

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

The Wisconsin Natural Resources Board adopts an order to amend NR 5.08(1)(intro.) and 50.13(6); to repeal and recreate NR 5.125(1)(c); and to create NR 5.001(1m), (11m) and (16m) relating to boating safety and enforcement.

LE-01-01

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 30.505, 30.62(2)(d) 2. and 3., 30.79(2m) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 30.50(2), 30.62(2)(b), 30.635, 30.67, 30.69 and 30.79(5), Stats.

Section 1. Creates the following definitions; “boat” for the purpose of requiring registration of motorized fishing rafts to be consistent with federal law; “public access” for the purposes of motorboat prohibitions on lakes 50 acres or less; “water skis, aquaplane or similar device” to include the technological advancements in the sport.

Section 2. Amends the property damage limit for a reportable boat accident to remain consistent with a recent federal rule change.

Section 3. Creates a set of standards for a new motorboat noise testing procedure.

Section 4. Clarifies the requirement that sets a 40% cap on a municipal boat patrol’s administrative expenses.

SECTION 1. NR 5.001(1m), (11m) and (16m) are created to read:

NR 5.001(1m) “Boat”, for the purposes of s. 30.51, Stats., includes the definition of “boat” under s. 30.50(2), Stats., and also includes fishing rafts which are equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. Registering a fishing raft as a boat does not exempt it from any state or local fishing raft regulations.

(11m) “Public access”, for the purposes of s. 30.635, Stats., and this chapter means any site through which the general public may gain legal access to a body of water by the process of launching a boat.

(16m) “Water skis, aquaplane or similar device”, for the purposes of s. 30.69, Stats., and this chapter includes, but is not limited to, water skis, kneeboards, wakeboards, inflatable devices or barefoot or skiless skiing.

SECTION 2. NR 5.08(1) (intro.) is amended to read:

NR 5.08(1)(intro.) Written reports of boating accidents required by s. 30.67, Stats., shall be submitted to the Department of Natural Resources, Box 7921, Madison, Wisconsin 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 ~~\$500.00~~ \$2,000.00, or complete loss of the boat. All reports shall contain the following information:

SECTION 3. NR 5.125(1)(c) is repealed and recreated to read:

NR 5.125(1)(c) When the J2005 testing method is used, the officer shall deduct 2 decibels from the decibel reading obtained in order for the test to be comparable to the J34a and J1970 tests.

SECTION 4. NR 50.13 (6) is amended to read:

NR 50.13 (6) Except for time spent ~~on teaching~~ boating education courses, no local unit of government ~~may receive~~ is eligible for more than 40% of the total ~~amount of its claim~~ number of hours claimed on Form 8700-61 for administrative ~~costs~~ time.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on August 15, 2001.

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

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)