

Chapter NR 5

BOAT RULES AND REGISTRATION

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NR 5.001 Definitions. **c1d** XAccompaniedY, for the purposes of s. 30.68 c3d, Stats., means in the same boat.

c1md XBoatY, for the purposes of s. 30.51, Stats., includes the definition of XboatY under s. 30.50 c2d, Stats., and also includes fishing rafts which are equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. Registering a fishing raft as a boat does not exempt it from any state or local fishing raft regulations.

c2d XBuoY is any device designed to float which is anchored in the water and which is used to convey a message.

c2md XCoastal watersY means all of the following:

cad The U.S. waters of the Great Lakes which include Lakes Erie, Huron, Michigan, Ontario, and Superior.

cbd The territorial seas of the United States.

ccd Those waters directly connected to the Great Lakes and territorial seas including bays, sounds, harbors, rivers, and inlets where any entrance exceeds 2 nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to 2 miles, as shown on the National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

c3d XDealerY, for the purpose of s. 30.52 c5d cad 3., Stats., means a person engaged wholly or in part in the business of selling or distributing boats to customers for profit or commission and who has made a substantial financial investment in the business.

c4d XDemonstrateY, for the purposes of s. 30.52 c5d cad 3., Stats., means the showing of a boat, boat motor or boat trailer to a specific customer in an effort to sell or show the operation of the boat, boat motor or boat trailer with a paid employee of the manufacturer or dealer either operating or accompanying the operator.

c5d XDisplay areaY is the area on a sign or buoy needed for display of a waterway marker symbol.

c6d XFixed marker in the waterY includes signs placed on permanent structures within the ordinary high water mark.

c7d XGuardianY, for the purposes of s. 30.68 c3d, Stats., means a person named by a court as having the duty and authority for the care and management of a minor.

c7gd XLakeY, for the purpose of s. 30.66, Stats., means a lake, reservoir, flowage or millpond, or portion thereof, that is listed by the department in the most current version of Wisconsin Lakes, Publ-FH-800, or any other body of water determined by the department to be a lake consistent with the test established in *Ne-pee-nauk Club v. Wilson*, 96 Wis. 290 c1897d, with the exception of the Kilbourn flowage in Juneau and Adams counties.

c7rd XLifeboatY means a boat or other vessel that is being used exclusively for the purpose of transporting a person from a vessel in distress.

c8d XManufacturerY means any individual, partnership, or corporation which manufactures, assembles, or imports any engine model for the propulsion of motorboats.

c9d XModelY means a complete engine offered for sale.

c10d XModel groupY means 2 or more similar models that can reasonably be expected to have the same noise levels, but which differ in nonmaterial respects.

c11d XMufflerY as referenced in s. 30.62 c2d cad, Stats., means a device or means to reduce noise, forming part of the exhaust system, and includes an underwater exhaust.

c11cd XPersonal flotation deviceY or XPFDY means a device that is approved by the US Coast Guard under 46 CFR Part 160.

c11gd XPublic accessY, for the purposes of s. 30.635, Stats., and this chapter means any site through which the general public may gain legal access to a body of water by the process of launching a boat.

c11rd XRecommended number of personsY, for the purpose of ss. 30.501 c2d cad 2. and 30.68 c9d, Stats., means the maximum number of persons that may occupy a boat, as indicated on the boat[s] capacity plate.

Note: XRecommended number of personsY is independent of any weight limits that apply to the boat; the term is applied regardless of whether the weight limits are not exceeded.

c12d XRegulatory markerY is a waterway marker which has no equivalent in the U. S. coast guard aid to navigation.

c12gd XRental agentY means a person who is in the business of renting or leasing motor boats to the public.

c12md XSafe carrying capacityY, for the purposes of s. 30.68 c9d, Stats., means all of the following:

cad The maximum number of persons allowed and the maximum allowed total weight of person, motor, gear, and other articles placed aboard as displayed on a boat[s capacity plate, under normal conditions.

cbd Less than the maximum number of persons or the maximum allowed total weight of person, motor, gear, and other articles placed aboard as displayed on a boat[s capacity plate when taking into consideration abnormal weather or other existing operating conditions.

c13d XSignY is any device for carrying a message which is attached to another object such as a piling, buoy, structure or the land itself.

c14d XState aid to navigationY is a waterway marker which is the equivalent of a U. S. coast guard aid to navigation.

c15d XSymbolsY are geometric figures such as diamond, circle, rectangle, used to convey a basic message.

c16d XTestY, for the purposes of s. 30.52 c5d cad 3., Stats., means an examination of a boat, boat motor or boat trailer for the specific purpose of determining the worthiness of the item conducted by a paid employee of a boat dealer or manufacturer.

c16ad XThrowable PFDY means a PFD that is intended to be thrown to a person in the water. A throwable PFD includes a PFD marked as Type IV or Type V with Type IV performance. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

c16bd XVisual distress signalY means a device that is approved by the US Coast Guard under 46 CFR Part 160 or certified by the manufacturer under 46 CFR Parts 160 and 161.

c16md XWater skis, aquaplane or similar deviceY, for the purposes of s. 30.69, Stats., and this chapter includes, but is not limited to, water skis, kneeboards, wakeboards, inflatable devices or barefoot or skiless skiing.

c17d XWaterway markerY is any device designed to be placed in, on or near the water to convey an official message to a boat operator on matters which may affect health, safety, or well being, except that such devices of the United States or an agency of the United States are excluded from the meaning of this definition for all purposes except for enforcement of s. 30.68 c7d, Stats.

c17ad XWearable PFDY means a PFD that is intended to be worn or otherwise attached to the body. A wearable PFD includes a PFD marked as Type I, Type II, Type III, or Type V with Type I, II or III performance.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; renum. c2d to be c7d, cr. c3d, c4d, c16d, renum. NR 5.09 c1d cad to chd, NR 5.125 c1d cad to cdd to be NR 5.001 c17d, c12d, c14d, c2d, c13d, c5d, c15d, c6d, c8d, c11d, c9d and c10d, Register, July, 1993, No. 451, eff. 8-1-93; cr. c7md, Register, March, 2000, No. 531, eff. 4-1-00; CR 01-007: cr. c1md, c11md and c16md, Register November 2001 No. 551, eff. 12-1-01; CR 06-132: cr. c12gd Register August 2007 No. 620, eff. 9-1-07; CR 06-133: renum. c7md and c11md to be c7gd and c11gd, cr. c7rd, c11rd and c12md Register August 2007 No. 620, eff. 9-1-07; CR 14-048: cr. c2md, c11cd, c16ad, c16bd, c17ad Register May 2015 No. 713, eff. 6-1-15; correction in numbering c2md cad to ccd under s. 13.92 c4d cbd 1., Stats., Register May 2015 No. 713, eff. 6-1-15.

NR 5.01 Application for boat certificate of number or registration. c1d An application for a certificate of number must contain the following information:

cad Name of each owner.

cbd Address of each owner, including ZIP code.

ccd Date of birth of each owner.

ccmd Identification information for each vessel owner who applies for a certificate of number to include any of the following:

1. Owner[s tax identification number.
2. Date of birth with driver[s license number.
3. Date of birth together with other unique number.

cdd Citizenship of the owner.

ced State in which boat is or will be principally operated.

efd The number previously issued by an issuing authority for the boat, if any.

cgd Whether the application is for a new number, renewal of a number, or transfer of ownership.

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

cid Make of boat.

cjd Year boat was manufactured or model year.

ckd Manufacturer[s hull identification number, if any.

cLd Overall length of boat.

cmd Type of boat copen, cabin, house, or otherd.

cnd Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other.

cod Whether the propulsion is inboard, outboard, inboard-outdrive, or sail and name of engine manufacturer if available.

cpd Whether the fuel is gasoline, diesel, or other.

cqd A statement of ownership by applicant.

crd The signature of the owner.

c2d cad 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 sub. c1d cid to cpd.

cbd Any application for boat registration accepted by a boat manufacturer or boat dealer for forwarding to the department on behalf of a customer shall be forwarded to the department within 7 days of the sale along with the required forms and fees.

c3d An application made by a person who intends to lease or rent the boat without propulsion machinery may omit items sub. c1d cod and cpd.

c4d An application for registration of a federally documented vessel shall contain the assigned federal documentation number, the name of the vessel and the hailing port as described in the documentation papers for that vessel in addition to the information required in sub. c1d.

c5d cad *Free certificate of number.* A person who intends to use a boat exclusively as part of an advertisement being made for the manufacturer of the boat may apply for a free certificate of number for the boat as authorized under s. 30.52 c3gd, Stats.

cbd *Application.* A person applying for a free certificate of number under this subsection shall submit an application on the form provided by the department that contains all of the information required by the department which may include any information required under sub. c1d.

