

2005 DRAFTING REQUEST

Bill

Received: **08/29/2005**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Kitty Rhoades (608) 266-1526**

By/Representing: **Nick Cekosh**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Rhoades@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Speed of emergency boats on navigable waters

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 09/18/2005			_____			S&L
/1	rkite 09/23/2005	csicilia 10/21/2005	pgreensl 10/21/2005	_____	lnorthro 10/21/2005	mbarman 01/04/2006	

FE Sent For:

AK intro.

<END>

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/?	mglass 09/18/2005 rkite	1 gjs 10/21/05	rkite rkite rkite	rkite rkite rkite			

FE Sent For:

<END>

ASSEMBLY BILL 500**SECTION 234**

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.

1 **SECTION 235.** 30.50 (4u) of the statutes is created to read:

2 30.50 (4u) “Local governmental unit” means a city, village, town, county, town
3 sanitary district, or public inland lake protection and rehabilitation district.

4 **SECTION 236.** 30.50 (9) of the statutes is amended to read:

5 30.50 (9) “Owner” Except as provided in s. 30.605, “owner” means the person
6 who has lawful possession of a boat by virtue of legal title or equitable interest
7 therein which entitles the person to lawful possession.

8 **SECTION 237.** 30.50 (9b) of the statutes is created to read:

9 30.50 (9b) “Patrol boat” means a boat authorized by this state or by a local
10 governmental unit for the purpose of law enforcement, search and rescue, fire
11 fighting, emergency response, or water safety operations, including a water safety
12 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.

13 **SECTION 238.** 30.50 (10g) of the statutes is created to read:

14 30.50 (10g) “Regulatory marker” means any anchored or fixed marker in the
15 water or anchored platform on the surface of the water, other than aids to navigation,
16 and includes a swimming area marker, speed zone marker, information marker,
17 mooring buoy, fishing buoy, and restricted activity area marker.

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

18 **SECTION 239.** 30.50 (13r) of the statutes is created to read:

19 30.50 (13r) “Water skiing or a similar activity” means any activity in which a
20 person is towed in the water behind or alongside of a boat, including barefoot skiing,
21 aquaplaning, kneeboarding, or being towed on an inflatable device.

ASSEMBLY BILL 500

1 **SECTION 275.** 30.64 of the statutes is renumbered 30.68 (14), and 30.68 (14) (a)
2 and (b), as renumbered, are amended to read:

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

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

15 **SECTION 276.** 30.65 (1) (intro.), (b) and (f) and (2) of the statutes are amended
16 to read:

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



State of Wisconsin
2005 - 2006 LEGISLATURE

Rm run

LRB-3564/2

RNK:.....

10/25

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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9/23

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K ✓
red ✓
Q

Gen cat

- 1 AN ACT . . . relating to: operation of patrol boats during an emergency or when
- 2 in pursuit of a suspect.

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.

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

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

1 ^A
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 ^X
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. ✓

History: 1979 c. 275; 1993 a. 167.

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 steering control~~ slow-no-wake and yield the right-of-way to
20 the patrol boat until it has passed.

History: 1979 c. 275; 1993 a. 167.

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

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

History: 1971 c. 40 s. 93; 1971 c. 219; 1973 c. 302; 1975 c. 22, 39; 1983 a. 459; 1985 a. 146 s. 8; 1985 a. 243, 331; 1991 a. 257, 316; 1993 a. 236; 1997 a. 198.

7 ~~SECTION 6. 30.73 (2) (a) of the statutes is repealed and recreated to read.~~

8 30.73 (2) (a) Patrol boat operators.

(END)

insert
3-8 →

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3564/1
RNK:.....

INSERT 3-8

SECTION 1. 30.68 (11) of the statutes is amended to read:

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

History: 1971 c. 40 s. 93; 1971 c. 219; 1973 c. 302; 1975 c. 22, 39; 1983 a. 459; 1985 a. 146 s. 8; 1985 a. 243, 331; 1991 a. 257, 316; 1993 a. 236; 1997 a. 198.

Barman, Mike

From: Cekosh, Nick
Sent: Wednesday, January 04, 2006 10:56 AM
To: LRB.Legal
Subject: Bill Jacket Request

Importance: High

Please jacket **LRB 3564/1** for introduction in the Assembly.

Thank you,

Nick Cekosh
Office of State Representative Kitty Rhoades
Joint Committee on Finance
30th Assembly District

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