STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number
NR 5-Boat Rules and Regulations

3. Subject
The intent of the rule revisions are to meet federal requirements, correct noise level testing procedures, improve officer safety and establish a numbering system for approved waterway markers.

4. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget
☐ Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☒ Specific Businesses/Sectors
☒ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than $20 million?
☐ Yes ☒ No

9. Policy Problem Addressed by the Rule

Revise Noise Level Testing Requirements – current language contained in NR 5.125 refers to testing methods J34a, J1970 or J2005. SAE only refers to J34 not J34a. NR 5 should reflect actual Test #/Title of that being J34. Updates to the J34 Monitoring Test reflect a correction factor to a 50' distance/regulation and in J1970 (4.2.1) specifically states: "The applicable reading does not require the measured boat to be at any specific distance from the shoreline or microphone". Officers should not be limited by a minimum distance requirement in code and should rely on each test procedure.

Add Slow No Wake within 100' of patrol boat displaying emergency lights – NR 5.33 contains requirements for Restricted Speed Zones. However there are no restrictions for vessel operators approaching a law enforcement boat displaying emergency lights. Due to public safety and law enforcement officer safety concerns, WDNR requests a variation of the "move over law" currently in place on highways.

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.

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.

Remove sailboards from the personal flotation device requirements per s. 30.62(3)(a).

Modifications to meet federal requirements include:

Add visual distress signals and sound producing device requirements based on a 2013 U.S. Coast Guard program

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review of Wisconsin's State Recreational Boating Safety program. 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 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.

Revisions to application information for boat certificate or number and application for transfer to meet federal requirements. Changes to federal regulations require the collection of unique identification information for each vessel owner who applies for a certificate of number. States have until January 1, 2017 to implement this change.

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. Vessel owners will be required to verify that a valid primary vessel HIN has been affixed to the vessel for which a certificate of number is issued, renewed, or upon the transfer of a vessel's ownership. Per the federal regulations, States may use methods of its choosing to verify that each vessel's owner has affixed a valid primary HIN. WDNR would propose to require the vessel owner to complete a statement on the application form or renewal form. States have until January 1, 2017 to implement this change.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

To be completed after public comments are received.

11. Identify the local governmental units that participated in the development of this EIA.

To be completed after public comments are received.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The department anticipates that the proposed rule will have no more than a minimal economic impact. A final analysis will be completed after public comments are received.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

This rule will protect Wisconsin's law enforcement officers while they patrol the waters of the state and ensure Wisconsin's Recreational Boating Safety program conforms to federal requirements, which will enable the department to continue receiving federal funds.

14. Long Range Implications of Implementing the Rule

Same as above.

15. Compare With Approaches Being Used by Federal Government

Modifications conform to applicable federal laws and regulations.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

17. Contact Name	18. Contact Phone Number
Roy Zellmer	608/212-5385

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No