed by the department
4 shall be in conformity with the overall system of identification numbering for boats
5 established by the U.S. government. ~~The department shall promulgate rules as are necessary~~
6 ~~to bring the state certificate of number system and the issuance of identification numbers into~~
7 ~~conformity with this federal system.~~

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

8 **SECTION 142.** 30.52 (1) (b) 1r. of the statutes is amended to read:

9 **30.52 (1) (b) 1r.** A When a person applying applies for registration of a federally
10 documented vessel, the department shall submit as part of the application a photocopy of the
11 front and back of verify that the federal certificate of documentation for the vessel, ~~which must~~
12 ~~be is~~ current at the time of applying for registration.

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

13 **SECTION 143.** 30.537 (4) (e) of the statutes is repealed.

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

14 **SECTION 144.** 30.54 (2) of the statutes is amended to read:

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

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

6 **SECTION 145.** 30.571 of the statutes is amended to read:

7 **30.571 Notification of person who has perfected security interest.** If the department
8 receives information from another state that a boat that is titled in this state is being titled in
9 the other state and the information does not show that a perfected security interest, as shown
10 by the records of the department, has been satisfied, the department shall notify the person who
11 has perfected the security interest. ~~The person shall pay the department the fee under s. 30.537~~
12 ~~(4) (e) for each notification.~~

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

13 **SECTION 146.** 30.60 of the statutes is repealed.

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

14 **SECTION 147.** 30.605 of the statutes is created to read:

15 **30.605 Definitions.** In ss. 30.61 to 30.71, "owner" has the meaning given in s. 30.50
16 (9), and includes the lessee of a boat.

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

1 SECTION 148. 30.61 (1), (2) (intro.), (3) (intro.), (4), (6) (b), (7) and (8) of the statutes
2 are amended to read:

3 30.61 (1) WHEN LIGHTS REQUIRED; PROHIBITED LIGHTS. (a) No person ~~shall~~ may operate
4 any motorboat at any time from sunset to sunrise unless ~~such~~ the motorboat carries the lighting
5 equipment required by this section and unless ~~such~~ the lighting equipment is lighted when and
6 as required by this section.

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

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

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

15 (3) LIGHTS FOR MOTORBOATS ~~OF CLASSES 2 AND 3~~ 26 FEET LONG OR GREATER. (intro.) All
16 motorboats ~~of classes 2 and 3~~ 26 feet long or greater when under way at any time from sunset
17 to sunrise shall carry and have lighted the following lamps:

18 (4) SAILBOATS WITH MOTORS. Sailboats A ~~sailboat~~ equipped with ~~motors~~ a motor and
19 being propelled in whole or in part by ~~such~~ the motor ~~must~~ shall comply with sub. (2) or (3),
20 ~~whichever is~~ as applicable. Whenever ~~such~~ a sailboat is being propelled entirely by sail at any

1 time from sunset to sunrise, it shall have lighted the lamps showing the colored lights specified
2 in sub. (2) or (3), but not the lamps showing the white lights, and shall carry ready at hand a
3 lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert
4 collision.

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

7 (7) ~~PERFORMANCE DESIGN SPECIFICATIONS FOR LAMPS.~~ Every white light ~~prescribed~~
8 ~~required~~ by this section shall be ~~of such character as designed~~ to be visible at a distance of at
9 least 2 miles on a dark night with clear atmosphere. Every colored light ~~prescribed~~ required
10 by this section shall be ~~of such character as designed~~ to be visible at a distance of at least one
11 mile on a dark night with clear atmosphere. The lights required by this section shall be
12 maintained so as to function as designed.

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

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

17 SECTION 149. 30.61 (9) of the statutes is repealed.

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

18 SECTION 150. 30.61 (10) of the statutes is renumbered 30.68 (13) and amended to read:

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

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

7 **SECTION 151.** 30.62 (title), (1) and (2) (b) and (c) of the statutes are amended to read:

8 **30.62 (title) ~~Other equipment~~ Equipment other than lighting. (1) WHEN EQUIPMENT**
9 **REQUIRED.** ~~No person shall~~ may operate any boat on the waters of this state unless ~~such~~ the boat
10 is equipped as required by this section ~~and the rules of the department promulgated under this~~
11 ~~section.~~

12 **(1m) RENTAL BOATS.** ~~No owner of a boat shall~~ may rent ~~such a~~ boat to any other person
13 for use ~~upon~~ on the waters of this state unless ~~such~~ the boat is equipped at the time of rental
14 as required by this section ~~and the rules of the department promulgated under this section.~~ If
15 ~~such~~ the boat is properly equipped at the time of rental for conditions then existing, the
16 responsibility of the owner under this section is met, notwithstanding a subsequent change in
17 the number of passengers or a change in time from daylight to dark.

