

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

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

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

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

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

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

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

30.491 (5) ACQUISITION OF LAND. Acquire such lands or interests therein as it deems necessary for properly carrying out its powers under this ~~chapter~~ subchapter, including such lands outside the municipal limits as are necessary to protect its

property or to carry out its powers under sub. (3). Such acquisition may be by condemnation proceedings.

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

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

30.492 (1) SUPERVISION OF WORK. In exercising the powers granted by s. ~~30.30~~ 30.491 (1) to (3) a municipality shall be governed by the law governing the laying out, improvement and repair of streets and bridges in such municipality, so far as applicable, except that no petition of property owners for doing any such work is necessary. If the municipality has established a board of harbor commissioners, such board shall be in charge of the work unless the board determines that it is not equipped to supervise the work and by resolution delegates such function to the agency which ordinarily performs such function for the municipality. If the municipality does not have a board of harbor commissioners, the municipality's board of public works or, in the event there is no such board, the municipality's governing body shall be in charge of the work.

(4) ACQUISITION OF LAND. In acquiring land by condemnation for any of the purposes specified in this ~~chapter~~ subchapter, a municipality shall be governed by the law relating to condemnation of land for public grounds or street purposes. Whenever land is acquired through a land contract arrangement, such contract may

create a lien on such lands for the purchase price and interest thereon but shall not create any liability therefor on the part of the municipality.

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

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

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

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

**30.495 (1) HARBOR FUND TO BE CREATED.** All municipalities operating a public harbor through a board of harbor commissioners shall establish in the municipal treasury a revolving fund to be known as the "harbor fund". Moneys for such fund may be raised by appropriation from the general fund or by taxation or loan as other

moneys in the general fund are raised. Moneys in such fund may be expended only as provided in s. ~~30.38~~ 30.498 (13).

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

(3) FINANCING BY MEANS OF NOTES, BONDS OR ASSIGNMENTS OF NET PROFITS. (a) Any municipality may, with the consent of its board of harbor commissioners, finance the cost of acquisition, construction, alteration or repair of any harbor facility by issuing evidences of indebtedness payable only out of the revenue obtained from the public harbor facilities. Such evidences of indebtedness may be revenue bonds, refunding bonds or bond anticipation notes issued under s. ~~30.35~~ 30.496 or 66.1103 or may be pledges or assignments of net profits, issued pursuant to s. 66.0621 (5) as if the harbor facility were a public utility.

(4) EMERGENCY REPAIR FUND. Any municipality having established a board of harbor commissioners to operate its harbor facilities may create a contingent fund

for the purpose of permitting the secretary of the board to pay for repairs to harbor facilities which constitute emergency repairs within the meaning of s. ~~30.32~~ 30.493 (4). The secretary may pay for such repairs out of such fund on the secretary's signature alone.

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

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

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

**30.353 Department may raise water elevations.** If after examination and investigation the department determines that it is necessary to raise water elevations in any navigable stream or navigable lake for conservation purposes, the department may, if funds are available from any source other than license fees, determine and establish the elevations to which the water may be raised or maintained, but the water elevation may not be established below the normal elevation. If any lands are damaged by raising the water levels above normal and

the department cannot acquire the right to flow the lands by agreement with the owner, the department may acquire the lands or the right to flow the lands by condemnation under ch. 32.

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

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

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

**(7) MILWAUKEE COUNTY.** Milwaukee County, with respect to the land ceded or granted to Milwaukee County as described in 1997 Wisconsin Act 70, section 3, may directly exercise all of the powers and perform all of the duties conferred on a board of harbor commissioners under ss. ~~30.34~~ 30.495, ~~30.35~~ 30.496 and ~~30.38~~ 30.498, but Milwaukee County may not create a board of harbor commissioners if sub. (1) (b) applies. Milwaukee County shall have exclusive jurisdiction over the operation, administration, maintenance, improvement, alteration and repair of any marina facility or marina related anchorage located on this land.