Note: A person may request a free certificate of number application form by calling c608d 266-2621 or by writing to the following address: Wisconsin DNR, Bureau of Customer Service and Licensing, 101 S. Webster Street, P.O. Box 7921 Madison, WI 53707-7921.

cdd *Additional information.* In addition to the information required under par. cbd, the application shall contain all of the following:

1. The beginning and ending dates for the period the boat will be used exclusively for making the advertisement, but not to exceed a total of 15 days.

2. The body of water on which the boat will be operated.

3. The name of the county in which the boat will be operated.

cdd *Effective period.* The department shall issue a certificate of number with a suffix of TN for the boat, which shall be valid for not more than 15 consecutive days.

ced *Display of identification number and decals.* 1. Upon being issued a certificate of number notification and awarded an identification number and decals by the department, the person making the advertisement shall paint on or attach the identifica-

tion number and decals to each side of the forward half of the boat as prescribed under s. NR 5.06.

2. Notwithstanding s. NR 5.06 c2d and c3d, the identification number may be attached to removable signs to be temporarily but firmly mounted upon or attached to the boat while being operated. No number other than the identification number awarded by the department under this paragraph may be painted, attached or otherwise displayed on either side of the forward half of a boat.

Note: Section 30.52 c3gd, Stats., states: cad A boat that is present in this state and used exclusively as part of an advertisement being made for the manufacturer of the boat shall be issued a certificate of number for a period not to exceed 15 days. The department may not charge a fee for the issuance of a certificate of number under this paragraph. cbd The department shall promulgate rules for the issuance of certificates of number under par. cad.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renum. from WCD 5.01 to be NR 5.01, Register, March, 1971, No. 183, eff. 4-1-71; am., Register, June, 1974, No. 222, eff. 7-1-74; cr. c4d, Register, April, 1985, No. 352, eff. 5-1-85; renum. c2d to be c2d cad, cr. c2d cbd, Register, July, 1993, No. 451, eff. 8-1-93; CR 06-133: cr. c5d Register August 2007 No. 620, eff. 9-1-07; CR 14-048: am. c1d cad to ccd, cr. c1d ccmd, am. c1d ccd Register May 2015 No. 713, eff. 6-1-15.

NR 5.02 Application for transfer. An application for a transfer certificate of number in addition to furnishing the information required by s. NR 5.01 shall include a statement by the applicant listing the name and address of the previous owner, his or her certificate number, and the date on which the boat was acquired by the applicant. The applicant shall also sign the statement and send the previous owner's card to the department with the application for transfer.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renum. from WCD 5.02 to be NR 5.02, and am., Register, March, 1971, No. 183, eff. 4-1-71; am., Register, April, 1985, No. 352, eff. 5-1-85.

NR 5.03 Application for duplicate. An applicant for a duplicate certificate of number in addition to furnishing the information required by s. NR 5.01 shall complete and sign a statement that the original certificate has been either destroyed or lost and that the application being made is for a duplicate.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renum. from WCD 5.03 to be NR 5.03, and am., Register, March, 1971, No. 183, eff. 4-1-71.

NR 5.04 Certificate of number. c1d The boat certificate of number issued in accordance with s. 30.52, Stats., except as allowed in subs. c2d, c3d and c4d, must contain the following information:

- cad Number issued.
- cbd Expiration date.
- ccd State of principal operation.
- cdd Name of owner.
- ced Address of owner, including ZIP code.
- cfid Whether the boat is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
- cgd Manufacturer[s] hull identification number cif anyd.
- chd Make of boat.
- cid Year boat was manufactured.
- cjd Overall length of boat.
- ckd Whether the boat is an open boat, cabin cruiser, houseboat, or other type.
- cLd Hull material.
- cmd Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.
- cnd Whether the fuel is gasoline, diesel, or other.
- cod 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.

c2d A certificate of number issued to a boat that has a manufacturer[hull identification number assigned, may omit items sub. c1d chd to cnd if the manufacturer[s] hull identification number is plainly marked on the certificate.

c3d A certificate of number issued to a manufacturer or dealer to be used on a boat for test or demonstration purposes may omit items sub. c1d cgd to cnd if the word XmanufacturerY or XdealerY is plainly marked on the certificate.

c4d A certificate of number issued to a boat that is to be rented or leased without propulsion machinery may omit items sub. c1d cmd and cnd if the words Xlivery boatY are plainly marked on the certificate.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renum. from WCD 5.04 to be NR 5.04, Register, March, 1971, No. 183, eff. 4-1-71; am., Register, June, 1974, No. 222, 7-1-74; CR 14-048: am. c1d ccd Register May 2015 No. 713, eff. 6-1-15.

NR 5.05 Numbering pattern to be used. The boat certificate of number issued pursuant to s. 30.52, Stats., shall be in accordance with the pattern described as follows:

c1d The number shall be divided into parts. The first part of the number shall be an abbreviation in capital letters of the state of Wisconsin. This abbreviation shall be WS. The remainder of the number shall consist of not more nor less than 4 arabic numerals and 2 capital letters.

c2d The group of numerals appearing between the abbreviation and the 2 letters shall be separated therefrom by hyphens or equivalent spaces as indicated by the following samples: WS-9999-AB, WS 9999 AB.

c3d Since the letters XIY, XOY, and XQY may be mistaken for arabic numerals, all letter sequences using XIY, XOY, and XQY shall be omitted.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; am. c2d, Register, March, 1966, No. 123, eff. 4-1-66; renum. from WCD 5.05 to be NR 5.05, Register, March, 1971, No. 183, eff. 4-1-71.

NR 5.06 Display of numbers or decals on boats.

c1d The assigned number shall be painted on, or attached to, each side of the forward half of the boat for which it was issued. The numbers shall be placed on the hull of the boat in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than 3 inches in height and shall be spaced as provided in s. NR 5.05 c2d. The numbers shall be of a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark numbers on a light background, or light numbers on a dark background.

c2d Upon being issued a certificate of number card and certification decals, the owner of the boat shall permanently affix and display the decals on each side of the vessel, 3 inches aft cto the reard of and directly in line with the numbers.

c3d Upon being issued a registration card and registration decals, the owner shall permanently affix and display the registration decals on the transom cback of the boatd of the boat on each side of the federally documented name of the vessel in a manner so both decals are visible. If the federally documented name is displayed on the sides of the hull, the registration decals may be displayed 3 inches aft cto the reard of and directly in line with the name.

c4d No person may display on either side of the forward half of any numbered boat any number other than the registration number issued for the boat.

c5d cagd Upon assignment of a hull identification number required under s. 30.533 c2d, Stats., the owner shall permanently affix the assigned hull identification number to the starboard side of the transom of the vessel to which the hull identification number is assigned. Each hull identification number must be carved,

burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the watercraft so that alteration, removal, or replacement would be obvious. Use of a plate must be fastened so that removal would cause scarring or damage to surrounding hull area. Hull identification number characters must be no less than 1/4 inch in height and not attached to any removable part. The assigned hull identification number must be permanently affixed in 2 places.

card The primary hull identification number in watercraft with transoms shall be affixed to the starboard outboard side within 2 inches of the top of transom, gunwale, or hull deck joint, whichever is lowest. On vessels without transoms or impractical to use transom, to the starboard outboard side of hull, aft, within one foot of the stern and within 2 inches of the top of the hull side, gunwale or hull deck joint, whichever is lowest. On catamarans and pontoon boats with replaceable hulls, to the aft cross-beam, within 1 foot of the starboard hull attachment.

cbd The duplicate hull identification number shall be affixed in an unexposed location on the interior of the vessel or beneath a fitting or item of hardware.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renum. from WCD 5.06 to be NR 5.06, and am. c1d, Register, March, 1971, No. 183, eff. 4-1-71; am. c1d, r. and recr. c2d and c3d, cr. c4d, Register, April, 1985, No. 352, eff. 5-1-85; CR 14-048: cr. c5d Register May 2015 No. 713, eff. 6-1-15; correction in numbering c5d cagd, card under s. 13.92 c4d cbd 1., Stats., Register May 2015 No. 713.

NR 5.07 Transfer of ownership of numbered boat.

Whenever the owner of a boat covered by a valid or expired certificate of number issued by this state transfers all or any part of interest in such boat, other than by the creation of a security interest, shall notify the department of such transfer within 15 days.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renum. from WCD 5.07 to be NR 5.07 and am., Register, March, 1971, No. 183, eff. 4-1-71.

