

Report to
Legislative Council Rules Clearinghouse
NR 5 , Wis. Adm. Code
Natural Resources Board Order No. LE-01-14

Wisconsin Statutory Authority:

30.505, 30.62(d)2, 30.62(d)3, 30.62(2)(d)3, 30.62(9) and 30.65(2)

Federal Authority:

A state's eligibility to receive federal financial assistance under Title 46 U.S.C. Chapter 131, U.S. Coast Guard's State Recreational Boating Safety (RBS) Grant Program is determined by the content of its RBS Program and its conformance to applicable federal laws and regulations.

State law must require the carriage of the minimum federal equipment requirements in order to meet eligibility requirements as an adequate law enforcement program.

These elements are part of an approved vessel numbering system necessary to maintain overall program approval and eligibility.

Comparison of Adjacent States:

Adjacent states have substantially the same rules as eligibility to receive federal financial assistance under the State Recreational Boating Safety (RBS) Grant Program is determined by the content of the state's RBS Program and its conformance to applicable federal laws and regulations.

Court Decisions Directly Relevant

N/A

Analysis of the Rule - Rule Effect - Reason for the Rule

Sections 1-5 adds definitions for coastal waters, personal flotation devices, visual distress signal to conform to federal requirements.

Sections 6-12 require each recreational vessel owner provide a unique identification number with the birth date to register a vessel for a certificate of number as required by federal regulations. These elements are part of an approved vessel numbering system necessary to maintain overall program approval and eligibility to receive federal financial assistance under the State Recreational Boating Safety Grant Program.

Sections 13-14 changes the term "state of principal use" to "state of principal operation" as required by federal regulations. State of principal operation means the State in whose waters a vessel is or will be operated most during a calendar year.

Sections 15-19 require the state issuing authority verify that the owner of a vessel that is issued a state assigned hull identification number has permanently affixed the assigned hull identification number to the vessel in compliance with 33 CFR Part 181, subpart C

Section 20 adds a requirement to label approved waterway markers with a department assigned number to allow law enforcement officers to determine the legality of markers that have been

placed.

Sections 21-22 modifies fire extinguisher requirements to match federal regulations.

Sections 23-27 corrects noise level testing requirements to meet Society of Automotive Engineers recommended practices.

Section 28-47 revises personal flotation device requirements to remove type requirements and replace with the terms wearable and throwable personal flotation devices as modified by federal regulations.

Section 48-52 creates requirements for visual distress signals and sound producing devices as required by federal regulations. U.S. Coast Guard conducted an on-site review of Wisconsin's State Recreational Boating Safety (RBS) Program. Onsite reviews are used to help determine a state's eligibility to receive funding made available under Title 46 U.S.C. Chapter 131 for the State RBS Program. A state's eligibility is determined by the content of its RBS Program and its conformance to applicable federal laws and regulations.

Based on the programmatic review of Wisconsin's State RBS program, two deficiencies were noted that require corrective action. The State laws and regulations do not include a provision for the carriage of visual distress signals (VDS) in waters where required under Title 33 Code of Federal Regulations (CFR), Part 175 Subpart C; and State laws and regulations do not include a provision for the carriage of a sound-producing device where required under the Navigation Rules; International-Inland. State law must require the carriage of the minimum federal equipment requirements in order to meet eligibility requirements as an adequate law enforcement program.

Section 53 prohibits vessel owners from displaying blue colored lights which may be confused with an authorized patrol or emergency vessel. Pleasure boaters with aftermarket blue LED lighting can easily be mistaken for Law Enforcement in the dark of night.

Section 54 requires vessel operators to operate at slow no wake speeds when approaching a patrol or emergency vessel that is displaying an emergency light and/or siren due to public safety and law enforcement officer safety concerns.

Agency Procedures for Promulgation

Description of any Forms (attach copies if available)

N/A

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