

CR 92-192



George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street  
Box 7921  
Madison, Wisconsin 53707  
TELEPHONE 608-266-2621  
TELEFAX 608-267-3579  
TDD 608-267-6897

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )      ss

**RECEIVED**

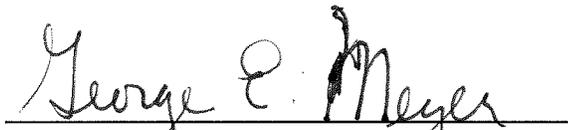
JUN 8 1993

2:30 PM  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-38-92 was duly approved and adopted by this Department on February 25, 1993. 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 here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 3rd  
day of June, 1993.

  
George E. Meyer, Secretary

(SEAL)

8-1-93



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

IN THE MATTER of renumbering ss. NR 5.001(2), 5.08(1) to (18), 5.09(1)(a) to (h); amending ss. NR 5.09(3)(b) and (7)(d), 5.12(6), 5.13(4)(a); repealing and recreating ss. NR 5.09(7)(b) and (c); and creating ss. NR 5.001(3), (4), and (16), 5.01(2)(a), 5.08(2) and (3), 5.15 and 5.19; pertaining to the definitions of dealer, demonstrate and test for the purpose of dealer registration, and time limits that dealers may hold registration applications; establishing waterway marker standards for race course, water ski, and slalom buoys; and creating exemptions for water exhibitions and races.

LE-38-92

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 30.501(8), 30.62(2)(h), 30.67(2), 30.742 and 227.11(2)(a), Stats.

Statutes interpreted: s. 30.50 et seq., Stats.

This code revision creates definitions to clarify terms regarding boat dealers and also establishes time frames for dealers submitting boat registrations for customers. Procedures for accident reporting and waterway marker applications are clarified. Procedures for applying to place water ski, race course, and slalom course buoys are simplified. Calculation of horsepower capacity is brought into compliance with federal requirements. The definition of a "serviceable" personal flotation device is clarified as requested by several courts. Exemptions for water exhibitions and races are created as directed by s. 30.742, Stats.

---

SECTION 1. NR 5.001(2) is renumbered to NR 5.001(7).

SECTION 2. NR 5.001(3), (4) and (16) are created to read:

NR 5.001(3) "Dealer", for the purpose of s. 30.52(5)(a)3, Stats., means a person engaged wholly or in part in the business of selling or distributing boats to customers for profit or commission and who has made a substantial financial investment in the business.

(4) "Demonstrate", for the purposes of s. 30.52(5)(a)3, Stats., means the showing of a boat, boat motor or boat trailer to a specific customer in an effort to sell or show the operation of the boat, boat motor or boat trailer with a paid employee of the manufacturer or dealer either operating or accompanying the operator.

(16) "Test", for the purposes of s. 30.52(5)(a)3, Stats., means an examination of a boat, boat motor or boat trailer for the specific purpose of determining the worthiness of the item conducted by a paid employee of a boat dealer or manufacturer.

SECTION 3. NR 5.01(2) is renumbered to NR 5.01(2)(a).

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

NR 5.01(2)(b) Any application for boat registration accepted by a boat manufacturer or boat dealer for forwarding to the department on behalf of a customer shall be forwarded to the department within 7 days of the sale along with the required forms and fees.

SECTION 5. NR 5.08 (intro.) is renumbered to NR 5.08(1)(intro.)

SECTION 6. NR 5.08(1) to (18) are renumbered NR 5.08(1)(a) to (r).

SECTION 7. NR 5.08(2) and (3) are created to read:

NR 5.08(2) Every law enforcement agency receiving an operators report of a boating accident as described in sub. (1) and required by s. 30.67(2)(a), Stats., shall forward the report to the department within 5 days of receipt of the report.

(3) Every law enforcement agency investigating a boat accident as described in sub. (1) shall forward the investigative report to the department within 15 days of the date of the accident. The report shall be made on a uniform boating accident investigative report form prescribed and supplied by the department in sufficient quantities to meet the requirements of the department and the law enforcement agency. Note: Reports may be obtained from the Boating Safety Section, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

SECTION 8. NR 5.09(1)(a) to (h) are renumbered NR 5.001(17), (12), (14), (2), (13), (5), (15), and (6).