NR 5.08 Accident reports. c1d Written reports of boating accidents required by s. 30.67, Stats., shall be submitted to the Department of Natural Resources, Box 7921, Madison, Wisconsin 53707, on forms provided by the department, post-marked within 10 days after the date of the accident. Reportable accidents are defined as all boating accidents that result in loss of life, personal injury which required medical treatment beyond first aid, damage to the boat and other property exceeding \$2,000.00, or complete loss of the boat. All reports shall contain the following information:

cad The registration numbers and names of the boats involved.

cbd The date and time of the accident.

ccd The location of the accident.

cdd The name, address, date of birth, and experience of the operator of the reporting boat.

ced The type of boat, length, hull construction, propulsion power, and type of fuel of the reporting boat.

cfid The weather and sea conditions.

cgd The type, nature, and opinion as to the cause of the accident.

chd A description of the damage to any property, including boats, and estimated cost of repairs.

cid The names and addresses of the operators of the other boats involved.

cjd The names and addresses of the owners of boats or other property involved.

ckd The names, addresses and dates of birth of all persons killed or injured.

cLd The nature and extent of injury to any person.

cmd Names and addresses of all known witnesses.

cnd The names of the law enforcement, fire, or rescue squad that furnished assistance.

cod The physical condition, swimming ability, dress, and contributing cause of drowning of each victim.

cpd The type of activity of victim.

cqd The kind and type of life saving or fire fighting equipment employed in connection with the accident.

crd The name, address and signature of the person filling out the report.

c2d Every law enforcement agency receiving an operator[s] report of a boating accident as described in sub. c1d and required by s. 30.67 c2d cad, Stats., shall forward the report to the department within 5 days of receipt of the report.

c3d Every law enforcement agency investigating a boat accident as described in sub. c1d shall forward the investigative report to the department within 15 days of the date of the accident. The report shall be made on a uniform boating accident investigative report form prescribed and supplied by the department in sufficient quantities to meet the requirements of the department and the law enforcement agency.

Note: Reports may be obtained from the Boating Safety Section, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renum. from WCD 5.08 to be NR 5.08, and am. intro. par., Register, March, 1971, No. 183, eff. 4-1-71; r. and recr. cintro.d, am. c4d and c11d, cr. c18d, Register, April, 1985, No. 352, eff. 5-1-85; emerg. am. cintro.d, eff. 3-15-90; am. cintro.d, Register, October, 1990, No. 418, eff. 11-1-90; renum. cintro.d, c1d to c18d to be c1d cintro.d, cad to crd, cr. c2d, c3d, Register, July, 1993, No. 451, eff. 8-1-93; CR 01-007: am. c1d cintro.d, Register November 2001 No. 551, eff. 12-1-01.

NR 5.09 Uniform aids to navigation. c2d WATERWAY MARKERS USED ON THE WATERS OF THIS STATE. cad *State aids to navigation.* 1. A red buoy or sign shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body or when proceeding upstream.

2. A green buoy or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.

3. Buoys or signs in subs. 1. and 2. shall normally be used in pairs and only for the purpose of marking a clearly defined channel.

4. A black and white vertically striped buoy or sign shall indicate the center of a navigable waterway.

5. Aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main body or proceeding upstream. Buoys and signs indicating the center of a waterway shall be identified by letters of the alphabet. All numbers and letters used to identify state aids to navigation shall be preceded by the letters XWSY, as indicated by the following samples: WS-1, WS-A.

6. Letters and numerals used with aids to navigation shall be white, in block characters of good proportion and spaced in a manner which will provide maximum legibility. Such letters and numerals shall be at least 3 inches in height.

7. The shapes of aids to navigation shall be compatible with the shapes established by coast guard regulations for the equivalent coast guard aids to navigation.

8. Where reflectorized materials are used, a red reflector shall be used on a red buoy, and a green reflector on a green buoy.

cbd *Regulatory markers.* 1. A diamond shape of international orange with white center shall indicate danger. The nature of the danger may be indicated by words or well-known abbreviations in black letters inside the diamond shape, or above and/or below it on white background.

2. A diamond shape of international orange with a cross of the same color within it against a white center without qualifying

explanation shall indicate a zone from which all vessels are excluded.

3. A circle of international orange with white center will indicate a control or restriction. The nature of the control or restriction shall be indicated by words, numerals, and/or well-known abbreviations in black letters inside the circle. Additional explanations may be given above and/or below it in black letters on white background.

4. A rectangular shape of international orange with white center will indicate information, other than a danger, control or restriction, which may contribute to health, safety or well-being. The message will be presented with the rectangle in black letters.

5. Letters or numerals used with regulatory markers shall be black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility.

c3d AUTHORITY TO PLACE MARKERS. cad No waterway marker may be placed on, in, or near the waters of the state unless such placement is authorized by a political subdivision of the state except that the provisions of this section do not apply to waterway markers placed by the department or an authorized agency of the federal government.

cbd Such political subdivision of the state shall, prior to authorizing placement, obtain the approval of the department. The political subdivision shall complete a waterway marker application form, indicating their approval or disapproval and submit the application to the department. The department shall review the application and approve or disapprove placement of the waterway markers. The department shall distribute a copy of the permit to the political subdivision, the applicant and the property owner. A copy of the permit will remain on file with the department. Mooring buoys placed within the boundaries of a state or federally approved mooring area are exempt from this section when such placement is authorized by the unit of government having jurisdiction. Approved waterway markers shall be labelled with a department assigned identification number. Waterway markers for which department approval was not obtained may be removed by the department.

ccd The political subdivisions of the state authorizing the placement of a waterway marker shall inform the department of the following:

1. Exact location of the marker, expressed in latitude and longitude, or in distance and direction from one or more fixed objects whose precise location is known.

2. The description and purpose of the marker, including its identifying number, if any, as required by sub. c2d cad

c4d MAINTENANCE OF WATERWAY MARKERS. Waterway markers shall be maintained in proper condition, or be replaced or removed, by the applicant.

c5d DISPLAY OF WATERWAY MARKERS. cad A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

cbd When a buoy is used to carry a symbol on its surface, it will be white, with a band of international orange on the top and a band of international orange above the waterline at the bottom.

ccd A buoy whose sole purpose is to carry a sign above it will be marked with 3 bands of international orange alternating with 2 bands of white, each band occupying approximately one-fifth of the total area of the buoy above the waterline, except where the sign itself carries orange bands; however nothing in these regulations will be construed to prohibit the mounting of a sign on a buoy which has been placed for a purpose other than that of carrying a sign.

ccd When symbols are placed on signs, a suitable white background may be used outside the symbol.

c6d SPECIFICATIONS FOR WATERWAYS MARKERS. cad Except for mooring, slalom, and race course buoys, the minimum size of buoys shall be 36 inches riding above the waterline with a 7-inch diameter. The size of the display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. Display symbol markers shall be shown on 2 sides of buoys.

cbd The thickness of the symbol outline shall be not less than 2 inches in width.

ccd The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area height.

ccd The sides of the diamond shall slope at a 35° angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

ccd Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position. Reflectorized materials may be used.

cbd All unlighted aids to navigation shall be equipped with a reflector material of at least 2 inches all around the uppermost part.

c7d OTHER WATERWAY MARKING DEVICES. cad *Mooring buoys.* In order that mooring buoys shall not be mistaken for aids to navigation or regulatory markers, they shall extend 18 inches above the waterline, be white in color with a blue band clearly visible above the waterline, and they should be spherical or ovate in shape.

cbd *Race course markers including water ski and slalom markers.* In order that race course, water ski and slalom buoys are not mistaken for aids to navigation or regulatory markers, they shall:

1. Extend a minimum of 4 inches above the waterline and be yellow, green, fluorescent red or fluorescent orange in color;

2. Be spherical or cylindrical in shape with a minimum diameter of 8 3/4 inches and a maximum diameter no larger than 14 inches;

3. Be made of foam, plastic or rubber designed to be used as a water marker.

ccd *Placement.* Applications for placement of markers such as mooring buoys placed pursuant to s. 30.772, Stats., and water ski, race course and slalom course markers shall be processed in the same manner as waterway markers, provided all other requirements of ch. 30, Stats., are met. Mooring buoys, water ski, race course, and slalom course markers shall also require the written permission of the adjacent riparian land owner.

ccd *Exemptions.* Exemptions to the requirements of sub. c3d cbd may be made by local authorities, pursuant to s. 30.77, Stats., for the temporary cnot to exceed 14 daysd placement of mooring buoys, race course markers, water ski or slalom course markers for special events.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; r. and recr., Register, March, 1966, No. 123, eff. 4-1-66; renum. from WCD 5.09 to be NR 5.09, and am. c3d ccd, intro. par., Register, March, 1971, No. 183, eff. 4-1-71; am. c2d cad 2. and 5., c3d cad, cbd and ccd cintro.d, Register, April, 1985, No. 352, eff. 5-1-85; emerg. am. c1d cad, cr. c1d chd, eff. 8-8-90; am. c1d cad, cr. c1d chd, Register, January, 1991, No. 421, eff. 2-1-91; renum. c1d cad to chd to be 5.001 c17d, c12d, c14d, c2d, c13d, c5d, c15d, and c6d, am. c3d cbd and c7d cdd, r. and recr. c7d cbd, ccd, Register, July, 1993, No. 451, eff. 8-1-93; am. c3d cad, c4d and c6d cad, Register, May, 1995, No. 473, eff. 6-1-95; CR 14-048: am. c3d cbd Register May 2015 No. 713, eff. 6-1-15.

