

## 2005 ASSEMBLY BILL 934

January 24, 2006 – Introduced by Representatives RHOADES, LAMB, ALBERS, BALLWEG, FRISKE, GRONEMUS, HAHN, HINES, HUEBSCH, HUNDERTMARK, KRAWCZYK, LOEFFELHOLZ, LOTHIAN, MUSSER, OTT, PETROWSKI, PETTIS, SHERIDAN, TOWNSEND, M. WILLIAMS and WOOD, cosponsored by Senators HARSDORF, GROTHMAN, MILLER, ROESSLER and LASSA. Referred to Committee on Natural Resources.

1     **AN ACT** *to repeal* 30.62 (2) (i); *to amend* 30.64 (1), 30.64 (2), 30.68 (7) and 30.68  
2           (11); and *to create* 30.50 (9b) of the statutes; **relating to:** operation of patrol  
3           boats during an emergency or when in pursuit of a suspect.

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### ***Analysis by the Legislative Reference Bureau***

Generally, under current law, a person who operates a motorboat may not operate the boat at a speed that is greater than is reasonable and prudent under the conditions. Furthermore, a person may not operate a motorboat at a speed in excess of posted notices established by regulatory markers. Current law also authorizes municipalities to enact ordinances restricting boat speed. The boat speed restrictions under current statutes and local ordinances generally do not apply to the operator of a patrol boat who is responding to an emergency call or who is pursuing a person suspected of violating the law provided that the patrol boat is using a siren and is being operated in a safe manner. Current law also specifies that if the patrol boat is using a light under these circumstances in conjunction with a siren, the light must be an oscillating or flashing light and must be fitted with a blue lens.

This bill grants certain additional exemptions to patrol boat operators. Under this bill, the operator of a patrol boat who is responding to an emergency call or who is pursuing a person suspected of violating the law is exempt from most boating laws and ordinances when a siren or emergency light is activated, provided that the operator gives due regard to the safety of other persons in the vicinity. The bill also revises current law specifications for emergency lights on patrol boats. The bill provides that if an emergency light is used by a patrol boat, it must be of a type and design specified under federal law.

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

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

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

2           30.50 **(9b)** “Patrol boat” means a boat authorized by this state or by a local  
3 governmental unit for the purpose of law enforcement, search and rescue, fire  
4 fighting, emergency response, or water safety operations, including a water safety  
5 patrol unit.

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

7           **SECTION 3.** 30.64 (1) of the statutes is amended to read:

8           30.64 **(1)** The operator of a ~~duly authorized~~ patrol boat, when responding to an  
9 emergency call or when in pursuit of an actual or suspected violator of the law, need  
10 not comply with ~~state law or local~~ this subchapter or ordinances fixing maximum  
11 speed limits under s. 30.77 when a siren is ~~being sounded or emergency light is~~  
12 activated and if due regard is given to the safety of other persons in the vicinity. If  
13 a an emergency light is used ~~in conjunction with a siren~~, it shall be the ~~oscillating~~  
14 ~~or flashing type and be fitted with a blue lens of a type and design specified under~~  
15 33 CFR 88.11 or 88.12.

16           **SECTION 4.** 30.64 (2) of the statutes is amended to read:

17           30.64 **(2)** Upon the approach of a ~~duly authorized~~ patrol boat giving an audio  
18 or visual signal the operator of a boat shall reduce the boat speed to ~~that speed~~  
19 ~~necessary to maintain steerage control~~ slow-no-wake and yield the right-of-way to  
20 the patrol boat until it has passed.

21           **SECTION 5.** 30.68 (7) of the statutes is amended to read:

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1           30.68 (7) RESTRICTED AREAS. No person shall operate a boat within a water area  
2           which has been clearly marked by buoys or some other distinguishing device as a  
3           bathing or swimming area; nor operate a boat in restricted use areas contrary to  
4           regulatory notice pursuant to s. 30.74 (2). ~~This subsection does not apply in the case~~  
5           ~~of an emergency, or to patrol or rescue craft.~~

6           **SECTION 6.** 30.68 (11) of the statutes is amended to read:

7           30.68 (11) UNNECESSARILY SOUNDING WHISTLES. No person shall unnecessarily  
8           sound a horn, whistle or other sound-producing device on any boat while at anchor  
9           or under way. The use of a siren on any boat except ~~duly authorized~~ a patrol boats  
10          boat on patrol or rescue duty is prohibited.

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(END)