SECTION 9. NR 5.09(3)(b) is amended to read:

NR 5.09(3)(b) Such political subdivision of the state shall, prior to authorizing placement, obtain the 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. complete a waterway marker application form, indicating their approval or disapproval and submit the application to the department.~~ The department shall review the application and approve or disapprove placement of the waterway markers. The department shall distribute a copy of the permit to the political subdivision, the applicant and the property owner. A copy of the permit will remain on file with the department. 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. Waterway markers for which department approval was not obtained may be removed by the department.

SECTION 10. NR 5.09(7)(b) and (c) are repealed and recreated to read:

NR 5.09(7)(b) Race course markers including water ski and slalom markers. In order that race course, water ski and slalom buoys are not mistaken for aids to navigation or regulatory markers, they shall:

1. Extend a minimum of 4 inches above the waterline and be yellow, green, florescent red or florescent orange in color;
2. Be spherical or cylindrical in shape with a minimum diameter of 8 3/4 inches and a maximum diameter no larger than 14 inches;
3. Be made of foam, plastic or rubber designed to be used as a water marker.

(c) Placement. Applications for placement of markers such as mooring buoys placed pursuant to s. 30.772, Stats., and water ski, race course and slalom course markers shall be processed in the same manner as waterway markers, provided all other requirements of ch. 30, Stats., are met. Mooring buoys, water ski, race course, and slalom course markers shall also require the written permission of the adjacent riparian land owner.

SECTION 11. NR 5.09(7)(d) is amended to read:

NR 5.09(7)(d) Exemptions. Exemptions as to size, shape and color to the requirements of sub. (3)(b) may be made by local authorities, pursuant to s. 30.77, Stats., for the temporary (not to exceed 14 days) placement of mooring buoys, race course markers, water ski or slalom course markers for special events.

SECTION 12. NR 5.12(6)(intro.) is amended to read:

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

SECTION 13. NR 5.125(1)(a) to (d) are renumbered NR 5.001(8), (11), (9) and (10).

SECTION 14. NR 5.13(4)(a) is amended to read:

NR 5.13(4)(a) In serviceable condition, to perform the intended uses and absent of any tears punctures or other deformations from its original manufactured design.

SECTION 15. NR 5.15 is created to read:

NR 5.15 **POSTING REQUIREMENTS.** The posting requirements for local authorities under s. 30.77(4), Stats., shall be a sign with a minimum of 3 inch lettering posted at each public landing listing a summary, synopsis, or outline of those regulations more restrictive than state law including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

SECTION 16. NR 5.19(1) and (2) are created to read:

NR 5.19 EXEMPTIONS FOR WATER EXHIBITIONS AND RACES. (1) Exemptions to s. 30.61(1) or (10), 30.62(2), 30.66, 30.68(4m), 30.69(1m)(c) or (3)(a) to (c), Stats., are granted to persons participating in water exhibitions or races provided the water exhibition or race is conducted under a permit issued by the appropriate political subdivision pursuant to s. 30.77, Stats., or by an authorized agency of the federal government.

(2) Permits granted by appropriate political subdivisions or an authorized agency of the federal government shall designate the location, time and activities to be allowed and shall be at the site when any race or exhibition is taking place and available for inspection upon demand of the department or a representative of the appropriate political subdivision of the state.

---

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on February 25, 1993.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

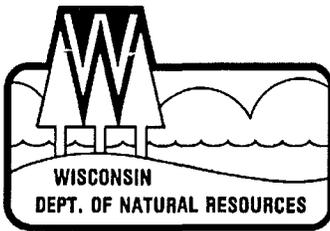
Dated at Madison, Wisconsin

June 3, 1993  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer  
George E. Meyer, Secretary

(SEAL)



George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street  
Box 7921  
Madison, Wisconsin 53707  
TELEPHONE 608-266-2621  
TELEFAX 608-267-3579  
TDD 608-267-6897

June 3, 1993

Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
131 West Wilson Street - Suite 800  
Madison, WI

Dear Mr. <sup>Gary</sup>Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-38-92. These rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

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

Sincerely,

George E. Meyer  
Secretary

Enc.