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

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

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

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

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

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

7 **30.381 (title) Penalties.**

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

9 30.50 (1b) "Aids to navigation" means buoys, beacons, and other fixed objects  
 10 in the water ~~which~~ <sup>that</sup> are used to mark obstructions to navigation or to direct navigation  
 11 through safe channels.

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

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

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

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

14 30.50 (4q) "Lake sanitary district" means a town sanitary district that has  
 15 within its boundaries at least 60% of the footage of shoreline of a public inland lake,  
 16 as defined in s. 60.782 (1), for which a public inland lake protection and rehabilitation  
 17 district is not in effect. The footage of shoreline shall be measured by use of a map  
 18 wheel on the U.S. geological survey ~~2.5~~ 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.

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

20 30.50 (4u) "Local governmental unit" means a <sup>city,</sup> ~~town,~~ village, ~~city,~~ <sup>town,</sup> county, town  
 21 sanitary district, or public inland lake protection and rehabilitation district.

edited from here to the end.

1bm

1bm

no hyphen

Insert 62-21

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~~ <sup>this</sup> state or a <sup>by</sup> town, village,  
3 ~~city, county, town, sanitary district, or public inland lake protection and rehabilitation~~  
4 ~~district~~ <sup>local governmental unit</sup> for the purpose of law enforcement, search and rescue, fire fighting,  
5 emergency response, or water 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  
8 water or anchored platform on the surface of the water, other than aids to navigation,  
9 and includes <sup>a</sup> swimming area markers, speed zone markers, information markers,  
10 mooring buoys, fishing 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  
13 person is towed <sup>in the water</sup> behind or alongside of a boat, including barefoot skiing, aquaplaning,  
14 kneeboarding, or being towed on an inflatable device.

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

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

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

bill

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

insert →  
64-3

NOTE: The first sentence of sub. (2), above, restates the authority of the DNR to promulgate rules. This ~~was~~ 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  
7 and prior to November 1, 1972. All vessels manufactured on or after November 1,  
8 1972, shall comply with appropriate federal regulations and the capacity  
9 information shall be displayed as required.

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

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

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

federal

1 ~~promulgate rules as are necessary to bring the state certificate of number system and~~  
2 ~~the issuance of identification numbers into 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).

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

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

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

8 SECTION 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.

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

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

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

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

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

bill

*means any of the following:*  
*4(1) An owner, as defined*

*B*

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

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

6 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.

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

8 *Owner;*  
30.605 **Definitions.** In ss. 30.61 to 30.71, "owner" ~~has the meaning given in~~

9 s. 30.50 (9) ~~and includes the lessee of a boat.~~  
*4(2) A lessee of a boat.*

*B*  
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.

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

12 30.61 (1) WHEN LIGHTS REQUIRED; PROHIBITED LIGHTS. (a) No person shall may  
13 operate any motorboat at any time from sunset to sunrise unless such the motorboat  
14 carries the lighting equipment required by this section and unless such the lighting  
15 equipment is lighted when and as required by this section.

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

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

4 (2) LIGHTS FOR MOTORBOATS ~~OF CLASSES A AND 1~~ LESS THAN 26 FEET LONG. (intro.)

5 All motorboats of ~~classes A and 1~~ less than 26 feet long when under way at any time  
6 from sunset to sunrise shall carry and have lighted the following lamps:

7 (3) LIGHTS FOR MOTORBOATS ~~OF CLASSES 2 AND 3~~ 26 FEET LONG OR <sup>OR MORE</sup> GREATER (intro.)

8 All motorboats of ~~classes 2 and 3~~ 26 <sup>OR MORE</sup> feet long ~~or greater~~ when under way at any time  
9 from sunset to sunrise shall carry and have lighted the following lamps:

10 (4) SAILBOATS WITH MOTORS. ~~Sailboats~~ A sailboat equipped with ~~motors~~ a motor

11 and being propelled in whole or in part by ~~such~~ the motor ~~must~~ shall comply with sub.