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

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

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

5 SECTION 152. 30.62 (2) (c) 2. of the statutes is created to read:

6 30.62 (2) (c) 2. No person engaged in the business of selling motorboats at retail within
7 this state may sell a motorboat for use on the waters of this state in the ordinary course of that
8 person's business if the motorboat cannot be operated to comply with par. (b).

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

9 SECTION 153. 30.62 (2) (d) of the statutes is amended to read:

10 30.62 (2) (d) *Maximum noise level for manufacture.* ~~1.~~ No person may manufacture
11 ~~and or~~ offer for sale any motorboat for use on the waters of this state if the motorboat cannot
12 be operated ~~in such a manner so as to~~ comply with ~~the noise level requirements under~~ par. (b).

13 ~~2.~~ (dm) Testing procedures. The department may promulgate rules establishing testing
14 procedures to determine noise levels for the enforcement of this section. ~~3.~~ The department
15 may revise these rules as necessary to adjust to advances in technology.

16 SECTION 154. 30.62 (2) (f) of the statutes is repealed.

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

17 SECTION 155. 30.62 (2) (g) 1. to 3. of the statutes are amended to read:

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

NOTE: Counties, town sanitary districts and lake districts are added to this provision by the cross-reference to s. 30.77. The reference to the local governmental unit "that enacts an ordinance under s. 30.77" is meant to provide that the local governmental unit may issue a permit but is not required to adopt an ordinance related to motorboat racing or speed records. "Water exhibition" is added to make this provision consistent with s. 30.742 and rules promulgated by the DNR under s. NR 5.19, Wis. adm. code.

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

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

9 **SECTION 156.** 30.62 (2) (i) of the statutes is repealed.

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

10 **SECTION 157.** 30.62 (2m) and (3) (a) of the statutes are amended to read:

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

NOTE: The definition of "motorboat" in s. 30.50 (6) is "any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion". This provision refers to a boat with a motor or propulsion machinery, which is by definition a motorboat. This

provision is redrafted accordingly. The reference to "other existing operating conditions" is deleted on the grounds that safe power capacity is determined by the size and design of the motorboat and not by operating conditions.

1 (3) (a) Every boat, except a sailboard and except as provided in ~~par.~~ pars. (b) and (c),
2 shall carry at least one personal flotation device prescribed by ~~federal regulations~~ 33 CFR part
3 175 for each person on board or being attended by the boat, so placed as to be readily accessible
4 and available to the persons.

5 **SECTION 158.** 30.62 (3) (c) of the statutes is created to read:

6 30.62 (3) (c) 1. In this paragraph, "racing shell, rowing scull, racing canoe, and racing
7 kayak" means a manually propelled vessel that is recognized by national or international
8 racing associations for use in competitive racing and one in which all occupants row, scull,
9 or paddle, with the exception of coxswain, if one is provided, and is not designed to carry and
10 does not carry any equipment not solely for competitive racing.

11 2. A racing shell, rowing scull, racing canoe or racing kayak is exempted from the
12 requirements for carriage of any type of personal flotation device required under 33 CFR part
13 175.

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

14 **SECTION 159.** 30.62 (4) to (8) of the statutes are amended to read:

15 30.62 (4) FIRE EXTINGUISHERS. (a) Every motorboat, except ~~outboards~~ a motorboat of
16 open construction equipped with an outboard motor, shall be provided with ~~such number, size~~
17 ~~and type of~~ fire extinguishers, ~~capable of promptly and effectively extinguishing burning~~
18 ~~gasoline~~, as prescribed by rules of the department. ~~Such~~ The fire extinguishers shall be ~~at all~~
19 ~~times~~ kept in condition for immediate and effective use and shall be ~~so placed as to be~~ readily

1 accessible. "Open construction" means construction which will not permit the entrapment of
2 explosive or flammable gases or vapors.

3 (b) This subsection does not apply to a motorboat while competing in a race conducted
4 pursuant to a permit from a ~~town, village or city~~ local governmental unit that enacts an
5 ordinance under s. 30.77 or from an authorized agency of the U.S. government, nor does it
6 apply to a boat designed and intended solely for racing, while the boat is operated incidentally
7 to the tuning up of the boat and engine for the race at the race location on the day of the race.

