

Report From Agency

REPORT TO LEGISLATURE

NR 5.001 and 5.01, Wis. Adm. Code

Registration of boats used exclusively to make advertisements and creating definitions

Board Order No. LE-05-07

Clearinghouse Rule No. 06-133

Basis and Purpose of the Proposed Rule

2005 Wisconsin Act 481 was passed into law in May, 2006. Provisions of this act require the department to issue a free 15-day boat registration certification to manufacturers who film commercials and/or take photos for ads while in the state and using state waters. This provision allows manufacturers to conduct business in the state without having to permanently register the boat they are using for their promotions.

There has been confusion pertaining to what is the legal safe carrying capacity of a motorboat. Over the past few years, there have been many questions regarding the interpretation of the information on a capacity plate on motorboats regarding the safe carrying capacity. A definition is created for "safe carrying capacity" and "recommended number of persons" as they relate to the information provided on the capacity plate attached to boats. This rule clarifies that neither the maximum recommended number of persons nor the maximum weight of persons, motor, gear, etc., that may be placed aboard the boat may be exceeded. This clarification will assist the public in understanding the rule.

A lifeboat under s. 30.51(2)(a)8., Stats., is exempt from registration. There is currently no clear definition of lifeboat in ch. 30, Stats., or ch. NR 5. This rule creates a definition which states that a lifeboat is meant to be a boat used exclusively for the purpose of transporting person(s) from a vessel in distress. This will help eliminate any confusion for owners of vessels that have a lifeboat regarding the registration exemption.

Summary of Public Comments

No public comments were received.

Modifications Made

No modifications were made as a result of the public hearings.

Appearances at the Public Hearing

No one appeared at the public hearings.

Changes to Rule Analysis and Fiscal Estimate

None were required.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

This rule is applicable to individuals and imposes no compliance or reporting requirements for small businesses. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.