NR 5.10 Carburetor flame arrestors. Every motorboat equipped with an inboard motor using gasoline as a fuel shall have the carburetors of every such motor fitted with an efficient

device for arresting backfire of a type approved by the U. S. coast guard.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renun. from WCD 5.10 to be NR 5.10, Register, March, 1971, No. 183, eff. 4-1-71.

NR 5.11 Fire extinguishers. c1d Fire extinguishers required by s. 30.62 c4d, Stats., shall comply with the following minimum specifications:

cad *Type.* Capable of promptly and effectively extinguishing burning gasoline ccarbon tetrachloride not approvedd.

cbd *Size.* 1. Foam cminimum gallons 11 {4d or carbon dioxide cminimum pounds 4d or dry chemical cminimum pounds 2d.

2. Foam cminimum gallons 21 {2d or carbon dioxide cminimum pounds 15d or dry chemical cminimum pounds 10d.

c2d The fire extinguishers required on each motorboat shall be as follows:

Minimum Number of Hand-Portable Fire Extinguishers Required		
Vessel Length	No Fixed System	With Approved Fixed Systems
Less than 26[1 B-01	0
26[to less than 40[2 B-1 or 1 B-11	1 B-1
40[to 65[3 B-1 or 1 B-11 and 1 B-1	2 B-1 or 1 B-11

c3d Fire extinguishers required by s. 30.62 c4d, Stats., shall be approved by the U.S. coast guard or listed by underwriters laboratories inc., as an approved marine fire extinguisher.

History: Cr. Register, March, 1960, No. 51, eff. 4-1-60; renun. from WCD 5.11 to be NR 5.11, Register, March, 1971, No. 183, eff. 4-1-71; cr. c3d, Register, April, 1985, No. 352, eff. 5-1-85; am. c2d cad to cdd, Register, May, 1995, No. 473, eff. 6-1-95; CR 14-048: c2d renun. from c2d cintro.d and am., r. c2d cad to ced Register May 2015 No. 713, eff. 6-1-15.

NR 5.12 Specifications for determination of horsepower and weight capacity and recommended number of persons. c1d DETERMINATION OF WEIGHT CAPACITY OF THOSE VESSELS COVERED BY S. 30.501, STATS., DESIGNED FOR OR REPRESENTED BY THE MANUFACTURER AS BEING SUITABLE FOR USE WITH OUTBOARD MOTOR OR DESIGNED TO BE PROPELLED BY OARS, EXCEPT THOSE VESSELS DEPENDENT SOLELY UPON THE BUOYANCY OF PONTOONS OR SIMILAR FLOTATION DEVICES. cad

Step 1. The cubic volume of the hull shall be determined up to a reference plane cstatic float lined which passes through the lowest point of major leakage, such as the low point of the gunwale, transom cut-out or top of motor well, and is parallel with a line connecting the intersections of the sheer with the forward face of the stem and the sheer with the after-face of the transom. XSheerY is defined as the intersection of the hull with deck, gunwale or super-structure.

cbd *Step 2.* The weight capacity shall be determined by converting the hull cubic volume cStep 1d to the weight of water displaced by this volume as follows: multiply the product of Step 1 by 62.5, then subtract the weight of the vessel, and divide the remainder by a safety factor of 5.

ccd *Work sheet.* The following work sheet cTable Id can be used in determining the weight capacity of the hull. The figures to be inserted are taken from the boat dimension drawings cTable IId to which the letters under the blank spaces refer. All dimensions should be converted to decimal numbers before insertion in the formula. Table III converts inches and eighths of inches to the decimal equivalents in feet.

c2d DETERMINATION OF WEIGHT CAPACITY OF THOSE VESSELS COVERED BY S. 30.501, STATS., WHICH HAVE PERMANENTLY INSTALLED ENGINES, EXCEPT THOSE VESSELS DEPENDENT SOLELY UPON THE BUOYANCY OF PONTOONS OR SIMILAR FLOTATION DEVICES. cad Weight capacity shall be determined in the same manner as for vessels represented as being suitable for use with outboard motor except that the weight of all machinery and associated operating gear including battery, fuel and fuel system shall be subtracted.

c3d DETERMINATION OF WEIGHT CAPACITY OF THOSE VESSELS COVERED BY S. 30.501, STATS., WHICH ARE DEPENDENT SOLELY UPON THE BUOYANCY OF PONTOONS OR SIMILAR FLOTATION DEVICES. cad Weight capacity shall be determined by the following tests or by the substitute method provided if the conditions stated therein are met. The tests shall be conducted with the maximum horsepower motor for which the boat is recommended and with full fuel tanks and operating equipment in normal position.

1. The transverse stability shall be tested by adding weight on the lower deck in the extreme outboard position which the arrangement permits ci.e., within one foot of the edged until the top of the pontoon on the loaded side becomes awash.

2. The longitudinal stability shall be tested by adding weight on the lower deck evenly about a point 1{4 of the length of the deck from forward until the edge of the lower deck becomes immersed. This test shall be repeated at the after end of the craft by adding weight evenly about a point 1{4 of the length of the deck from aft until the edge of the lower deck or the top of the motor mounting bracket becomes immersed, whichever occurs first.

3. In a design having more than one deck intended to support passengers ci.e., having railings and means of accesd, the tests in subds. 1. and 2. shall also be conducted by adding weight in the specified locations on the upper deck until the conditions specified in subds. 1. and 2. respectively are attained.

4. Ninety percent of the least of the weights attained by the tests in subds. 1. and 2. shall be the weight for passengers.

TABLE I - CAPACITY FORMULA WORK SHEET

Step 1.*Compute Areas of Sections*

$$\text{Formula: Area} = \frac{H}{12} [ca + 4b + 2c + 4d + ed]$$

Note: For maximum allowable height cHd in any section, check inside this form.

Area A = Section Quarter Length Forward:

$$A = \frac{1}{12} \left[\frac{---}{a} + 4 \left(\frac{---}{b} \right) + 2 \left(\frac{---}{c} \right) + 4 \left(\frac{---}{d} \right) + \frac{---}{e} \right]$$

A = --- square feet (two decimal places)

Area B = Section Amidships:

$$B = \frac{1}{12} \left[\frac{---}{a} + 4 \left(\frac{---}{b} \right) + 2 \left(\frac{---}{c} \right) + 4 \left(\frac{---}{d} \right) + \frac{---}{e} \right]$$

B = --- square feet (two decimal places)

Area C = Section Quarter Length Aft:

$$C = \frac{1}{12} \left[\frac{---}{a} + 4 \left(\frac{---}{b} \right) + 2 \left(\frac{---}{c} \right) + 4 \left(\frac{---}{d} \right) + \frac{---}{e} \right]$$

C = --- square feet (two decimal places)

Area D = Section Aft:

$$D = \frac{1}{12} \left[\frac{---}{a} + 4 \left(\frac{---}{b} \right) + 2 \left(\frac{---}{c} \right) + 4 \left(\frac{---}{d} \right) + \frac{---}{e} \right]$$

D = --- square feet (two decimal places)

Compute Cubic Capacity

Formula:

$$\text{Cubic Capacity of Hull} = \frac{L}{12} (4A + 2B + 4C + D) + \text{Note 1}$$

$$\text{Cubic Capacity} = \frac{---}{12} \left[4 \left(\frac{---}{A} \right) + 2 \left(\frac{---}{B} \right) + 4 \left(\frac{---}{C} \right) + \frac{---}{D} \right] + \text{---}$$

Cubic Capacity = --- cubic feet (one decimal place)

