



CR 84-164

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) ss

**RECEIVED**

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3:10  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-53-84 was duly approved and adopted by this Department on November 14, 1984. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 19th day of February, 1985.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

4940J

5-1-85

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING, RENUMBERING, AMENDING, REPEALING AND RECREATING  
AND CREATING RULES

..... )  
IN THE MATTER OF repealing s. NR 5.13(3)(title) )  
and (a); renumbering s. NR 5.13(3)(b) and (c), )  
(4), (5) and (6); amending ss. NR 5.01 (title), )  
5.02, 5.06 (title) and (1), 5.08(4) and (11), )  
5.09(2)(a)2., 5. and 8., (3)(a), (b) and (c) )  
(intro.), 5.12 (title), 5.13(1) (intro), )  
(2)(a), (b) and (c), (4) (intro), (5) Figure 1 )  
and 5.20(3); repealing and recreating ss. )  
5.06(2) and (3) and 5.08 (intro.); and creating )  
ss. NR 5.01(4), 5.06(4), 5.08(18), 5.11(3) and )  
5.12(6) of the Wisconsin Administrative Code )  
pertaining to boat regulations and registration )  
.....)

LE-53-84

Analysis Prepared by the Department of Natural Resources

Chapter NR 5, Wis. Adm. Code, implements and interprets the provisions of ss. 30.50 to 30.80, Stats. The current changes are designed to clarify the present rules and implement recent state and federal law changes. The significant rule changes include:

1. Changes to reflect Wisconsin statutory changes on boat registration procedures and display of decals on boats.
2. Updates the boating accident reporting requirements.
3. Reflects the impending federal law changes on color of navigation aids and provides a procedure for permitting placement of all buoys.
4. Reflects impending federal law changes on personal flotation devices.
5. Provides clarification for carriage requirements of personal flotation devices on all boats as defined by s. 30.50(1), Stats.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 30.501(3), 30.52(5), 30.62(5), 30.67(2), 30.74(2) and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers, amends, repeals and recreates and creates rules interpreting ss. 30.50 to 30.80, Stats., as follows:

SECTION 1. NR 5.01 (title) is amended to read:

NR 5.01 APPLICATION FOR BOAT CERTIFICATE OF NUMBER OR REGISTRATION.

SECTION 2. NR 5.01(4) is created to read:

NR 5.01(4) An application for registration of a federally documented vessel shall contain the assigned federal documentation number, the name of the vessel and the hailing port as described in the documentation papers for that vessel in addition to the information required in sub. (1).

SECTION 3. NR 5.02 is amended to read:

NR 5.02 APPLICATION FOR TRANSFER. An application for a transfer certificate of number in addition to furnishing the information required by s. NR 5.01 shall include a statement by the applicant listing the name and address of the previous owner, his or her certificate number, and the date on which the boat was acquired by the applicant. The applicant shall also sign the statement and send the previous owner's card to the department with the application for transfer.

SECTION 4. NR 5.06 (title) and (1) are amended to read:

NR 5.06 DISPLAY OF NUMBERS OR DECALS ON BOATS. (1) The assigned number shall be painted on, or attached, to, each side of the bow forward half of the boat for which it was issued. The numbers shall be placed on the hull of the boat in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than 3 inches in height and shall be spaced as provided in ~~section~~ s. NR 5.05(2). The numbers shall be of a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark numbers on a light background, or light numbers on a dark background.

SECTION 5. NR 5.06(2) and (3) are repealed and recreated to read:

NR 5.06 (2) Upon being issued a certificate of number card and certification decals, the owner of the boat shall permanently affix and display the decals on each side of the vessel, 3 inches aft (to the rear) of and directly in line with the numbers.

(3) Upon being issued a registration card and registration decals, the owner shall permanently affix and display the registration decals on the transom (back of the boat) of the boat on each side of the federally documented name of the vessel in a manner so both decals are visible. If the federally documented name is displayed on the sides of the hull, the registration decals may be displayed 3 inches aft (to the rear) of and directly in line with the name.

SECTION 6. NR 5.06(4) is created to read:

NR 5.06 (4) No person may display on either side of the forward half of any numbered boat any number other than the registration number issued for the boat.

SECTION 7. NR 5.08 (intro.) is repealed and recreated to read:

NR 5.08 ACCIDENT REPORTS. Written reports of boating accidents required by ~~s. 30.67, Stats.~~, shall be submitted to the Department of Natural Resources, Box 7921, Madison, WI 53707, on forms provided by the department, postmarked within 10 days after the date of the accident. Reportable accidents are defined as all boating accidents that result in loss of life, personal injury which required medical treatment beyond first aid, damage to the boat and other property exceeding \$200.00, or complete loss of the boat. All reports shall contain the following information:

SECTION 8. NR 5.08(4) and (11) are amended to read:

NR 5.08(4) The name, address, age date of birth, and experience of the operator of the reporting boat.

