

1973 Assembly Bill 175

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CHAPTER 302, Laws of 1973

(Vetoed in Part)

AN ACT to renumber 30.52 (4), 30.61 (5) and 30.68 (3); to amend 30.51 (title) and (1), 30.52 (3) and (6), 30.53 (1), 30.55 (2), 30.62 (3) and (4), 30.67 (5), 30.68 (1), (2), (5), (6) and (8), 30.69 (1) (a), 30.77 (3) (a), 30.79 (2) and (5) and 30.80 (2); to repeal and recreate 30.70 and 30.74 (1); and to create 30.52 (4) (b), 30.61 (5) (b), 30.63, 30.66 (2) (b) and (3), 30.68 (3) (b) and 30.69 (3) of the statutes, relating to boating regulations, registration fees and procedures, state aids, granting rule-making authority and making an appropriation.

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

SECTION 1. 30.51 (title) and (1) of the statutes are amended to read:

30.51 (title) Operation of unnumbered boats prohibited; exemptions. (1) ~~After March 31, 1960, no~~ No person shall may operate, and no owner shall may give permission for the operation of, any motorboat or any sailboat over 12 feet in length on the waters of this state unless the motorboat or sailboat either is covered by a valid certificate of number issued pursuant to this chapter or is exempt from the numbering requirements of this chapter.

SECTION 2. 30.52 (3) of the statutes is amended to read:

30.52 (3) FEES. A fee of ~~\$3.25~~ \$4.50 shall be paid to the department for the issuance of a certificate of number or renewal thereof valid for the whole or any part of a numbering period, subject to the following exceptions:

(a) For issuance of a certificate of number to the new owner upon transfer of ownership of a boat numbered in this state, the fee shall be ~~\$1.25~~ \$2 if the certificate is issued for the remainder of the numbering period for which the previous certificate was issued.

(b) A person owning or otherwise holding 3 or more boats ready for hire generally or ready to let in connection with the operation of resort facilities or guide services may, at his option, pay a flat fee of ~~\$5~~ \$7.50 plus ~~75 cents~~ \$1.50 per boat for obtaining or renewing certificates of number for such boats in lieu of the fee which otherwise would be payable.

SECTION 3. 30.52 (4) of the statutes is renumbered 30.52 (4) (a).

SECTION 4. 30.52 (4) (b) of the statutes is created to read:

30.52 (4) (b) The department shall issue 2 registration stickers or decals per boat except that only one sticker or decal shall be issued per sailboat. Such stickers or decals shall bear the year of expiration of the current numbering period.

SECTION 5. 30.52 (6) of the statutes is amended to read:

30.52 (6) If a certificate of number or sticker or decal is lost or destroyed the owner may apply for a duplicate. Such application shall be made upon a form designated by the department and shall be accompanied by a fee of ~~\$1.25~~ \$2.00 for each duplicate certificate of number or sticker or decal applied for. Upon receipt of a proper application and the required fee, the department shall issue a duplicate certificate or a sticker or decal to the owner.

SECTION 6. 30.53 (1) of the statutes is amended to read:

30.53 (1) Upon being issued a certificate of number and stickers or decals, the owner of the ~~motorboat~~ boat shall paint on or attach the identification number and attach or affix the stickers or decals to each side of the bow thereof ~~the identification number~~ in such manner as ~~may be~~ is prescribed by the rules of the department in order that ~~it~~ they may be clearly visible and shall maintain such number and stickers or decals in legible condition at all times. The department shall furnish the owner with instructions relative to painting or attaching the awarded number and stickers or decals to the motorboat. A manufacturer or dealer in boats, motors or trailers may have the awarded number printed upon or attached to removable signs to be temporarily but firmly mounted upon or attached to the boat while being tested or demonstrated or while being used in connection with the testing or demonstrating of a motor or trailer. No number other than the number awarded and no stickers or decals other than those provided by the department or granted reciprocity under this chapter shall be painted, attached, or otherwise displayed on either side of the bow of a motorboat. The department shall determine in the case of sailboats, however, where such identification number and stickers or decals shall be shown.

SECTION 7. 30.55 (2) of the statutes is amended to read:

30.55 (2) Whenever any person, after applying for or receiving a certificate of number, moves from the address given in such application or certificate, he shall within 15 days thereafter notify the department in writing of both his old and new address and of the numbers awarded by any certificates held by him. ~~At the same time he shall indorse his new address on his certificates.~~

SECTION 8. 30.61 (5) of the statutes is renumbered 30.61 (5) (a).

SECTION 9. 30.61 (5) (b) of the statutes is created to read:

30.61 (5) (b) Moored, anchored and drifting boats and other fixed and floating structures, except duck blinds constructed in emergent vegetation, outside of designated anchorages or beyond 200 feet from the shoreline shall be lighted from sunset to sunrise by a white light visible all around the horizon. "Designated anchorage" means that area of water established and marked as an anchorage by lawful authority.