Step 2.*Compute Maximum Weight Capacity*

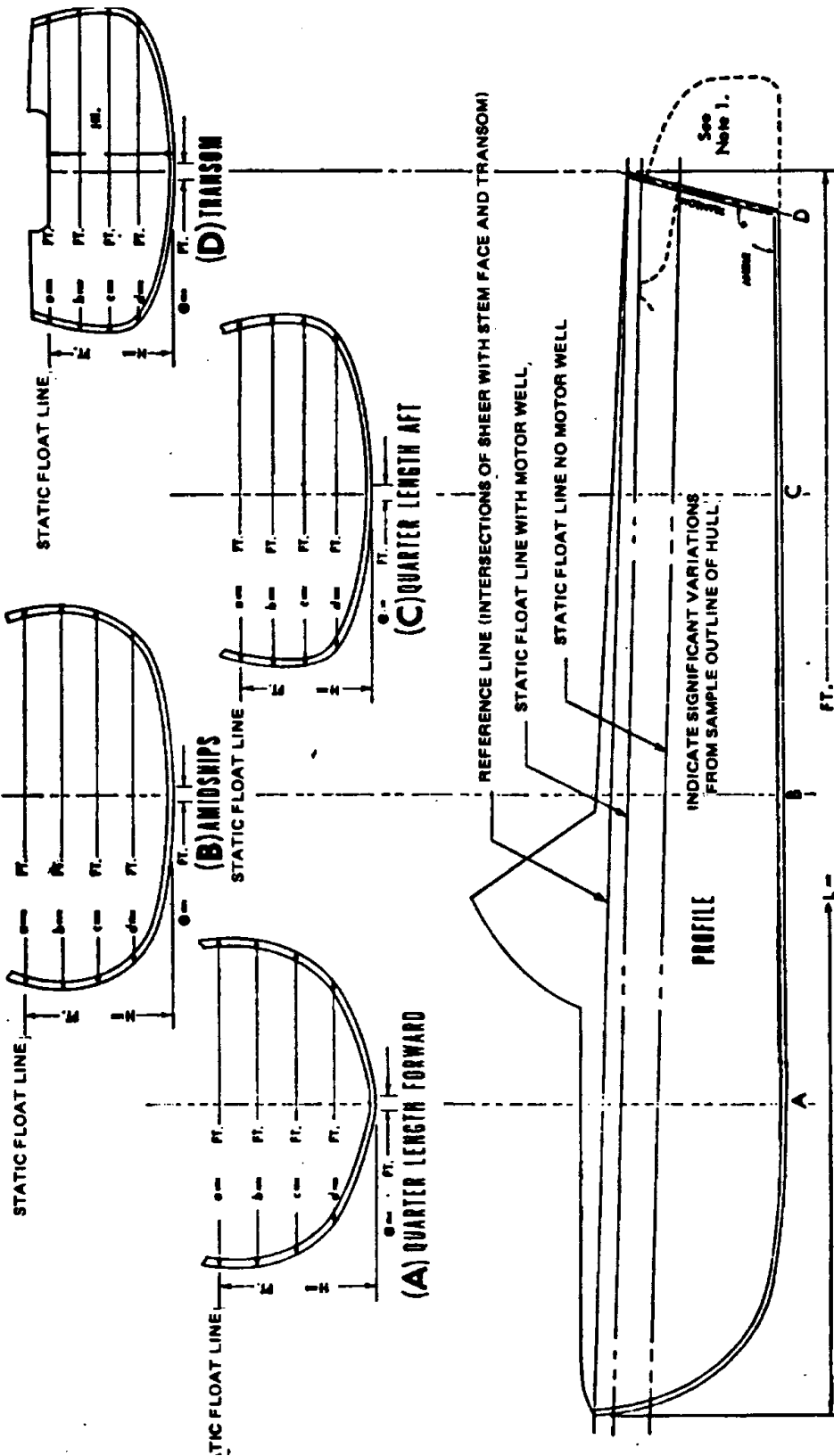
$$\text{Formula: Capacity} = [(\text{Cubic Capacity} \times 62.5) - \text{Boat Weight}] \div 5$$

$$\text{Capacity} = \left[\left(\frac{---}{---} \times 62.5 \right) - \frac{---}{---} \right] \div 5$$

Capacity = --- pounds (nearest whole number)

Note: The volume of integral structure aft of the transom below the static float line may be added to the calculated cubic capacity.

Table II BOAT DIMENSIONS



*STATIC FLOAT LINE passes through the point of major leakage and is parallel with a line connecting the intersections of the sheer with the forward face of the stem and the sheer with the afterface of the transom.

**TRANSVERSE SECTIONS (A, B and C) are taken at three points obtained by dividing length (L) into four equal parts.

†HORIZONTAL BREADTHS (a, b, c, d, and e) are secured by measuring at upper and lower points of the height (H) and at three points selected by dividing (H) into four equal parts below the static float line.

‡MEASUREMENTS are taken outside planking or plating and recorded in feet with decimal equivalents for inches and eighths.

TABLE III
Inches To Decimal Feet

Inches	Decimals
1{8"	.010'
1{4"	.021'
3{8"	.031'
1{2"	.042'
5{8"	.052'
3{4"	.062'
7{8"	.073'
1"	.083'
2"	.167'
3"	.250'
4"	.333'
5"	.417'
6"	.500'
7"	.583'
8"	.667'
9"	.750'
10"	.833'
11"	.917'

5. The weight capacity for the craft shall then be the sum of the weight for passengers plus the weight for the maximum horsepower motor for which the boat is recommended, full fuel tanks and operating equipment.

cbd A substitute method for determining the weight capacity of pontoon boats may be applied to pontoon boats having only one deck. The deck must be within the width of the pontoons, must be no more than 6 inches above the pontoons, its length within the railings must be no more than 80% of the pontoon length, must not overhang the pontoon, and must be capable of draining overboard freely. If the boat complies with these conditions, the weight capacity shall not exceed one half of the reserve buoyancy of the boat which shall be determined by subtracting the weight of the vessel including the weight of the maximum horsepower motor for which the boat is recommended, full fuel tanks and normal operating equipment from the buoyant force of the boat[s] pontoons or similar flotation devices.

c4d PASSENGER CAPACITY. The recommended passenger capacity of those vessels covered by s. 30.501, Stats., shall be determined by the following equations, using whichever is less:

cad $P = \frac{WC - cM A Gd}{w}$

- P = passengers
- WC = weight carrying capacity
- M = maximum motor weight cnot applicable to boats which have permanently installed enginesd
- G = gear weight cnot applicable to boats which have permanently installed enginesd
- w = average weight of one passenger, but not less than 150 pounds

cbd $P = \frac{L \times B}{15}$

- P = passengers
- L = boat length
- B = maximum boat beam

c5d LINEAR MEASUREMENTS. In the preceding paragraphs of this section all linear measurements are taken outside planking or plating and recorded in feet with decimal equivalents for inches and eighths, all volume measurements in cubic feet and all weight measurements are in pounds.

c6d MAXIMUM SAFE HORSEPOWER CAPACITY. The determination of maximum safe horsepower capacity of outboard equipped motorboats less than 20 feet in length covered by s. 30.501, Stats., shall be calculated by the use of the following formulas:

cad *Step 1.* Measure length of vessel cmidline measurementd and the width of the transom cor back of the boatd cacross the topd, recording in feet and inches. Convert inches to hundredths of a foot cTable 1d. Multiply length times width to determine FACTOR. For .5 or above round off FACTOR to the next higher whole number. If FACTOR number is between 0 and 52, use Table 2 to determine maximum safe horsepower capacity in calm water.

Table 1

Inches	Hundredths	Inches	Hundredths
1	= 0.08	7	= 0.58
2	= 0.16	8	= 0.66
3	= 0.25	9	= 0.75
4	= 0.33	10	= 0.83
5	= 0.41	11	= 0.91
6	= 0.50	12	= 1.00

Table 2

If your factor number is between 0 and 52, your safe outboard horsepower capacity is as shown below:

If factor is between	safe horsepower capacity is:
0 - 35	3
36 - 39	5
40 - 42	7.5
43 - 45	10
46 - 52	15

cbd *Step 2.* If FACTOR number is larger than 52.0, the safe outboard horsepower capacity is figured according to the type of steering and the height of the transom. Measure transom height in inches cmeasure from bottom of keel to lowest point of the transomd. For outboards with remote steering and a transom height of at least 20 inches, multiply the FACTOR by 2, subtract 90 and raise the answer to nearest multiple of 5. The resulting number is the maximum safe horsepower in calm water.