12 (2) or (3), ~~whichever is~~ as applicable. Whenever ~~such~~ a sailboat is being propelled

13 entirely by sail at any time from sunset to sunrise, it shall have lighted the lamps

14 showing the colored lights specified in sub. (2) or (3), but not the lamps showing the

15 white lights, and shall carry ready at hand a lantern or flashlight showing a white

16 light which shall be exhibited in sufficient time to avert collision.

17 (6) (b) ~~This subsection does not require any light to be shone from~~ A duck blinds

18 blind constructed on emergent vegetation is not required to be lighted.

19 (7) PERFORMANCE DESIGN SPECIFICATIONS FOR LAMPS. Every white light

20 ~~prescribed~~ required by this section shall be of ~~such character as~~ designed to be visible

21 at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored

22 light ~~prescribed~~ required by this section shall be of ~~such character as~~ designed to be

23 visible at a distance of at least one mile on a dark night with clear atmosphere. The

24 ~~lights required by this section shall~~ be maintained so as to function as designed.

*owner of a motorboat that is required to carry lighting equipment under the equipment*

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.

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

6           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.

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

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

12           (b) If a person operates a personal watercraft in violation of par. (a), the  
13 operation shall be subject to additional penalties for any failure to comply with the  
14 applicable lighting requirements under subs. s. 30.61 (1), (2), <sup>plain</sup> and (8) and (9).

15           SECTION 151. 30.62 (title), (1) and (2) (b) ~~and~~ of the statutes are amended  
16 to read:

17           30.62 (title) ~~Other equipment~~ Equipment other than lighting. (1) WHEN  
18 EQUIPMENT REQUIRED. No person shall may operate any boat on the waters of this  
19 state unless such ~~the~~ boat is equipped as required by this section ~~and the rules of the~~  
20 ~~department promulgated under this section.~~

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

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

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

SEC. #. RA; 30.62 (2) (c); 30.62 (2) (c) 1.

11           ~~(c) Maximum noise levels for sale.~~ <sup>1.</sup> No person may sell, resell, or offer for sale  
 12 any motorboat for use on the waters of the state if the motorboat has been so modified  
 13 that it cannot be operated in such a manner that it will ~~no~~ comply with the noise level  
 14 requirements under par. (b). <sup>in compliance with</sup>

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

16           30.62 (2) (c) 2. No person engaged in the business of selling motorboats at retail  
 17 within this state may sell a motorboat for use on the waters of this state in the  
 18 ordinary course of that person's business if the motorboat cannot be operated ~~the~~  
 19 ~~comply~~ with par. (b). <sup>in compliance</sup>

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. ✓

20           **SECTION 153.** 30.62 (2) (d) <sup>renumbered 30.62 (2) (d) and</sup> of the statutes is amended to read:

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

4 ~~level requirements under par. (b).~~ in compliance with

SEC. #. RA; 30.62 (2)(d) 2.; 30.62 (2)(dm)

5 30.62 (2) ② (dm) Testing procedures. The department may promulgate rules  
 6 ③ establishing testing procedures to determine noise levels for the enforcement of this  
 7 section. ③ The department may revise these rules as necessary to adjust to advances

8 in technology.

9 SEC. #. RP; 30.62 (2)(d) 3.

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.

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

30.62 (2) (g) 1. A motorboat while competing in a water exhibition or race  
 conducted under a permit from a ~~town, village or city~~ local governmental unit that  
enacts an ordinance 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~~ <sup>enact</sup> 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.

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

Motorboat

\*\*\*\* Note: The preceding Note is somewhat unclear. If the local governmental unit need not enact an ordinance related to motorboat racing or speed, what must the ordinance relate to?

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

4 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).

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

6 30.62 (2m) OVERPOWERING. No person may sell, equip, or operate, and no owner  
7 of a ~~boat~~ motorboat may allow a person to operate, a ~~boat~~ motorboat with any meter  
8 or other propulsion machinery beyond its safe power capacity, taking into  
9 consideration the type and construction of ~~such watercraft and other existing~~  
10 ~~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.

