

1991 Assembly Bill 263

Date of enactment: **April 28, 1992**

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# 1991 WISCONSIN ACT 257

AN ACT to renumber 30.66 (3); to renumber and amend 30.62 (3) and 30.69 (3); to amend 30.68 (3) (b) and 30.69 (3) (title); and to create 30.50 (9d), 30.61 (10), 30.62 (3) (b), 30.62 (3m), 30.625, 30.66 (3) (b), 30.68 (3) (c), 30.68 (4m), 30.68 (5m), 30.69 (1m) (c), 30.69 (3) (b) to (d) and 30.742 of the statutes, relating to: the regulation of personal watercraft, water skiing and granting rule-making authority.

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

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

30.50 (9d) "Personal watercraft" means a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft.

**SECTION 2.** 30.61 (10) of the statutes is created to read:

30.61 (10) OPERATION OF PERSONAL WATERCRAFT. (a) Notwithstanding subs. (1), (2), (8) and (9), no person may operate a personal watercraft at any time from sunset to sunrise.

(b) If a person operates a personal watercraft in violation of par. (a), the operation shall be subject to additional penalties for any failure to comply with the applicable lighting requirements under subs. (1), (2), (8) and (9).

**SECTION 3.** 30.62 (3) of the statutes is renumbered 30.62 (3) (a) and amended to read:

30.62 (3) (a) Every boat, except a sailboard and except as provided in par. (b), shall carry at least one personal flotation device prescribed by federal regulations for each person on board or being attended by the boat, so placed as to be readily accessible and available to the persons. ~~This subsection does not apply to sailboards.~~

**SECTION 4.** 30.62 (3) (b) of the statutes is created to read:

30.62 (3) (b) No person may operate a personal watercraft unless each person riding on the personal watercraft is wearing a personal flotation device that is a type I, type II, type III or type V personal flotation device as specified under 33 CFR part 175, subpart B.

**SECTION 5.** 30.62 (3m) of the statutes is created to read:

30.62 (3m) SAFETY DEVICES FOR PERSONAL WATERCRAFT. No person may operate a personal watercraft that is equipped by the manufacturer with an engine cutoff switch activated by a lanyard unless the engine cutoff switch is in good working order and the lanyard is attached in the manner prescribed by the manufacturer to the operator or the operator's clothing or personal flotation device. No person may sell a personal watercraft manufactured after January 1, 1993, unless the personal watercraft is equipped by the manufacturer with an engine cutoff switch activated by a lanyard or is equipped by the manufacturer with a self-circling safety feature. No person may sell a personal watercraft manufactured after January 1, 1994, unless the personal watercraft is equipped by the manufacturer with an engine cutoff switch activated by a lanyard.

**SECTION 6.** 30.625 of the statutes is created to read:

**30.625 Rental of personal watercraft.** (1) No person who is engaged in the rental or leasing of personal watercraft to the public may do any of the following:

(a) Rent or lease a personal watercraft for operation by a person who will be operating a personal watercraft for the first time and who does not hold a valid certificate

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issued under s. 30.74 (1) unless the person engaged in the rental or leasing gives the person instruction on how to operate a personal watercraft.

(b) Rent or lease a personal watercraft to a person under 16 years of age.

(c) Rent or lease a personal watercraft without providing the person who will be operating the personal watercraft with a personal flotation device that meets the requirements specified under s. 30.62 (3) (b).

(2) The department may promulgate rules to establish minimum standards for the instruction given under sub. (1) (a).

**SECTION 7.** 30.66 (3) of the statutes is renumbered 30.66 (3) (a).

**SECTION 8m.** 30.66 (3) (b) of the statutes is created to read:

30.66 (3) (b) No person may operate a personal watercraft at a speed in excess of slow-no-wake within 100 feet of any other boat. This paragraph does not apply if s. 30.69 (3) (a), (c) or (d) applies to the operation of the personal watercraft.

**SECTION 9.** 30.68 (3) (b) of the statutes is amended 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~~ This paragraph does not apply to personal watercraft.

(d) ~~A violation of par. (b) or (c)~~ 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 10.** 30.68 (3) (c) of the statutes is created to read:

30.68 (3) (c) 1. No person under the age of 12 years may operate, lease or rent a personal watercraft.

2. No person who is at least 12 years of age but under 16 years of age may rent or lease a personal watercraft.

3. No person who is at least 12 years of age but under 16 years of age may operate a personal watercraft unless he or she is in possession of a certificate issued under s. 30.74 (1).

**SECTION 11.** 30.68 (4m) of the statutes is created to read:

30.68 (4m) **FACING BACKWARDS.** No person may operate a personal watercraft while facing backwards.

**SECTION 12.** 30.68 (5m) of the statutes is created to read:

30.68 (5m) **TOWING BY A PERSONAL WATERCRAFT.** A person may use a personal watercraft to tow a stranded or disabled boat if, during towing, the speed of the personal watercraft does not exceed slow-no-wake.

**SECTION 13.** 30.69 (1m) (c) of the statutes is created to read:

30.69 (1m) (c) In addition to complying with par. (a), no person may operate a personal watercraft that is towing a person who is on waterskis, an aquaplane or similar device unless the personal watercraft is at least 9 feet 11 inches in length and is designed to seat at least 3 persons.

**SECTION 13g.** 30.69 (3) (title) of the statutes is amended to read:

30.69 (3) (title) **RESTRICTIONS.**

**SECTION 13m.** 30.69 (3) of the statutes is renumbered 30.69 (3) (a) and amended to read:

30.69 (3) (a) No ~~boat~~ person operating a motorboat that is towing persons engaged in water skiing, aquaplaning or similar activity ~~on any lake shall engage in such activity~~ may operate the motorboat within 100 feet of any occupied anchored boat ~~or, any personal watercraft or~~ any marked swimming area or public boat landing, ~~except where pickup and drop areas are established and marked with regulatory markers.~~

**SECTION 13r.** 30.69 (3) (b) to (d) of the statutes are created to read:

30.69 (3) (b) No person who is engaged in water skiing, aquaplaning or similar activity may get within 100 feet of a personal watercraft or allow the tow rope while in use to get within 100 feet of a personal watercraft.

(c) No person may operate a personal watercraft within 100 feet of any of the following:

1. A motorboat towing a person who is engaged in water skiing, aquaplaning or similar activity.

2. The tow rope of a motorboat towing a person who is engaged in water skiing, aquaplaning or similar activity.

3. A person who is engaged in water skiing, aquaplaning or similar activity.

(d) Paragraphs (a) to (c) do not apply to pickup or drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to persons and motorboats engaged in water skiing.

**SECTION 14.** 30.742 of the statutes is created to read:

**30.742 Water exhibitions and races; rules.** For water exhibitions or races, the department may promulgate rules that provide exemptions from any of the requirements or restrictions under s. 30.61, 30.62, 30.65, 30.66, 30.68 or 30.69.