Note: Following are examples of how to raise answer to nearest multiple of 5: If the second numeral in your answer is a 5 or a 0, DO NOT CHANGE ANSWER.

If the second numeral in your answer is 1, 2, 3, or 4, change it to 5. For example, 21, 22, 23, or 24 would all be changed to 25.

If the second numeral in your answer is 6, 7, 8, or 9, change it to a 0 and raise the first numeral by 1. For example, 26, 27, 28, or 29 would all be changed to 30.

ccd *Step 3.* For outboards that do not have remote steering or the transom height is less than 20 inches, multiply FACTOR by 0.8, subtract 25 and raise the answer to nearest multiple of 5. The final answer is the maximum safe horsepower in calm water.

cdd *Step 4.* For flat-bottomed, hard chine cwhere the side meets the bottomd outboards that do not have remote steering or the transom height is less than 20 inches, multiply FACTOR by 0.5 and subtract 15, raise answer to the nearest multiple of 5, the final answer is the maximum safe horsepower in calm water.

Note: The above formulas and tables used to determine maximum safe horsepower capacity for outboard motorboats appear in 33 CFR 183.53.

History: Cr Register, March, 1966, No. 123, eff. 4-1-66; renum. from WCD 5.12 to be NR 5.12, Register, March, 1971, No. 183, eff. 4-1-71; cr. c6d, Register, April, 1985, No. 352, eff. 5-1-85; am. c6d cintro.d, Register, July, 1993, No. 451, eff. 8-1-93; am. c6d cbd, Register, May, 1995, No. 473, eff. 6-1-95.

NR 5.125 Noise level standards for motor boats.
c1d TESTING REQUIREMENTS. cad The operator of any boat, when requested by a law enforcement officer who reasonably suspects a violation of s. 30.62 c2d, Stats., shall operate his or her boat in a manner prescribed by the officer, to determine compliance with s. 30.62 c2d, Stats.

cbd An officer requesting a boat operator to submit to a noise test shall test the boat using testing methods J34, J1970 or J2005.

ccd When the J2005 testing method is used, the officer shall deduct 2 decibels from the decibel reading.

Note: Copies of the Society of Automotive Engineers Recommended Practice Report J34, J1970 and J2005 entitled XExterior Sound Level Measurement Procedure for Pleasure MotorboatsY may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

c2d PROOF OF COMPLIANCE FOR MANUFACTURERS. cad The manufacturer of any engine model manufactured after September 1, 1986 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 cAttention: Boating Safety Sectiond.

cbd 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 c2d, Stats.

3. The description and model designation of each representative engine and the motorboat on which it was tested.

ccd 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 c2d, Stats.

c3d cad *Manufacturer[s] 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 c2d cdd, Stats.

cbd *Operation standard.* Noise level testing procedures J34a, J1970 or J2005 of the Society of Automotive Engineers shall be adhered to by boat operators when requested to submit to one or more of them by officers conducting noise tests on boats operating in the state of Wisconsin.

c4d CUTOUT MECHANISMS. No person may operate a boat that is equipped with a muffler cut out, by-pass switch or similar device unless the operator of the boat can demonstrate at the time of inspection that the boat cannot operate contrary to s. 30.62 c2d cbd, Stats.

c5d REFUSAL TO ALLOW TESTING. No operator of any boat may refuse to operate his or her boat in a manner prescribed by the law enforcement officer who reasonably suspects a violation of s. 30.62 c2d, Stats.

c6d EXEMPTIONS. Any boat being operated for one of the following purposes is exempt from the noise level requirements established for motorboats under s. 30.62 c2d cbd, Stats.

cad A boat being used by an authorized agent of the federal, state or municipal government to carry out his or her official duty of enforcement, search and rescue, fire fighting or research programs.

cbd A boat being used for search and rescue or training for search and rescue operations at the request of a governmental agency, while being used under the direction or control of a governmental agency.

ccd A boat being used by a trapper for the sole purpose of trapping from November 1 thru March 31. This paragraph does not apply after March 31, 2009.

Note: Section 30.62 c2dcdbd, Stats., states that no person may operate a motorboat powered by an engine on the waters of this state in such a manner as to exceed a noise level of 86 measured on an XAY weighted decibel scale.

Note: Copies of the Society of Automotive Engineers Recommended Practice Report J34a, entitled XExterior Sound Level Measurement Procedure for Pleasure MotorboatsY, 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 Legislative Reference Bureau, One East Main Street, Madison, Wisconsin.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86; renum. c1d cad to cdd to be 5.001 c8d, c11d, c9d, c10d, Register, July, 1993, No. 451, eff. 8-1-93; cr. c1d, c4d and c5d, Register, May, 1995, No. 473, eff. 6-1-95; r. and recr. c1d cbd, renum. c3d to be c3d cad, cr. c3d cbd, am. c4d, Register, March, 2000, No. 531, eff. 4-1-00; CR 01-007: r. and recr. c1d ccd, Register November 2001 No. 551, eff. 12-1-01; CR 06-039: cr. c1d cdd, ced and c6d Register December 2007 No. 624, eff. 1-1-08; CR 14-048: am. c1d cbd and ccd, r. c1d cdd and ced Register May 2015 No. 713, eff. 6-1-15.

NR 5.13 Personal flotation and life saving device requirements. c1d This section applies to all boats that are propelled or controlled by machinery, sails, oars, paddles or poles or another vessel including inflatables, used on waters subject to the jurisdiction of this state except:

cad 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.

cbd Foreign boats temporarily using waters subject to state jurisdiction.

ccd Military or public boats of the United States, except recreational-type public vessels.

c2d PERSONAL FLOTATION DEVICE CPFDD REQUIREMENTS. cad No person may operate or use a boat unless all of the following requirements are met:

1. At least one wearable PFD is on board for each person.

2. Each PFD is used in accordance with any requirements on the approved label.

3. Each PFD is used in accordance with any requirements in its owner[s] manual, if the approval label makes reference to such a manual.

cbd No person may operate or use a boat 16 feet or more in length, except a canoe or kayak, unless at least one throwable PFD is on board in addition to the total number of wearable PFDs required in par. cad.

ccd No person may operate or use a boat of any size to carry passengers for hire unless at least one wearable PFD is on board for each person and in addition one throwable PFD must be carried on board such recreational vessels which are 26 feet or more in length.

c3d STOWAGE. cad No person may use a boat unless each wearable PFD required by sub. c2d is readily accessible.

cbd No person may operate or use a boat unless each throwable PFD required by sub. c2d is immediately available.

c4d CONDITIONS, APPROVAL, MARKING. No person may operate or use a boat unless each device required by this section is marked as follows:

cad In serviceable condition to perform the intended uses and absent of any tears, punctures or other deformations from its original manufactured design.

cbd Of an appropriate size for the person for whom it is intended.

ccd Each personal flotation device must be marked in accordance with the recognized laboratory[s] listing and labelling requirements. At a minimum, labels must include all of the following:

1. Size information, as appropriate.
2. The US Coast Guard approval number.
3. Manufacturer[s] contact information.
4. Model name and number.
5. Lot number and manufacturer date.
6. Any limitations or restrictions on approval or special instructions for use.

cdd Marking must be of a type which will be durable and legible for the expected life of the device.

c5d VISUAL DISTRESS SIGNALS. It is unlawful to operate any watercraft on the coastal waters of the United States without having onboard visual distress signals as required and approved by the U.S. Coast Guard, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

c6d SOUND PRODUCING DEVICES. cad As required by the U.S. Coast Guard Navigation Rules, a vessel less than 39.4 feet must, at a minimum, have some means of making an efficient sound signal, *ci.e.*, handheld air horn, athletic whistle, installed horn, *etc.d.* A human voice or sound is not acceptable.

cbd A vessel 39.4 feet or greater must have a sound signaling appliance capable of producing an efficient sound signal, audible for 1{2 mile with a 4 to 6 seconds duration. In addition, the vessel must carry on board a bell with a clapper. The bell size shall be no less than 7.9 inches, based on the diameter of the mouth.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. c1d cintro.d, c2d cad, cbd, ccd, r. c3d cad, renum. c3d cbd and ccd to be c2d cdd and ced, c4d to c6d to be c3d to c5d and am. c4d cintro.d and c5d, Register, April, 1985, No. 352, eff. 5-1-85; am. c4d cad, Register, July, 1993, No. 451, eff. 8-1-83; am. c2d cad, r. c2d cbd, renum. c2d ccd to ced to be c2d cbd to cdd and am. c2d cbd, Register, May, 1995, No. 473, eff. 6-1-95; CR 14-048: am. c1d cintro.d, c2d cad, cbd, r. ccd, renum. c2d ced from c2d cdd and am., am. c3d, c4d cintro.d, r. c4d cbd, renum. c4d cbd from c4d ced, cr. c4d ccd, cdd, am. c5d, r. c5d Figure 1, cr. c6d Register May 2015 No. 713, eff. 6-1-15, correction in c6d cad, cbd under s. 13.92 c4d cbd 1., Stats., Register May 2015 No. 713, eff. 6-1-15; correction in numbering c6d cad, cbd under s. 13.92 c4d cbd 1., Stats., Register May 2015 No. 713.