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

12 (6) BILGE, ENGINE AND FUEL COMPARTMENT VENTILATORS. Every ~~boat~~ motorboat, except
13 a motorboat of open boats construction, as defined in sub. (4) (a), using as fuel any liquid of
14 a volatile nature liquid fuel, shall be provided with an efficient natural or mechanical effective
15 ventilation system ~~which is~~ capable of removing ~~resulting inflammable~~ flammable or
16 explosive gases.

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

NOTE: Several changes are proposed for the provision on batteries. The current statute applies only to motorboats. If a nonmotorized boat uses a battery to power an electrical system, there does not appear to be a reason why the nonmotorized boat should not require securing and covering the battery. The current reference to "storage batteries" is

replaced by a reference to a battery that is part of the boat's electrical system. This will exclude from this requirement any other equipment such as depth finders, navigation lights or global positioning system units that are typically operated by dry cell batteries or by small, separate 12 volt lead-acid batteries.

1 **SECTION 160.** 30.62 (9) of the statutes is repealed.

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

2 **SECTION 161.** 30.625 (1) (intro.) and (2) of the statutes are amended to read:

3 30.625 (1) (intro.) No person who is engaged in the rental or leasing of rents or leases
4 personal watercraft to the public may do any of the following:

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

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

7 **SECTION 162.** 30.63 of the statutes is renumbered 30.62 (10) and amended to read:

8 30.62 (10) SALE AND USE OF CERTAIN OUTBOARD MOTORS RESTRICTED. (a) *Sale.* No
9 person may sell any new outboard motor for use ~~in~~ on the waters of this state unless ~~such~~ the
10 motor is equipped with a crankcase effectively sealed to prevent the drainage of raw fuel into
11 the waters in which the motor is operated.

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

1 **SECTION 163.** 30.635 of the statutes is renumbered 30.66 (4) and amended to read:

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

9 **SECTION 164.** 30.64 of the statutes is renumbered 30.68 (14) and 30.68 (14) (a) and (b)
10 are amended to read:

11 **30.68 (14) (a)** The operator of a ~~duly~~-authorized patrol boat, when responding to an
12 emergency call or when in pursuit of an actual or suspected violator of the law, need not
13 comply with ~~state law~~ this subchapter or local ordinances ~~fixing maximum speed limits~~ under
14 s. 30.77 when a siren ~~is being sounded~~ or emergency lights are activated and if due regard is
15 given to the safety of other persons in the vicinity. If a an emergency light is used ~~in~~
16 ~~conjunction with a siren~~ it shall be the ~~oscillating or flashing type~~ and be fitted with a blue lens
17 of a type and design specified under 33 CFR s. 88.11 or 88.12.

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

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

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

4 SECTION 165. 30.65 (1) (intro.), (b) and (f) and (2) of the statutes are amended to read:

5 30.65 (1) (intro.) MEETING; OVERTAKING; RIGHT-OF-WAY. Every person operating a boat
6 shall comply with the following traffic rules, except when deviation ~~therefrom~~ from these
7 rules is necessary to comply with federal ~~pilot~~ inland navigational rules, 33 USC ss. 2001 to
8 2073 and 33 CFR parts 84 to 90 while operating on the navigable waters of the United States:

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

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

14 (2) ADDITIONAL TRAFFIC RULES. The department may promulgate ~~such~~ additional traffic
15 rules ~~as it deems necessary in the interest of public safety. Such rules shall that~~ conform as
16 nearly as possible to the federal ~~pilot~~ inland navigational rules in 33 USC 2001 to 2073 and
17 33 CFR parts 84 to 90.

18 SECTION 166. 30.66 (1), (2) (title) and (3) of the statutes are amended to read:

19 30.66 (1) SPEED TO BE REASONABLE AND PRUDENT. No person shall ~~may~~ operate a
20 motorboat at a speed greater than is reasonable and prudent under the conditions and having
21 regard for the actual and potential hazards then existing. The speed of a motorboat shall be
22 ~~so~~ controlled as to avoid colliding with any boat, object ~~lawfully in or on the water or with any~~
23 ~~person, boat or other conveyance in or on the water in compliance with legal requirements and~~
24 ~~exercising due care.~~

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

1 (2) (title) ~~FIXED~~ POSTED LIMITS.