SECTION 10. 30.62 (3) and (4) of the statutes are amended to read:

30.62 (3) Every boat shall carry at least one life preserver, life belt, ring buoy, buoyant cushion or other device of the sort prescribed by the regulations of the commandant of the U.S. coast guard, for each person on board or being attended by such boat, so placed as to be readily accessible, ~~except that the department may make such rules as it deems desirable with respect to sailboats without motors to such persons.~~

(4) Every motorboat, except outboards of open construction, shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectively extinguishing burning gasoline, as prescribed by rules of the department. Such fire extinguishers shall be at all times kept in condition for immediate and

effective use and shall be so placed as to be readily accessible. “Open construction” means construction which will not permit the entrapment of explosive or flammable gases or vapors.

SECTION 11. 30.63 of the statutes is created to read:

30.63 Motorboat prohibition. On lakes 50 acres or less having public access, motorboats may not be operated in excess of slow-no-wake speed, except when such lakes serve as thoroughfares between 2 or more navigable lakes. The department by rule may modify or waive the requirements of this section as to particular lakes, if it finds that public safety is not impaired by such modification or waiver.

SECTION 12. 30.66 (2) (b) and (3) of the statutes are created to read:

30.66 (2) (b) Posted notice as established by regulatory markers.

(3) PROHIBITED OPERATION. Except under s. 30.69 (3), no person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed.

SECTION 13. 30.67 (5) of the statutes is amended to read:

30.67 (5) (title) TRANSMITTAL OF INFORMATION TO FEDERAL AND STATE AUTHORITIES. If any request for information available on the basis of reports filed pursuant to this section is duly made by an authorized official or agency of the U.S. government or of the state which registered the boat involved or the state where the accident occurred, the department shall compile and furnish such information in accordance with such request.

SECTION 14. 30.68 (1) and (2) of the statutes are amended to read:

30.68 (1) No person ~~shall~~ may operate a boat upon the waters of this state or use water skis, an aquaplane or a similar device while under the influence of an intoxicant or a controlled substance as defined in s. 161.01 (4).

(2) No person ~~shall~~ may operate or use any boat, or manipulate any water skis, aquaplane or similar device upon the waters of this state in a careless, negligent or reckless manner so as to endanger his life, property or person or the life, property or person of another.

SECTION 15. 30.68 (3) of the statutes is renumbered 30.68 (3) (a).

SECTION 16. 30.68 (3) (b) of the statutes is created to read:

30.68 (3) (b) No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are either, accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or in possession of a certificate issued under s. 30.74 (1). Violations of this paragraph done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian, and punishable under s. 30.80.

SECTION 17. 30.68 (5), (6) and (8) of the statutes are amended to read:

30.68 (5) No person ~~shall~~ may operate a motorboat repeatedly in a ~~circular circuitous~~ course around any other boat, or around any person who is swimming, if such ~~circular circuitous~~ course is within 200 feet of such boat or swimmer; nor shall any boat or water skier operate or approach closer than 100 feet to any skin diver's flag or any swimmer unless the boat is part of the skin diving operation or is accompanying the swimmer, or unless physical conditions make compliance impossible.

(6) ~~Except~~ No person operating a motorboat shall allow any person to ride or sit on the gunwales, tops of seat backs or sides or on the decking over the bow of the boat while under way, unless such person is inboard of guards or railings provided on the boat to prevent passengers from being lost overboard. Nothing in this section shall be construed to prohibit entry upon the decking over the bow of the boat for the purpose of anchoring, mooring or casting off or for other necessary purpose, no person shall ride or sit on the gunwales or bow of any motorboat while underway.

(8) No person ~~shall~~ may anchor, place, affix or abandon any unattended boat, raft, float or similar structure in the traveled portion of any river or channel or in any traffic lane established and legally marked, so as to prevent, impede or interfere with the safe passage of any other boat through the same.

SECTION 18. 30.69 (1) (a) of the statutes is amended to read:

30.69 (1) (a) Except as provided in par. (b), no person ~~shall~~ may operate a motorboat towing a person on water skis, aquaplane or similar device, ~~nor shall any unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats by the department actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. No person may engage in water skiing, aquaplaning or similar activity, at any time from sunset to sunrise, but this. This restriction of the hours of water skiing does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to s. 30.77 (3).~~

SECTION 19. 30.69 (3) of the statutes is created to read:

30.69 (3) RESTRICTION. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any lake shall engage in such activity within 100 feet of any occupied anchored boat or marked swimming area or public boat landing, except where pickup and drop areas are established and marked with regulatory markers.

SECTION 20. 30.70 of the statutes is repealed and recreated to read:

30.70 Skin diving. No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within 150 feet of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming

shall not rise to the surface outside of a radius of 50 feet from such flag. No person engaged in such diving or swimming shall interfere with the operation of anyone fishing nor engage in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation.

