

## Report From Agency

### REPORT TO LEGISLATURE

NR 5, Wis. Adm. Code

Board Order No. LE-01-14  
Clearinghouse Rule No. 14-048

#### Basis and Purpose of the Proposed 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 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.

Summary of Public Comments – None Received

Modifications Made - None

Appearances at the Public Hearing - None

Changes to Rule Analysis and Fiscal Estimate - None

Response to Legislative Council Rules Clearinghouse Report – suggestions and revisions identified in the Clearinghouse Report were included in the final draft of the board order.

Final Regulatory Flexibility Analysis

N/A