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

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

5 (b) No person may operate a personal watercraft at a speed in excess of slow-no-wake
 6 within 100 feet of any other boat or within 200 feet of the shoreline of any lake. ~~This paragraph~~
 7 ~~does not apply if s. 30.69 (3) (a), (c) or (d) applies to the operation of the personal watercraft.~~

NOTE: The restriction on operation of a personal watercraft within 200 feet of the shoreline of a lake was added by 1997 Wisconsin Act 198. The placement of that language in the first sentence of s. 30.66 (3) (b) creates a problem in connection with the sentence that follows. Most of the restrictions in s. 30.69 (3) (a), (c) and (d) apply to operation of a motorboat that is towing a water skier, and the distances that must be

maintained between the motorboat and other objects. The problem is that, for example, if a personal watercraft operator is towing a skier, the restriction on operation within 200 feet of the shoreline of the lake does not apply. This does not appear to be the intent of the legislature. The only portion of s. 30.69 (3) (a), (c) and (d) that applies to operation of a personal watercraft that is towing a skier in relation to the shoreline is s. 30.69 (3) (d), which applies to pickup and drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to motorboats engaged in water skiing. To resolve this problem, the bill draft deletes the cross-reference in par. (b) and recreates the substance of the exception for pickup and drop areas in s. 30.66 (3) (c), below.

1 **SECTION 167.** 30.66 (3) (c) of the statutes is created to read:

2 30.66 (3) (c) This subsection does not apply to pickup or drop areas that are marked with
3 regulatory markers and that are open to operators of personal watercraft and to persons and
4 motorboats engaged in water skiing or a similar activity.

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

5 **SECTION 168.** 30.67 (1) and (2) of the statutes are renumbered 30.67 (1m) and (2m)
6 and amended to read:

7 30.67 (1m) **DUTY TO RENDER AID.** ~~Insofar as~~ If the operator of a boat can do so without
8 serious danger to the operator's boat or to persons on board, the operator of a boat involved
9 in a boating accident shall stop the operator's boat and render ~~to other persons affected thereby~~
10 such assistance to any person affected by the accident as may be ~~practicable and necessary to~~
11 ~~save them from or~~ feasible and to minimize any danger caused by the accident. The operator
12 shall give the operator's name and address and identification of the operator's boat to any
13 person injured and to the owner of any property damaged in the accident.

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

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

1 **(2m) DUTY TO REPORT.** (a) If a boating accident results in death or injury to any person,
2 the disappearance of any person from a boat under circumstances indicating death or injury,
3 or property damage, every operator of a boat involved in an accident shall, without delay and
4 by the quickest means available, give notice of the accident to a ~~conservation warden or local~~
5 law enforcement officer and shall file a written report with the department on the form
6 prescribed by it. ~~The department shall promulgate rules necessary to keep accident reporting~~
7 ~~requirements in conformity with rules adopted by the U.S. coast guard.~~

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

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

11 **SECTION 169.** 30.67 (3) (title) of the statutes is renumbered 30.67 (1) (title) and
12 amended to read:

13 30.67 (1) (title) ~~TERMS DEFINED~~ DEFINITIONS.

14 **SECTION 170.** 30.67 (3) (intro.), (a) and (b) of the statutes are renumbered 30.67 (1)
15 (intro.), (a) and (b).

16 **SECTION 171.** 30.67 (3) (c) of the statutes is repealed.

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

1 **SECTION 172.** 30.67 (4), (5) and (6) (b) of the statutes are amended to read:

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

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

13 **(6) (b)** In cases of death involving a boat in which the person died within 6 hours of the
14 time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of
15 the decedent within 12 hours after his or her death, by the coroner or medical examiner or by
16 a physician so designated by the coroner or medical examiner or by a qualified person at the
17 direction of the physician. All morticians shall obtain a release from the coroner or medical
18 examiner prior to proceeding with embalming any body ~~coming under the scope~~ subject to the
19 requirements of this section. The blood so drawn shall be forwarded to a laboratory approved
20 by the state health officer for analysis of the ~~alcoholic~~ alcohol content of the blood specimen.
21 The coroner or medical examiner causing the blood to be withdrawn shall be notified of the
22 results of each analysis made and shall forward the results of each analysis to the state health
23 officer. The state health officer shall keep a record of all examinations to be used for statistical
24 purposes only. The cumulative results of the examinations, without identifying the

1 individuals involved, shall be disseminated and made public by the state health officer. The
2 department shall reimburse coroners and medical examiners for the costs incurred in
3 submitting reports and taking blood specimens and laboratories for the costs incurred in
4 analyzing blood specimens under this section.

