

Report to
Legislative Council Rules Clearinghouse
NR 5.001 and 5.18, Wis. Adm. Code
Natural Resources Board Order No. LE-06-07

Wisconsin Statutory Authority

ss. 30.74(1)(a), (am) and (b), Stats., interpreting ss. 30.625(1)(a), 30.678(1)(d) and 30.74(1)(a) and (b), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

2005 Wisconsin Act 356 requires all persons born after 1-1-1989 and who are at least 16 years of age, to possess a WDNR approved boating education course certificate before they may operate any motorboat. There was an exception created for a person who is renting/leasing a motorboat if the person providing the boat gives the renter/lesser instruction on how to operate a motorboat in the manner established by the department by rule. The proposed s. NR 5.18 will establish the minimum standards and procedures for the instruction to be given to comply with ss. 30.625(1)(a) and 30.74(1)(am), Stats.

The proposed rule clarifies the minimum age to be eligible for a temporary boating education training and certification will be 16 years of age and that the certification only applies to the operation of boats that are rented or leased by the holder of the certificate. In addition, this rule establishes the process for administering an exam and issuance of a temporary certificate. Motorboat rental businesses will be required to collect a \$10 fee for the temporary boating education course of instruction and issuance of the certificate. Similar to fees collected for regular boating education certification courses, the person or business providing the training and administering the exam will be allowed to retain up to 50% of the fee to defray expenses incurred locally to provide the training and issue the temporary certificate. All remaining funds shall be turned in to the department to defray expenses incurred to operate the boating safety program.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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