NR 5.14 Jurisdiction of municipal water safety patrols. The Wisconsin department of natural resources hereby defines by rule, pursuant to s. 30.79 c4d, Stats., the following waters which may be patrolled by the respective water safety patrol units mentioned:

c1d The waters of Wallace lake, located in section 1, township 11 north, range 19 east and section 6, township 11 north, range 20 east in Washington county, by a water safety patrol operated by the town of Trenton.

c2d The portion of Golden Lake, described herein, located in sections 30 and 31, township 7 north, range 17 east, Waukesha county, by a water safety patrol unit operated by the town of Summit: all of Golden lake except that portion in section 25, township 7 north, range 16 east, Jefferson county, which lies to the west of the easterly boundary of section 25; said boundary marked by a north-south line drawn between two certified land corner monuments; the north concrete monument being located 1167.5 feet south from the northeast corner of section 25 and the south concrete monument being located 576.7 feet north from the south-east corner of section 25.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75; cr. c2d, Register, November, 1977, No. 263, eff. 12-1-77.

NR 5.15 Posting requirements. The posting requirements for local authorities under s. 30.77 c4d, Stats., shall be a sign with a minimum of 3 inch lettering stating XLocal OrdinanceY posted at each public landing. The sign shall list, in letters with a minimum height of one inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or

shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

History: Cr. Register, July, 1993, No. 451, eff. 8-1-93; am. Register, March, 2000, No. 531, eff. 4-1-00.

NR 5.16 Instruction for rental or leased personal watercraft. Instruction for the purpose of s. 30.625 c1d cad, Stats., shall include the following:

c1d The display of a personal watercraft decal in a location as specified by the department on the decal, by the owner or lessor of the watercraft explaining personal watercraft rules.

c2d A minimum of a 5 minute oral review to the operator of all of Wisconsin[s] special personal watercraft rules as supplied by the department by the lessor, or by an agent of the lessor, before operation of the personal watercraft occurs.

Note: Personal watercraft decals and special watercraft rules and acknowledgment forms, may be obtained from the Boating Safety Section, P.O. Box 7921, Madison, Wisconsin 53707.

History: Cr. Register, May, 1995, Register, No. 473, eff. 6-1-95.

NR 5.17 Lighting requirements. c1d In addition to the lighting requirements specified in s. 30.61, Stats., operators of boats in the state of Wisconsin shall also comply with all federal lighting requirements.

c2d No vessel may be equipped with or display any blue colored light or lamp unless the vessel is a patrol boat defined in s. 30.50 c9bd, Stats.

History: Cr. Register, March, 2000, No. 531, eff. 4-1-00; CR 14-048: renum. to c1d, cr. c2d Register May 2015 No. 713, eff. 6-1-15.

NR 5.18 Boating education certification program fee. c1d TEMPORARY BOATING EDUCATION CERTIFICATES. cad *Eligibility.* Only individuals who meet all of the following are eligible to receive a temporary boating education certificate:

1. A person who is or will be renting or leasing a motor boat from a rental agent who has agreed to provide them with boating education training as required under par. ccd.

2. A person who is 16 years of age or older.

cbd *Effective period.* All of the following conditions apply to a temporary boating education certificate issued under this section:

1. Shall be valid from the time and date of issuance, until the end of the calendar year issued.

2. Shall only be valid for the person it is issued to for the purpose of complying with s. 30.678 c1d cdd, Stats.

3. Shall only be valid for the operation of a motor boat which is rented or leased by the holder of the certificate.

Note: Temporary boating education certificates are only available for and may not be issued to persons who are not renting or leasing the motor boat. Persons age 10-15 are not eligible for a temporary boating education certificate. Pursuant to s. 30.678c1d, Stats., a person age 10-15 may operate a motor boat that is not a personal watercraft cPWCd if they are accompanied by a parent or guardian or by a person who is at least 18 years of age and who is designated by a parent or guardian. Persons age 12-15 may operate a motor boat, including a PWC without an adult, parent or guardian present if they hold a valid boating education certificate issued by the department under s. 30.74c1dcad, Stats.

ccd *Education and training requirements.* 1. The department shall create a short course of instruction which covers the Wisconsin general boating laws and the safe operation of a motor boat. These courses may be offered through a rental agent that rents or leases motor boats to the public, or by the department.

2. A rental agent that rents or leases motor boats and offers a course of instruction under this paragraph shall issue a temporary boating education certificate to persons 16 years of age or older successfully completing the course.

3. The department shall prescribe the course content in a student manual to be provided to any rental agent that rents or leases motor boats to the public.

4. The department shall prescribe the form of the temporary certificate that shall be provided to any person that successfully completes that training and passes an exam provided by the department with the manual.

c2d COURSE AND CERTIFICATE ISSUANCE FEES. *cad Department sponsored courses.* The fee for the boating education certification course taught by the department or an instructor certified by the department to teach the department's boating education program authorized under s. 30.74 c1d *cad*, Stats., shall be \$10.00. The department may authorize the instructors to retain up to 50% of the fee to defray expenses incurred locally to operate the program based on the actual cost incurred to the instructor. The remaining funds shall be turned in to the department to defray expenses incurred to operate the boating safety program during the year.

cbd Department approved courses. The portion of the fees collected for certification and turned into the department for courses taught by the United States Power Squadron, United States Coast Guard Auxiliary and other entities which are covered by a memorandum of understanding with the department regarding boating education courses shall be \$1.00. This paragraph does not prevent those entities covered by a memorandum of understanding with the department from charging a fee that is reasonable to defray their costs of administering and operating the courses they provide. The department may authorize specialized fees for internet based education certification programs pursuant to a memorandum of understanding with the managing entity. The fee shall be sufficient to defray authorized operational costs of the managing entity and the department.

ccd Rental agent short courses. 1. The fees for a temporary boating education certificate issued under sub. c1d shall be \$10.00. A rental agent that offers training and certification pursuant to sub. c1d *ccd*, shall collect the fee and may retain up to 50% of the fee to defray expenses incurred by them to conduct the training and exam and issue the certificate. The remaining funds shall be remitted to the department along with the records to be submitted under subd. 2.

2. All rental agents who provide a course of instruction under this section shall submit an annual report to the department by December 31 each year for any training provided and certification issued during that calendar year. The report shall contain the following information regarding each person who completes the training and exam described in sub. c1d *ccd* during the calendar year:

- a. Name, address and date of birth.
- b. The exam score.
- c. The date each person's temporary boating education certificate was issued.
- d. Total course fees collected.
- e. Total fees being remitted to the department.

3. Rental agents shall maintain a written or electronic record of all information required under subd. 2. for a period of 2 years after the deadline for submitting the information to the department a required under subd. 2.

4. Copies of records or reports required to be kept under this section shall be made available for inspection and copying by the department during normal business hours. No rental agent who has been requested to submit to an inspection under this section, or employee or person acting on behalf of such rental agent shall refuse to provide the department or its agents any record or report required to be kept under this section.

History: Cr. Register, March, 2000, No. 531, eff. 4-1-00; CR 06-132: r. and recr. Register August 2007 No. 620, eff. 9-1-07.

NR 5.19 Exemptions for water exhibitions and races. **c1d** Exemptions to s. 30.61 c1d or c10d, 30.62 c2d, 30.66, 30.68 c4md, or 30.69 c1d *ccd* or c3d *cad* to *ccd*, Stats., are granted to persons participating in water exhibitions or races provided the water exhibition or race is conducted under a permit issued by the appropriate political subdivision pursuant to s. 30.77, Stats., or by an authorized agency of the federal government.

c2d Permits granted by appropriate political subdivisions or an authorized agency of the federal government shall designate the location, time and activities to be allowed and shall be at the site when any race or exhibition is taking place and available for inspection upon demand of the department or a representative of the appropriate political subdivision of the state.