5 **SECTION 173.** 30.675 (intro.), (1) and (2) of the statutes are renumbered 30.675 (1), (2)
6 and (3) and amended to read:

7 **30.675 Distress signal flag.** (1) The display on a boat or by a person of ~~an orange flag~~
8 approximately 18 by 30 inches in size a visual distress signal of a type approved by the U.S.
9 coast guard in 33 CFR ss. 175.101 to 175.140 shall indicate that such boat or person is in need
10 of help.

11 (2) If it is possible without serious danger to the operator's boat or persons on board,
12 the operator of a boat observing a distress signal shall render to the boat or person displaying
13 the signal such any assistance as ~~may be practicable and necessary~~ is feasible to save the boat
14 or person or to minimize any danger to them.

15 (3) No person shall ~~may~~ display a flag like that distress signal described in under sub.
16 (1) unless such person is in need of assistance to prevent bodily injury or destruction of
17 property.

18 **SECTION 174.** 30.68 (title) and (2) of the statutes are amended to read:

19 **30.68 (title) Prohibited Boat operation.** (2) **NEGLIGENT OPERATION.** No person may
20 operate or use any boat, or ~~manipulate any~~ engage in water skis, aquaplane skiing or a similar
21 device upon activity on the waters of this state in a careless, negligent or reckless manner so
22 as to endanger ~~that person's life, property or person or the life, or property of~~ of any person
23 of another.

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

1 **SECTION 175.** 30.68 (3) (a) of the statutes is renumbered 30.68 (3) and amended to read:

2 **30.68 (3) OPERATION BY ~~INCAPACITATED PERSON OR MINOR~~ LACKING CAPABILITY.** (a) No
3 person in charge or control of a boat shall may authorize or knowingly permit the boat to be
4 operated by any person who by reason of physical or mental ~~disability~~ incapacity is incapable
5 of operating ~~such~~ the boat under the prevailing circumstances.

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

6 **SECTION 176.** 30.68 (3) (b) to (d) of the statutes are renumbered 30.68 (3m) (a) to (c)
7 and 30.68 (3m) (a) and (c), as renumbered, are amended to read:

8 **30.68 (3m) MINORS: MOTORBOAT OPERATION, PERSONAL WATERCRAFT.** (a) No person
9 under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years
10 of age may operate a motorboat only if they are either accompanied in the boat by a parent or
11 guardian or a person at least 18 years of age designated by a parent or guardian. Persons at
12 least 12 and less than 16 years of age may operate a ~~motor of any horsepower~~ motorboat, but

1 only if they are either accompanied by a parent or guardian or a person at least 18 years of age
2 designated by a parent or guardian, or in possession of a certificate issued under s. 30.74 (1).

3 This paragraph does not apply to personal watercraft.

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

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

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

6 **SECTION 177.** 30.68 (4) (a) of the statutes is amended to read:

7 30.68 (4) (a) No person shall ~~may~~ operate a motorboat ~~so as to approach or pass near~~
8 another boat in such a manner ~~as to create~~ that creates a hazardous wake or wash.

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

9 **SECTION 178.** 30.68 (4) (b) of the statutes is repealed.

NOTE: Current s. 30.68 (4) (b) creates a standard of strict liability for damage caused by the wake or wash from a motorboat. A defense is provided if the negligence of the other person was the primary cause of the damage. This statute relates to private remedies and not to DNR enforcement. The special committee determined that such damage should be subject to a standard of ordinary negligence, and thus recommends repeal of this provision.

10 **SECTION 179.** 30.68 (4m) (title) and (5) of the statutes are amended to read:

1 (4m) (title) ~~FACING PERSONAL WATERCRAFT; FACING BACKWARDS.~~

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

6 (5g) (title) OPERATION NEAR SKIN DIVER OR SWIMMER. No person may operate a boat or
7 water skier operate or approach and no person may engage in water skiing or a similar activity
8 closer than 100 feet to any skin diver's flag or any swimmer unless the one of the following
9 applies:

10 (a) The boat is part of the skin diving operation, or

11 (b) The boat is accompanying the swimmer, or unless physical conditions make
12 compliance impossible.

13 SECTION 180. 30.68 (5g) (c) of the statutes is created to read:

14 30.68 (5g) (c) There is not sufficient room to navigate 100 feet or more from the skin
15 diver's flag or swimmer, in which case the boat may not be operated in excess of
16 slow-no-wake speed.

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