(11) The names and, addresses and dates of birth of all persons killed or injured.

SECTION 9. NR 5.08(18) is created to read:

NR 5.08(18) The name, address and signature of the person filling out the report.

SECTION 10. NR 5.09(2)(a)2., 5. and 8. are amended to read:

NR 5.09(2)(a) 2. A ~~black~~ green buoy or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.

5. Aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and ~~black~~ green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main body or proceeding upstream. Buoys and signs indicating the center of a waterway ~~will~~ shall be identified by letters of the alphabet. All numbers and letters used to identify state aids to navigation shall be preceded by the letters "WS", as indicated by the following samples: WS-1, WS-A.

8. Where reflectorized materials are used, a red reflector ~~will~~ shall be used on a red buoy, and a green reflector on a ~~black~~ green buoy.

SECTION 11. NR 5.09(3)(a), (b) and (c) (intro.) are amended to read:

NR 5.09(3)(a) No waterway marker ~~shall~~ may be placed on, in, or near the waters of the state unless such placement is authorized by ~~an agency or~~ a political subdivision of the state ~~having power to give such authorization~~, except that the provisions of this section ~~shall~~ do not apply to private aids to navigation placed under the jurisdiction of the U.S. coast-guard department of natural resources or an authorized agency of the federal government.

(b) Such ~~agency-or~~ political subdivision of the state ~~will~~ shall, prior to authorizing placement, obtain the ~~necessary-clearances-of-any-federal-and state-agencies-concerned~~ approval of the department. The political subdivision shall issue a written permit for the placement of all buoys placed within its jurisdiction, on forms provided by the department. A copy of the permit shall be on file with the department before the permit is valid and the placement of the buoy is authorized. Mooring buoys placed within the boundaries of a state or federally approved mooring area are exempt from this section when such placement is authorized by the unit of Government having jurisdiction.

(c) (intro.) The ~~agency-or~~ political subdivisions of the state authorizing the placement of a waterway marker ~~will~~ shall inform the department of the following:

SECTION 12. NR 5.11(3) is created to read:

NR 5.11(3) Fire extinguishers required by s. 30.62(4), Stats., shall be approved by the U.S. coast guard or listed by underwriters laboratories inc., as an approved marine fire extinguisher.

SECTION 13. NR 5.12 (title) is amended to read:

NR 5.12 SPECIFICATIONS FOR DETERMINATION OF HORSEPOWER AND WEIGHT CAPACITY AND RECOMMENDED NUMBER OF PERSONS.

SECTION 14. NR 5.12(6) is created to read:

NR 5.12(6) MAXIMUM SAFE HORSEPOWER CAPACITY. The determination of maximum safe horsepower capacity of outboard equipped motorboats 14 to 20 feet in length covered by s. 30.501, Stats., shall be calculated by the use of the following formulas:

(a) Step 1. Measure length of vessel (midline measurement) and the width of the transom (or back of the boat) (across the top), recording in feet and inches. Convert inches to hundredths of a foot (Table 1). Multiply length times width to determine FACTOR. For .5 or above round off FACTOR to the next higher whole number. If FACTOR number is between 0 and 52, use Table 2 to determine maximum safe horsepower capacity in calm water.

Table 1

<u>Inches</u>		<u>Hundredths</u>	<u>Inches</u>		<u>Hundredths</u>
1	=	0.08	7	=	0.58
2	=	0.16	8	=	0.66
3	=	0.25	9	=	0.75
4	=	0.33	10	=	0.83
5	=	0.41	11	=	0.91
6	=	0.50	12	=	1.00

Table 2

If your factor number is between 0 and 52, your safe outboard horsepower capacity is as shown below:

<u>If factor is between</u>	<u>safe horsepower capacity is:</u>
0 - 35	3
36 - 39	5
40 - 42	7.5
43 - 45	10
46 - 52	15

(b) Step 2. If FACTOR number is larger than 52.0, the safe outboard horsepower capacity is figured according to the type of steering and the height of the transom. Measure transom height in inches (measure from bottom of keel to lowest point of the transom). For outboards with remote steering and a transom height of at least 20 inches, multiply the FACTOR by 2, subtract 90 and raise the answer to nearest multiple of 5, using the information given in Table 3. The resulting number is the maximum safe horsepower in calm water.

Note: Following are examples of how to raise answer to nearest multiple of 5:

If the second numeral in your answer is a 5 or a 0, DO NOT CHANGE ANSWER.

If the second numeral in your answer is 1, 2, 3, or 4, change it to 5. For example, 21, 22, 23, or 24 would all be changed to 25.