History: Cr. Register, July, 1993, No. 451, eff. 8-1-93; correction in c1d made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

NR 5.20 Modification or waiver of slow-no-wake speed restriction on certain lakes. Section 30.635, Stats., provides that the department may modify or waive the slow-no-wake speed restriction on lakes 50 acres or less in size having public access. The following procedure is established to implement that provision:

c1d SUBMISSION OF PETITION FOR MODIFICATION OR WAIVER BY RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in a rule may petition for such a rule to modify or waive the slow-no-wake speed restriction on a particular lake.

c2d CONTENTS OF PETITION. The petition shall state clearly and concisely:

cad The substance or nature of the rule-making which is requested; and

cbd The reasons for the request and the petitioners' interest in the request; and

ccd References to the authority of the agency to take the action which is requested.

c3d SERVICE ON THE DEPARTMENT. The petition shall be served on the department of natural resources either by delivery to the office of the secretary or by mailing to the secretary by certified mail at the following address: P.O. Box 7921, Madison, Wisconsin 53707.

c4d DEPARTMENT ACTION ON PETITION. Upon receipt of a petition for modification or waiver, the following procedures shall apply without prior authorization of the natural resources board:

cad The department shall schedule a rule-making hearing within a reasonable period of time for the purpose of receiving the comments and views of all interested persons on the petition.

cbd Based upon information received at the hearing and the determinations made pursuant to par. *ccd*, the department will either proceed with rule-making or deny the petition in writing. The department is not limited to the rule-making proposed by the petitioner but may modify or waive the slow-no-wake speed restriction in any manner it deems appropriate.

ccd The department shall in making the decision under par. *cbd* determine:

1. If the lake is in fact 50 acres or less and has public access. A petition may be received for a lake fluctuating in size where the petitioner shows that the lake has been 50 acres or less in the past.

2. Whether public safety will be impaired by modification or waiver of the slow-no-wake speed restriction.

3. Whether modification or waiver of the slow-no-wake speed restriction will cause environmental pollution as defined in s. 283.01 c6md, Stats.

History: Emerg. cr. eff. 7-28-75; cr. Register, June, 1976, No. 246, eff. 7-1-76; am. c3d, Register, April, 1985, No. 352, eff. 5-1-85; correction in c1d made under s.

13.93 c2md cbd 7., Stats., [Register, January, 1989, No. 397](#); correction in c4d ccd 3.
made under s. 13.93 c2md cbd 7., Stats., [Register, March, 2000, No. 531](#).

NR 5.21 Lakes upon which the slow-no-wake speed restriction is modified or waived. The Wisconsin department of natural resources hereby defines by rule, pursuant to s. 30.635, Stats., the following waters upon which the slow-no-wake speed restriction is modified or waived:

c1d The slow-no-wake speed restriction is waived on the waters of Dutchman cLadd lake, located in section 2, township 6 north, range 17 east in Waukesha county.

c2d The slow-no-wake speed restriction is waived on the waters of Wild Rose mill pond, located in the village of Wild Rose, Waushara county, the last full weekend in June of each year.

c3d The slow-no-wake speed restriction is waived on the waters of Lake Tombeau, located in the town of Bloomfield, Walworth county between the hours of 10:00 a.m. and sunset from May 15 to September 15.

c4d The slow-no-wake speed restriction is waived on the waters of Elkhorn Lake located in the city of Elkhorn, Walworth County.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; cr. c2d, Register, June, 1997, No. 498, eff. 7-1-97; cr. c3d, Register, October, 1998, No. 514, eff. 11-1-98; CR 03-074; cr. c4d Register March 2004 No. 579, eff. 4-1-04.

NR 5.22 Refusal hearings. Issues raised pursuant to s. 30.684 c5d cad or cbd, Stats., shall be raised by the defendant as a motion before trial contesting the validity of the arrest in the same manner as motions in misdemeanor actions filed under s. 971.31, Stats.

History: Cr. Register, May 1995, No. 473, eff. 6-1-95; correction made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

NR 5.30 Lower St. Croix river preservation, purpose. These rules are adopted to promote full use by all of the people, now and in the future, of the water surface of the lower St. Croix river in a manner consistent with safety for persons and property and with the enjoyment of the scenic and recreational values which caused the river to be designated a national scenic riverway. These rules are promulgated to further the objectives of s. 30.27, Stats., the lower St. Croix river preservation.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.

NR 5.31 Applicability. These rules apply to the waters of the lower St. Croix river from the dam at St. Croix Falls to its confluence with the Mississippi river.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.

NR 5.32 Definitions. c1d XMileY means distance in miles above the confluence of the St. Croix river with the Mississippi river.

c2d XMotorboatY as defined in s. 30.50 c2d, Stats.

c3d XSlow-no-wakeY means operation of a motorboat at the slowest possible speed necessary to maintain steerage.

c4d XSlow-speedY means operation of a motorboat at a leisurely speed, less than planing speed, whereby the wake or wash created by the motorboat is minimal.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.

NR 5.33 Restricted speed zones. c1d No motorboat shall be operated in excess of a slow speed from the dam at St. Croix Falls to the sandbars located at mile 31.0.

cad From May 15 through September 15, after 6:00 pm on Saturdays, Sundays and legal holidays until sunrise of the next day, from the sandbar located at mile 30.0 to the Stillwater, Minnesota north city limits at mile 25.0.

c2d No motorboat shall be operated in excess of a slow-no-wake speed in the following areas:

cad At the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge.

cbd Between the coast guard navigational buoys designating location of the navigational channel from the railroad swing bridge located at mile 17.3 to the south side of the southern-most bridge in the interstate highway 94 corridor located at mile 16.1, and from shore to shore in the area known as South Hudson Bay, down stream from the Hudson dike road to the embankment of interstate highway 94.

ccd Between the coast guard navigational buoys designating the Kinnickinnic river delta narrows from mile 6.6 to mile 6.0.

cdd At the Prescott narrows from the north side of the U.S. highway y10 bridge located at mile 0.3 to the confluence of the St. Croix river with the Mississippi river.

ced Within 100 feet of shore including the shores of islands and of swimmers, from sandbars located at mile 31.0 to the confluence of the St. Croix river with the Mississippi river.

cfđ In the bay formed by the Kinnickinnic river delta, north and east of Donut island, at mile 6.0.

cgd From shore to shore in the area known as Afton Catfish Bar, located approximately at mile 11.4 to 11.8, as measured in the navigational channel, and established by regulatory buoys; and between the dam at Taylors Falls to the confluence of the St. Croix river with the Mississippi river, whenever the water level reaches or exceeds 683.0 feet mean sea level, as measured at the Stillwater gauge, and marked by regulatory buoys.

chđ From May 15 through September 15, after 12:00 noon on Saturdays, Sundays and legal holidays until 6:00 pm from the sandbar located at mile 30.0 to the Stillwater, Minnesota north city limits at mile 25.0.

c3d Any motorboat designated for law enforcement shall be exempt from subs. c1d and c2d in circumstances involving emergencies or when engaged in law enforcement.

c4d No motorboat shall be operated in excess of a slow no wake speed within 100 feet of a stationary or drifting authorized patrol vessel or emergency vessel displaying an emergency light or siren.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78; cr. c2d cfđ, Register, November, 1984, No. 347, eff. 12-1-84; correction in c3d made under s. 13.93 c2md cbd 4., Stats., Register, January, 1989, No. 397; emerg. cr. c2d cgd, eff. 4-15-91; cr. c2d cgd, Register, August, 1991, No. 428, eff. 9-1-91; cr. c1d cad and c2d chđ, am. c2d cbd, Register, May, 1995, No. 473, eff. 6-1-95; CR 14-048; cr. c4d Register May 2015 No. 713, eff. 6-1-15.

NR 5.34 Water skiing. c1d No motorboat towing a person on water skis, aquaplane or similar device shall be operated between sunset and sunrise on the St. Croix river from the dam at St. Croix Falls to its confluence with the Mississippi river.

c2d No motorboat towing a person on water skis, aquaplane or similar device shall be operated in any zone designated a restricted speed zone under s. NR 5.33. A motorboat launching or landing a person on water skis, aquaplane or similar device by the most direct route to open water shall be exempt from s. NR 5.33 c2d ced.

c3d From May 15 through September 15, no motorboat towing a person on water skis, aquaplane or similar device may operate after 12:00 noon on Saturdays, Sundays and legal holidays, from the sandbars located at mile 31.0 to the upper end of the federal 9-foot navigation channel at mile 24.5.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78; am. c3d, Register, November, 1984, No. 347, eff. 12-1-84.

NR 5.36 Effective date. These rules shall be effective upon the adoption of laws, rules or regulations providing for similar limitations or prohibitions on the operation and use of motorboats on the same segments of the lower St. Croix river by the state of Minnesota.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.