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

15 SECTION 158. 30.62 (3) (c) of the statutes is created to read: *of all of the following apply:*  
16 30.62 (3) (c) ~~In this paragraph, "racing shell, rowing scull, racing canoe, and~~  
17 ~~racing kayak" means a manually propelled vessel that is recognized by national or~~  
18 ~~international racing associations for use in competitive racing and one in which all~~  
19 ~~occupants row, scull, or paddle, with the exception of coxswain, if one is provided, and~~  
*Paragraph (a) does not apply to*  
*of the vessel's* *the vessel when it is occupied*

*#3. The vessel*

*Other than equipment used*

1 is not designed to carry and does not carry any equipment ~~that~~ solely for competitive  
2 racing.

3 2. A racing shell, rowing scull, racing canoe or racing kayak is exempted from  
4 the requirements for carriage of any type of personal flotation device required under  
5 33 CFR part 175.

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

Insert 72-5

6 SECTION 159. 30.62 (4) ~~of the statutes~~ <sup>is</sup> amended to read:

*strike comma; don't delete.*

7 30.62 (4) ~~FIRE EXTINGUISHERS.~~ (a) Every motorboat, except outboards  
8 ~~motorboat~~ of open construction equipped with an outboard motor shall be provided  
9 with such number, size and type of fire extinguishers, <sup>plain</sup> capable of promptly and  
10 effectively extinguishing burning gasoline, <sup>strike</sup> as prescribed by rules of the department.

11 Such ~~The~~ fire extinguishers shall be at all times kept in condition for immediate and  
12 effective use and shall be so placed as to be readily accessible. "Open construction"  
13 means construction which will not permit the entrapment of explosive or flammable  
14 ~~gases or vapors.~~

(intro.)

15 SEC. #. RA; 30.62 (4)(b); 30.62 (4)(b) (intro.)  
16 <sup>any of the following: # 1. A</sup>

17 (b) This subsection does not apply to a motorboat while competing in a race  
18 conducted pursuant to a permit from a town, village or city local governmental unit  
19 that enacts an ordinance under s. 30.77 or from an authorized agency of the U.S. federal  
20 government, ~~nor does it apply to a~~ <sup>strike</sup> boat designed and intended solely for racing, while  
21 the boat is operated incidentally to the tuning up of the boat and engine for the race  
22 at the race location on the day of the race.

Insert 72-20

21 SEC. #. AM; 30.62 (5)

22 (5) BACKFIRE FLAME ARRESTERS. Every ~~boat~~ motorboat equipped with an inboard  
23 gasoline motor fitted with an ~~efficient~~ effective device for arresting backfire flames.

~~Except as provided in par. (b), every motorboat~~ SECTION 159

1 The device shall meet the specifications prescribed by comply with federal  
2 regulations.

3 SEC. #. RA; 30.62(6); 30.62(6)(a)  
30.62(6) BRIDGE, ENGINE AND FUEL COMPARTMENT VENTILATORS. (a) Every boat ~~that~~ <sup>(a)</sup>

4 ~~except a motorboat of open boat construction, as defined in sub. (4) (a),~~ using as fuel  
5 any liquid of a volatile nature, liquid fuel, shall be provided with an efficient natural  
6 or mechanical effective ventilation system which <sup>that</sup> is capable of removing resulting

7 inflammable flammable or explosive gases.

Insert  
73-7

8 SEC. #. AM; 30.62(8)  
30.62(8) BATTERY COVER. Every motorboat If a boat is equipped with storage batteries  
9 a battery as part of the boat's electrical system, the battery shall be provided with  
10 suitable supports and secured against shifting with the motion of the boat. Such  
11 storage batteries Both battery terminals shall be equipped with a nonconductive  
12 shielding means covered to prevent accidental shorting <sup>of battery terminals.</sup> ~~of battery terminals.~~ ✓ do not strike

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.

13 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.

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

15 30.625 (1) (intro.) No person who is engaged in the rental or leasing of rents  
16 or leases personal watercraft to the public may do any of the following:

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

NOTE: Section 30.5005 (1) (b), as created by this ~~bill~~<sup>bill</sup>, 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.

