

CR 86-13

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-57-85 was duly approved and adopted by this Department on April 24, 1986. 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 General Executive Facility #2 in the City of Madison, this 11th day of July, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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JUL 15 1986

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Revisor of Statutes
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7-1-86

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER OF creating s. NR 5.125 .
of the Wisconsin Administrative Code .
pertaining to motorboat noise levels .
.....

LE-57-85

Analysis Prepared by the Department of Natural Resources

Chapter NR 5, Wis. Adm. Code, implements and interprets the provisions of ss. 30.50-30.80, Stats. The current rule addition is designed to implement s. 30.62(2), Stats., regulating motorboat noise levels for operation and sale, and sets forth procedures for monitoring boat operator and manufacturer compliance. The outboard, inboard and outdrive motors are manufactured by large corporations, therefore, NR 5.125 will have a minimal impact on small businesses in the state. The testing procedures for proof of manufacturer compliance are required by s. 30.62(2), Stats. Approval to incorporate standards by reference has been received from the Attorney General and the Revisor of Statutes.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 30.62(2) and 227.11(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 30.62(2), Stats., as follows:

SECTION 1. NR 5.125 is created to read:

NR 5.125 NOISE LEVEL STANDARDS FOR MOTORBOATS. (1) DEFINITIONS.

(a) "Manufacturer" means any individual, partnership, or corporation which manufactures, assembles, or imports any engine model for the propulsion of motorboats.

(b) "Muffler" as referenced in s. 30.62(2)(a), Stats., means a device or means to reduce noise, forming part of the exhaust system, and includes an underwater exhaust.

(c) "Model" means a complete engine offered for sale.

(d) "Model group" means 2 or more similar models that can reasonably be expected to have the same noise levels, but which differ in nonmaterial respects.

(2) PROOF OF COMPLIANCE. (a) The manufacturer of any engine model manufactured after [the effective date of this rule] and offered for sale in this state will send a letter of compliance to the Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707 (Attention: Boating Safety Section).

(b) The letter shall contain the following information:

1. The name, address, and phone number of the manufacturer.
2. A statement that a representative sample of each model or model group, properly installed on a motorboat on which it is typically used, has been tested in accordance with Society of Automotive Engineers Recommended Practice SAE J34a, dated April, 1977, and meets the requirements of s. 30.62(2), Stats.
3. The description and model designation of each representative engine and the motorboat on which it was tested.

(c) The department may request additional information from the manufacturer to determine if the engine complies with SAE J34a, dated April 1977, and s. 30.62(2), Stats.

(3) STANDARD. The noise level testing procedures of the Society of Automotive Engineers Recommended Practice Report J34a, dated April, 1977, shall be adhered to by manufacturers when submitting proof of compliance according to s. 30.62(2)(d), Stats.

Note: Copies of the Society of Automotive Engineers Recommended Practice Report J34a, entitled "Exterior Sound Level Measurement Procedure for Pleasure Motorboats", dated April, 1977, may be obtained from the Society of Automotive

Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096 and are also available for inspection at the following offices: The Department of Natural Resources, 101 South Webster, Box 7921, Madison, Wisconsin 53707; The Office of the Secretary of State, Madison, Wisconsin; and The Office of the Revisor of Statutes, Madison, Wisconsin.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 24, 1986.

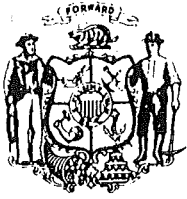
The rule contained herein shall take effect as provided in s. 227.22(2) (intro.), Stats.

Dated at Madison, Wisconsin July 11, 1986

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besaamy
Carroll D. Besaamy, Secretary

(SEAL)
5946J



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

July 14, 1986

IN REPLY REFER TO: 1020

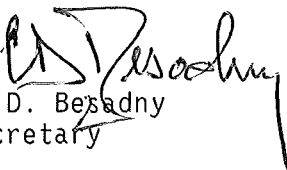
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-57-85. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.
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