If the second numeral in your answer is 6, 7, 8, or 9, change it to a 0 and raise the first numeral by 1. For example, 26, 27, 28, or 29 would all be changed to 30.

(c) Step 3. For outboards that do not have remote steering or the transom height is less than 20 inches, multiply FACTOR by 0.8, subtract 25 and raise the answer to nearest multiple of 5. The final answer is the maximum safe horsepower in calm water.

(d) Step 4. For flat-bottomed, hard chine (where the side meets the bottom) outboards that do not have remote steering or the transom height is less than 20 inches, multiply FACTOR by 0.5 and subtract 15, raise answer to the nearest multiple of 5, the final answer is the maximum safe horsepower in calm water.

Note: The above formulas and tables used to determine maximum safe horsepower capacity for outboard motorboats appear in 33 C.F.R. s. 183.53.

SECTION 15. NR 5.13(1)(intro), (2)(a), (b) and (c) are amended to read:

NR 5.13 (1)(intro) This section applies to all boats that are propelled or controlled by machinery, sails, oars, paddles, or poles, or another vessel including but not limited to inflatables and sailboards, used on waters subject to the jurisdiction of this state except:

(2)(a) ~~Except as provided in subsection (3), no~~ No person may operate or use a boat less than 16 feet in length or a canoe or kayak unless at least one PFD of the following types or their equivalents listed in figure 1 is on board for each person:

1. Type I PFD
2. Type II PFD
3. Type III PFD
4. Type IV PFD

(b) ~~Except as provided in subsection (3), no~~ No person may operate or use a boat 16 feet or more in length except a canoe or kayak, unless at least one PFD of the following types or their equivalents listed in figure 1 is on board for each person:

1. Type I PFD
2. Type II PFD
3. Type III PFD

(c) ~~Except as provided in subsection (3), no~~ No person may operate or use a boat 16 feet or more in length, except a canoe or kayak, unless at least one type IV PFD or its equivalent listed in figure 1 is on board in addition to the PFD's required in paragraph par. (b) of this section.

SECTION 16. NR 5.13(3) (title) and (a) are repealed.

SECTION 17. NR 5.13(3)(b) and (c) are renumbered NR 5.13(2)(d) and (e).

SECTION 18. NR 5.13(4) is renumbered NR 5.13(3).

SECTION 19. NR 5.13(5) and (6) are renumbered NR 5.13(4) and (5) and (4) (intro.) as renumbered is amended to read:

NR 5.13(4)(intro.) No person may operate or use a boat unless each device required by ~~subsection (2) or each device allowed by subsection (3)~~ this section is:

SECTION 20. NR 5.13(5) Figure 1 as renumbered, is amended to read:

Devices marked	Are equivalent to
160.002 Life preserver -	Performance type I personal flotation device
160.003 Life preserver -	Performance type I personal flotation device

- 160.004 Life preserver - Performance type I personal flotation device
- 160.005 Life preserver - Performance type I personal flotation device
- 160.009 Ring life buoy - Performance type IV personal flotation device
- 160.047 Buoyant vest - Performance type II personal flotation device
- 160.048 Buoyant cushion - Performance type IV personal flotation device
- 160.049 Buoyant cushion - Performance type IV personal flotation device
- 160.050 Ring life buoy - Performance type IV personal flotation device
- 160.052 Buoyant vest - Performance type II personal flotation device
- 160.053 Work vest - Performance type V personal flotation device
- 160.055 Life preserver - Performance type I personal flotation device
- 160.060 Buoyant vest - Performance type II personal flotation device
- 160.064-Special-purpose-water safety-buoyant-devices A-device-intended-to-be-worn-may-be-equivalent-to-type-II-or-type-III;--A-device-that-is equivalent-to-type-III-is-marked-"Type-III Device--may-not-turn-unconscious-wearer;"--A device-intended-to-be-grasped-is-equivalent-to type-IV.

SECTION 21. NR 5.20(3) is amended to read:

NR 5.20(3) SERVICE ON THE DEPARTMENT. The petition shall be served on the department of natural resources either by delivery to the office of the secretary or by mailing to the secretary by certified mail at the following address: P.O. Box 450 7921, Madison, Wisconsin 53707 53707.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 14, 1984.

The rules contained herein shall take effect as provided in s. 227.026 (1)(intro.), Stats.

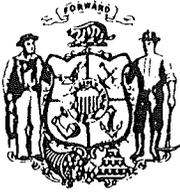
Dated at Madison, Wisconsin February 19, 1985

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

3499I



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

February 20, 1985

IN REPLY REFER TO: 1020

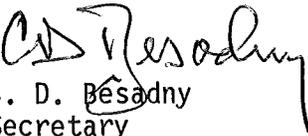
Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-53-84. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.  
4940J