1 SECTION 162. 30.63<sup>✓</sup> of the statutes is renumbered 30.62 (10) and amended to  
2 read:

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

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

11 SECTION 163. 30.635<sup>✓</sup> of the statutes is renumbered 30.66 (4) and amended to  
12 read:

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

20 SECTION 164. 30.64 of the statutes is renumbered 30.68 (14) and 30.68 (14) (a)  
21 <sup>as renumbered,</sup> and (b) are amended to read:

1 30.68 (14) (a) The operator of a ~~duly authorized~~ patrol boat, when responding  
 2 to an emergency call or when in pursuit of an actual or suspected violator of the law,  
 3 need not comply with ~~state law~~ this subchapter ~~or local~~ <sup>or</sup> ordinances fixing maximum  
 4 speed limits under s. 30.77 when a siren is being sounded ~~or emergency lights are~~  
 5 <sup>is</sup> ~~activated~~ and if due regard is given to the safety of other persons in the vicinity. If  
 6 ~~a~~ <sup>an</sup> emergency light is used in conjunction with a siren <sup>it</sup> shall be the oscillating or  
 7 flashing type and be fitted with a blue lens of a type and design specified under 33  
 8 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.

9 (b) Upon the approach of a ~~duly authorized~~ patrol boat giving an audio or visual  
 10 signal, <sup>the</sup> operator of a boat shall reduce the boat speed to that speed necessary to  
 11 maintain ~~steerage control~~ slow-no-wake and yield the right-of-way to the patrol  
 12 boat until it has passed.

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

15 30.65 (1) ~~(intro.)~~ MEETING; OVERTAKING; RIGHT-OF-WAY. <sup>(intro.)</sup> Every person operating  
 16 a boat shall comply with the following traffic rules, except when deviation ~~therefrom~~  
 17 from these rules is necessary to comply with federal ~~pilot~~ inland navigational rules,  
 18 <sup>under</sup> 33 USC (ss.) 2001 to 2073 and 33 CFR parts 84 to 90 <sup>while</sup> operating on the navigable  
 19 waters of the United States:

20 (b) When 2 motorboats are approaching each other obliquely or at right angles,  
 21 the boat ~~which~~ <sup>that</sup> has the other on her the right shall yield the right-of-way to the other.

22 "Right" means from dead ahead, clockwise to 2 points abaft the starboard beam.

*strike  
spaces*

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

3 (2) ADDITIONAL TRAFFIC RULES. The department may promulgate such  
4 additional traffic rules as it deems necessary in the interest of public safety. Such  
5 rules shall that conform as nearly as possible to the federal pilot inland navigational  
6 rules <sup>under</sup> 33 USC 2001 to 2073 and <sup>the regulations under</sup> 33 CFR parts 84 to 90.

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

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

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

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

15 (3) ~~PROHIBITED OPERATION SLOW-NO-WAKE, GENERALLY~~ (a) ~~Except under s. 30.69~~  
16 ~~(3), no~~ No person may operate a motorboat within 100 feet of any dock, raft, pier, or  
17 buoyed 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.

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

NOTE: The restriction <sup>on the</sup> ~~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 ~~will~~ 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.

5 **SECTION 167.** 30.66 <sup>✓</sup> (3) (c) of the statutes is created to read:

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

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

10 **SECTION 168.** 30.67 (1) <sup>✓</sup> and (2) of the statutes <sup>are</sup> ~~are~~ <sup>is</sup> renumbered 30.67 (1m) and  
11 ~~2m~~ amended to read:

12 30.67 (1m) DUTY TO RENDER AID. ~~Insofar as~~ If the operator of a boat can do so  
13 without serious danger to the operator's boat or to persons on board, the operator of  
14 a boat involved in a boating accident shall stop the operator's boat and render to other  
15 persons affected thereby such assistance to any person affected by the accident <sup>as</sup> ~~as~~ <sup>any</sup>

SECTION 168

1 <sup>that</sup> may be practicable and necessary to save them from or <sup>to save the person</sup> ~~feasible and~~ <sup>or</sup> minimize any  
 2 danger caused by the accident. The operator shall give the operator's name and  
 3 address and identification of the operator's boat to any person injured and to the  
 4 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.

