



NR 5

Filed May 29, 1974
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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt
Secretary

May 28, 1974

BOX 450
MADISON, WISCONSIN 53701

IN REPLY REFER TO: 1020

Mr. James J. Burke
Revisor of Statutes
411 West
C A P I T O L

Dear Mr. Burke:

Enclosed are three copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. M-24-74. These rules were submitted to the Assembly Natural Resources Committee and the Senate Natural Resources Committee pursuant to Chapter 162, Laws of 1973. There were no objections.

You will note that this order takes effect upon publication. Kindly publish it in the Administrative Register accordingly.

Very truly yours,

L. P. Voigt
Secretary

Enc.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt
Secretary

BOX 450
MADISON, WISCONSIN 53701

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources, and custodian of the official records of said Department, do hereby certify that the annexed rules and regulations relating to personal flotation and life saving device requirements were duly approved and adopted by this Department on February 22, 1974.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the City of Madison, this 28th day of May, 1974.

By L. P. Voigt
L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of Amending Chapter NR 5.01 .
and NR 5.04 and Creating NR 5.13 of the .
Wisconsin Administrative Code pertaining .
to Boat Regulations and Requirements .
.....

ORDER NUMBER M-24-74

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING AND CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 30.52(5) and 30.62(9) and Chapter 227, Wisconsin Statutes, the Natural Resources Board hereby amends and creates rules as follows:

SECTION 1 - NR 5.01 is amended to read:

NR 5.01 Application for boat certificate of number. (1) An application for a certificate of number must contain the following information:

- (a) Name of the owner
- (b) Address of the owner, including ZIP code
- (c) Date of birth of the owner
- (d) Citizenship of the owner
- (e) State in which boat is or will be principally used
- (f) The number previously issued by an issuing authority for the boat,

if any

(g) Whether the application is for a new number, renewal of a number, or transfer or ownership

(h) Whether the boat is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use.

- (i) Make of boat
 - (j) Year boat was manufactured or model year
 - (k) Manufacturer's hull identification number, if any
 - (l) Overall length of boat
 - (m) Type of boat (open, cabin, house, or other)
 - (n) Whether the hull is wood, steel, aluminum, fiberglass, plastic,
or other
 - (o) Whether the propulsion is inboard, outboard, inboard-outdrive,
or sail and name of engine manufacturer if available
 - (p) Whether the fuel is gasoline, diesel, or other
 - (q) A statement of ownership by applicant
 - (r) The signature of the owner
- (2) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a boat for demonstration or test purposes may omit items (i) through (p) of paragraph (1) of this section.
- (3) An application made by a person who intends to lease or rent the boat without propulsion machinery may omit items (o) and (p) of paragraph (1) of this section.

SECTION 2 - NR 5.04 is amended to read:

NR 5.04 Certificate of number. (1) The boat certificate of number issued in accordance with section 30.52, Wis. Stats., except as allowed in paragraphs (2), (3) and (4) of this section, must contain the following information:

- (a) Number issued
- (b) Expiration date
- (c) State of principal use

- (d) Name of owner
 - (e) Address of owner, including ZIP code
 - (f) Whether the boat is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use
 - (g) Manufacturer's hull identification number (if any)
 - (h) Make of boat
 - (i) Year boat was manufactured
 - (j) Overall length of boat
 - (k) Whether the boat is an open boat, cabin cruiser, houseboat, or other type
 - (l) Hull material
 - (m) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail
 - (n) Whether the fuel is gasoline, diesel, or other
 - (o) A quotation of the state regulations pertaining to change of ownership or address; documentation, loss, destruction, abandonment, theft, or recovery of boat; carriage of the certificate of number on board when the boat is in use; rendering aid in a boat accident; and reporting of boat casualties and accidents.
- (2) A certificate of number issued to a boat that has a manufacturer's hull identification number assigned, may omit items (h) through (n) of paragraph (1) of this section if the manufacturer's hull identification number is plainly marked on the certificate

(3) A certificate of number issued to a manufacturer or dealer to be used on a boat for test or demonstration purposes may omit items (g) through (n) of paragraph (1) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(4) A certificate of number issued to a boat that is to be rented or leased without propulsion machinery may omit items (m) and (n) of paragraph (1) of this section if the words "livery boat" are plainly marked on the certificate.