SECTION 21. 30.74 (1) of the statutes is repealed and recreated to read:

30.74 (1) BOATING SAFETY PROGRAMS. (a) Create comprehensive courses on boating safety and operation. These courses shall be offered in cooperation with schools, private clubs and organizations, and may be offered by the department in areas where requested and where other sponsorship is unavailable. The department shall issue certificates to persons 10 years of age or older successfully completing such courses.

(b) The department shall prescribe the course content, the form of the certificate and may collect \$2 from each person who enrolls in the course. The department may authorize instructors conducting such courses meeting standards established by it to retain \$1 of the fee to defray expenses incurred locally to operate the program. The remaining \$1 of the fee shall be retained by the department for the purpose of defraying a part of its expenses incurred to operate the program.

(c) Valid certificates issued by other states or provinces held by persons between the ages of 10 and 16 years will be honored if the course content substantially meets that established by the department.

(d) The department shall also prepare and disseminate information on water safety to the public, including the informational pamphlets specified in s. 30.52 (7).

SECTION 22. 30.77 (3) (a) of the statutes is amended to read:

30.77 (3) (a) Any town, village or city may, in the interest of public health ~~or~~, safety or welfare, adopt local regulations not contrary to or inconsistent with this chapter, relative to the equipment, use or operation of boats or relative to any activity regulated by ss. 30.60 to 30.71, but no such local regulation which in any manner pertains to the equipment, use or operation of a boat on an inland lake is valid unless all towns, cities and villages having jurisdiction on the waters of the lake have enacted an identical local regulation. If any county operates any marina development adjacent to any waters or lake, the authority ~~heretofore~~ conferred upon any town, village or city by this paragraph shall exclusively vest in said county in respect to adoption of such local regulations insofar as they relate to the development, operation and use of said

facility and its adjoining waters. Local regulations pertaining to equipment, use or operation of boats on inland lakes shall be subject to advisory review by the department. Within 60 days after the effective date of this amendment (1973), the clerk of each town, village or city which has enacted such regulations shall submit a copy of such local regulations to the department. Local regulations proposed subsequent to this date shall be submitted by the clerk to the department at least 60 days prior to final action thereon by the town, village or city governing body. Advisory reports as to town, village or city regulation of equipment, use or operation of boats on inland lakes shall be based on consideration of the effect of the local regulation on the state from the standpoint of uniformity and enforcement and on the affected town, village or city in view of pertinent local conditions; shall state in what regard such regulations are deemed consistent or inconsistent with this chapter as to public health, safety or welfare; and shall be accompanied by suggested changes, if any. No later than one year after the effective date of this amendment (1973) as to the town, village or city regulations in effect on this date and no later than 20 days after receipt by the department of local regulations proposed after this date, the department shall advise the town, village or city in writing, addressed to the clerk, as to the results of its advisory review hereunder.

SECTION 23. 30.79 (2) and (5) of the statutes are amended to read:

30.79 (2) In order to protect public rights in navigable waters and to promote public health, safety and welfare and the prudent and equitable use of the navigable waters of the state, a system of state aids for local enforcement of ss. 30.50 to 30.80 and ordinances enacted pursuant thereto is hereby established. ~~Such aid~~ Aid shall be granted under this section to those municipalities which establish, maintain and operate water safety patrol units in accordance with this chapter.

(5) On or before ~~December 1~~ January 31 of the year following the year in which a municipality operated a water safety patrol unit, it shall file with the department on the forms prescribed by it a detailed statement of the costs incurred by the municipality in the operation of the water safety patrol unit during the past fiscal calendar year and of the receipts resulting from fines or forfeitures imposed upon persons convicted of violations of ordinances enacted pursuant to s. 30.77. The department shall audit the statement and determine the net costs ~~(, after deduction of any fines or forfeitures imposed upon persons convicted of violations of ordinances enacted pursuant to s. 30.77),~~ which are directly attributable to the operation and maintenance of the water safety patrol unit, including a reasonable amount for depreciation of equipment. The department shall compute the state aids on the basis of 75% of such net costs directly attributable to the operation and maintenance of the water safety patrol unit and shall cause such aids to be paid on or before ~~March~~ April 1 of the year ~~following the filing of in which~~ the statements under this subsection are filed. If the state aids payable to municipalities exceed the moneys available for such purpose, the department shall prorate the payments. No county or municipality shall receive state aid amounting to more than 20% of the funds available.

SECTION 24. 30.80 (2) of the statutes is amended to read:

30.80 (2) Any person violating s. 30.67 (1) or 30.68 (1) shall be fined not more than \$200 or imprisoned not more than 6 months or both. Any person violating s. 30.68 shall be required to obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1).

~~SECTION 25. Appropriation increase. The appropriation in section 20.370 (1) (xm) of the statutes, as affected by the laws of 1973, is increased by \$100,000 for the~~ Vetoed in Part

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Vetoed in Part ~~fiscal year 1973-74 and \$100,000 for the fiscal year 1974-75 to provide additional funds for state aids to municipal water safety patrol units.~~

SECTION 26. Effective date. The treatment of section 30.68 (3) (b) of the statutes by this act shall take effect May 1, 1975.