SEC. # . AM; 30.67(2) ~~Not Now~~

5 ~~30.67(2) DUTY TO REPORT~~ (a) If a boating accident results in death or injury to any  
 6 person, the disappearance of any person from a boat under circumstances indicating  
 7 death or injury, or property damage, every operator of a boat involved in an accident  
 8 shall, without delay and by the quickest means available, give notice of the accident  
 9 to a conservation warden or local law enforcement officer and shall file a written  
 10 report with the department on the form prescribed by it. The department shall  
 11 promulgate rules necessary to keep accident reporting requirements in conformity  
 12 with rules adopted by the U.S. coast guard.

\*\*\*Note: This provision is not renumbered as in the original

13 (b) If the operator of a boat is physically incapable of making the report required  
 14 by this subsection and there was another occupant in the boat at the time of the  
 15 accident capable of making the report <sup>2</sup> 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).

16 SECTION 169. 30.67 (3) ~~of the statutes~~ <sup>(intro)</sup> is renumbered 30.67 ~~(3)~~ <sup>(1g) (intro.)</sup> and  
 17 amended to read: ~~30.67 (3)~~ <sup>30.67 (1g) (title)</sup>, as renumbered, is  
 18 30.67 ~~(3)~~ <sup>(1g)</sup> (title) TERMS DEFINED DEFINITIONS.

draft because such renumbering appears to be unnecessary.

1 **SECTION 170.** 30.67 (3) ~~of the statutes~~ (a) and (b) of the statutes are renumbered 30.67  
2 (1) ~~of the statutes~~ (a) and (b).

3 **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.

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

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

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

18 **(6) (b)** In cases of death involving a boat in which the person died within 6 hours  
19 of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from  
20 the body of the decedent within 12 hours after his or her death, by the coroner or  
21 medical examiner, or by a physician so designated by the coroner or medical examiner  
22 or by a qualified person at the direction of the physician. All morticians shall obtain  
23 a release from the coroner or medical examiner prior to proceeding with embalming

SECTION 172

*That is*

*laboratory shall notify the*

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

13 SECTION 173. 30.675 (intro.) <sup>and</sup> (1) ~~and~~ (2) of the statutes are renumbered 30.675  
 14 (1) ~~(2)~~ and ~~(1)~~ and amended to read:

15 ~~No~~ <sup>g</sup> (B) 30.675 Distress signal flag (1) The display on a boat or by a person of an  
 16 orange flag approximately 18 by 30 inches in size a visual distress signal of a type  
 17 approved by the U.S. coast guard <sup>under</sup> ~~(1)~~ 33 CFR (ss.) 175.101 to 175.140 shall indicate that  
 18 such boat or person is in need of help.

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

23 <sup>PL.#. AM; 30.675 (2)</sup> (2) ~~(1)~~ No person shall may display a flag like that distress signal described in  
 24 under sub. (1) <sup>30.675</sup> ~~(1)~~ <sup>(1r)</sup> ~~(1)~~ <sup>(1g)</sup> unless such person is in need of assistance to prevent bodily injury or  
 25 destruction of property.

\*\*\* NOTE: This provision has been reworded to avoid the use of the passive voice.

9

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

2 30.68 (title) **Prohibited Boat operation.** (2) NEGLIGENT OPERATION. No

3 person may operate or use any boat, or ~~manipulate any engage in~~ water skis,  
4 aquaplane skiing or a similar device <sup>water</sup> upon activity on the waters of this state in a  
careless, negligent, or reckless manner so as to endanger that person's life, property  
or person or the life, or property or of any person of another.

engage  
in 6

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

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

9 30.68 (3) OPERATION BY INCAPACITATED PERSON OR MINOR LACKING CAPABILITY (a)

10 No person in charge or control of a boat shall may authorize or knowingly permit the  
11 boat to be operated by any person who by reason of physical or mental disability  
12 incapacity is incapable of operating such the boat under the prevailing  
13 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 ~~will~~ 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 (e.g., in a sheltered bay) may not indicate a capacity to operate the boat under other conditions (e.g., on a wind-swept lake).