SECTION 3 - NR 5.13 is created to read:

NR 5.13 Personal flotation and life saving device requirements. (1)

This section applies to all boats that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel used on waters subject to the jurisdiction of this state except:

(a) Racing shells, rowing sculls, and racing kayaks that are recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

(b) Foreign boats temporarily using waters subject to state jurisdiction.

(c) Military or public boats of the United States, except recreational-type public vessels.

(2) PERSONAL FLOTATION DEVICE (PFD) REQUIREMENTS. (a) Except as provided in subsection (3), no person may operate or use a boat less than 16 feet in length or a canoe or kayak unless at least one PFD of the following types or their equivalents listed in figure 1 is on board for each person:

1. Type I PFD
2. Type II PFD
3. Type III PFD
4. Type IV PFD

(b) Except as provided in subsection (3), no person may operate or use a boat 16 feet or more in length except a canoe or kayak, unless at least one PFD of the following types or their equivalents listed in figure 1 is on board for each person:

1. Type I PFD
2. Type II PFD
3. Type III PFD

(c) Except as provided in subsection (3), no person may operate or use a boat 16 feet or more in length, except a canoe or kayak, unless at least one type IV PFD or its equivalent listed in figure 1 is on board in addition to the PFD's required in paragraph (b) of this section.

(3) EXCEPTIONS. (a) A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with subsection (2) if he wears a vest-type lifesaving device that:

1. Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and not less than 13 pounds of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

2. Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than $8\frac{1}{2}$ pounds of positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A type V PFD may be carried in lieu of any PFD required in subsection (2), if that type V PFD is approved for the work activity in which the boat is being used.

(c) No person may operate or use a boat of any size to carry passengers for hire unless at least one type I PFD or its equivalent listed in figure 1 is on board for each person and in addition one ring life buoy as listed in figure 1 must be carried on board such boats which are 26 feet or more in length.

(4) STOWAGE. (a) No person may use a boat unless each type I, type II, type III or type V PFD required by subsection (2) is readily accessible.

(b) No person may operate or use a boat unless each type IV PFD required by subsection (2) is immediately available.

(5) CONDITIONS, APPROVAL, MARKING. No person may operate or use a boat unless each device required by subsection (2) or each device allowed by subsection (3) is:

(a) In serviceable condition,

(b) Legibly marked with the approval number as listed in figure 1 for items subject to approval, and

(c) Of an appropriate size for the person for whom it is intended.

(6) PERSONAL FLOTATION DEVICE EQUIVALENTS. Figure 1 lists devices that are equivalent to personal flotation devices.

FIGURE 1

Devices marked	Are equivalent to
160.002 Life preserver-----	Performance type I personal flotation device
160.003 Life preserver-----	Performance type I personal flotation device
160.004 Life preserver-----	Performance type I personal flotation device
160.005 Life preserver-----	Performance type I personal flotation device
160.009 Ring life buoy-----	Performance type IV personal flotation device
160.047 Buoyant vest-----	Performance type II personal flotation device
160.048 Buoyant cushion-----	Performance type IV personal flotation device
160.049 Buoyant cushion-----	Performance type IV personal flotation device
160.050 Ring life buoy-----	Performance type IV personal flotation device
160.052 Buoyant vest-----	Performance type II personal flotation device
160.053 Work vest-----	Performance type V personal flotation device
160.055 Life preserver-----	Performance type I personal flotation device
160.060 Buoyant vest-----	Performance type II personal flotation device
160.064 Special purpose water	

safety buoyant devices----A device intended to be worn may be equivalent to type II or type III. A device that is equivalent to type III is marked "Type III Device--may not turn unconscious wearer." A device intended to be grasped is equivalent to type IV.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 22, 1974.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin March 21, 1974.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By 
L. P. Voigt, Secretary

(SEAL)