\*\*\* Note: Shouldn't the title retain the term "incapacitated" given that the provision, as amended, refers to "incapacity"?

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

*CS*  
*PLAIN*

*of motorboats*

*CS*  
*by minors*

1           30.68 (3m) ~~MINORS MOTORBOAT OPERATION, PERSONAL WATERCRAFT~~ (a) No person  
 2 under the age of 10 years may operate a motorboat. Persons at least 10 and less than  
 3 12 years of age may operate a motorboat only if they are either accompanied in the  
 4 boat by a parent or guardian or a person at least 18 years of age designated by a  
 5 parent or guardian. Persons at least 12 and less than 16 years of age may operate  
 6 a motor of any horsepower motorboat, but only if they are either accompanied by a  
 7 parent or guardian or a person at least 18 years of age designated by a parent or  
 8 guardian, or in possession of a certificate issued under s. 30.74 (1). This paragraph  
 9 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.

10           (c) A violation of par. (a) or (b) or (e) done with the knowledge of a parent or  
 11 guardian ~~shall~~ may also be deemed a violation by the parent or guardian, ~~and~~  
 12 ~~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.

*SEC. #. CR: 30.68 (3m) (title) # 30.68 (3m) (4) (e) renumbered 30.68(4) and SECTION 177. 30.68 (4) (a) of the statutes is amended to read:*

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

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

17           SECTION 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.

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

<sup>30.68</sup>  
(4m) (title) FACING PERSONAL WATERCRAFT; FACING BACKWARDS.

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

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

(a) <sup>person is operating a</sup> The boat is part of the skin diving operation, <sup>or</sup>

(b) <sup>that</sup> The boat is accompanying the swimmer, <sup>a</sup> or unless physical conditions make compliance impossible.

SECTION 180. 30.68 (5g) (c) of the statutes <sup>for the person</sup> is created to read:

30.68 (5g) (c) There is <sup>insufficient</sup> ~~not sufficient~~ room to <sup>operate the boat</sup> navigate 100 feet or more from the skin diver's flag or swimmer <sup>the</sup> in which case <sup>and</sup> the boat may not <sup>is</sup> be operated in excess of slow-no-wake speed.

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

1 SECTION 181. 30.68 (5m) of the statutes is renumbered 30.66 (5) and amended  
2 to read:

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

Insert 5  
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6 SECTION 182. 30.68 (6) ~~to (8) and (8m) (a)~~ of the statutes ~~are~~ amended to read:

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

(SEC. #. AM; 30.68(7) (Title) (SEC. #. RA; 30.68(7); 30.68(7)(a) 30.68 (B) (7))

15 (7) ~~RESTRICTED SWIMMING AREAS AND REGULATORY MARKERS.~~ (a) No person shall  
16 may operate a boat within a water any area which that has been clearly marked by  
17 regulatory markers or buoys or some other distinguishing device as a bathing or  
18 swimming area; nor,

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

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

SEC. #. AM; 30.68(8) and (8m) (a)

22 (8) ANCHORING IN TRAFFIC LANES. No person may anchor, place, affix, or abandon  
23 any unattended boat, raft, float, or similar structure in the traveled portion of any

1 river or channel or in any traffic lane established and legally marked designated by  
2 aids to navigation, so as to ~~prevent, impede or interfere~~ with the safe passage of any  
3 other boat ~~through the same~~.

4 (8m) (a) No person may use a mooring or ~~attach a boat to a mooring buoy~~ if the  
5 ~~mooring or mooring buoy~~ violates s. 30.772 or 30.773.

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

6 SECTION 183. 30.68 (8m) (c) of the statutes is created to read:

7 30.68 (8m) (c) No person may attach a boat to any aid to navigation or  
8 regulatory marker, except to mooring buoys.

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

9 SECTION 184. 30.68 (9) and (11) of the statutes are amended to read:

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

14 (11) UNNECESSARILY SOUNDING WHISTLES HORNS; USE OF FLASHING LIGHTS. No  
15 person shall may unnecessarily sound a horn, whistle, or other sound-producing  
16 device on any boat while ~~at anchor or under way~~ on the water. The use of a siren or  
17 a light that resembles ~~light authorized under s. 30.68~~ an emergency specified (14) (a) on any boat except  
18 ~~duly authorized patrol boats~~ sub. on patrol or rescue duty is prohibited.  
boat that is on

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

19 SECTION 185. 30.68 (12) of the statutes is repealed.

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

1 SECTION 186. 30.68 (14) (title) of the statutes is created to read:

2 30.68 (14) (title) PATROL BOATS.

3 SECTION 187. 30.69 (title), (1) (title), and (a) of the statutes are amended to read:

4 **30.69 (title) Water skiing and similar activities. (1) (title) PROHIBITED AT**

5 ~~CERTAIN TIMES OBSERVER; EXCEPTIONS. (a) Except as provided in par. (b), no No person~~

6 ~~may operate a motorboat towing a person on engaged in water skis, aquaplane skiing~~

7 ~~or a similar device activity unless there is in the boat a competent person in addition~~

8 ~~to the operator in a position to observe the progress of the person being towed. An~~

9 ~~observer shall be considered competent if that person who is in a position to observe,~~

10 ~~and can in fact observe the person being towed and relay any signals to the operator.~~

11 ~~This observer requirement~~

12 ~~(b) Paragraph (a) of sub. (1) does not apply to motorboats classified as Class~~

13 ~~A motorboats by the department actually less than 16 feet long that are operated by~~

14 ~~the persons person being towed and so constructed as to be incapable of carrying the~~

15 ~~operator in or on the motorboat.~~

16 ~~(1g) PROHIBITED AT CERTAIN TIMES. (a) No person may operate a motorboat~~

17 ~~towing a person engaged in water skiing or a similar activity, and no person may~~

18 ~~engage in water skiing, aquaplaning or a similar activity, at any time from sunset~~

19 ~~to sunrise. This restriction of the hours of water skiing does not prevent restrictions~~

20 ~~of the hours of water skiing between sunrise and sunset by local ordinances enacted~~

21 ~~pursuant to s. 30.77 (3).~~

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

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1 SECTION 188. 30.69 (1) (b) of the statutes is renumbered 30.69 (1g) (b) and  
2 amended to read:

3 30.69 (1g) (b) Paragraph (a) does not apply to ~~duly authorized~~ water ski  
4 tournaments, competitions, exhibitions or trials ~~therefor~~, practice sessions that are  
5 conducted under a permit from a local governmental unit that enacts an ordinance  
6 under s. 30.77 and ~~where~~ <sup>for which</sup> adequate lighting is provided.

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

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

7 SECTION 189. 30.69 (1) (c) of the statutes is renumbered 30.69 ~~and~~ <sup>(1)(a)3.</sup> amended  
8 to read:

9 30.69 ~~(1)(a)3.~~ <sup>(B)</sup> ~~PERSONAL WATERCRAFT CAPACITY~~ In addition to complying with par.  
10 (a), no ~~any~~ <sup>operate</sup> person may operate a personal watercraft that is towing a person who is  
11 on engaged in water skis, an aquaplane skiing or a similar device activity unless the  
12 personal watercraft is designed to seat at least 3 persons and the operator complies  
13 with sub. (1) (a) <sup>1.</sup>

14 SECTION 190. 30.69 (1) ~~new~~ <sup>(cm)</sup> of the statutes is created to read:

15 30.69 (1) ~~new~~ <sup>(cm)</sup> Paragraph (a) does not apply to water ski tournaments,  
16 competitions, exhibitions or practice sessions that are authorized by a permit from  
17 a local governmental unit that enacts an ordinance under s. 30.77.

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

Insert  
87-17 ✓