

# Bob Gannon

STATE REPRESENTATIVE • 58th ASSEMBLY DISTRICT

## Senate Bill 602

February 11, 2016

### *Testimony from Rep. Gannon*

Good morning and thank you Chair and members of the Senate Committee on Natural Resources and Energy for allowing me the opportunity to speak to you today regarding Senate Bill 602. This bill changes a rule promulgated by the DNR relating to the display of blue lights on boats.

This bill changes the rule created by the DNR from banning any blue colored lights or lamps to banning flashing blue lights unless the vessel is a patrol boat defined in s. 30.50 (9b).

I have been in contact with a boat dealer who is concerned with how this bill could affect his business. He estimated that roughly 5,000 boats were sold in Wisconsin last year and of those roughly 500-1,000 had blue lighting on them, the majority being pontoon boats. Boats are still being manufactured and sold in Wisconsin with blue lights already on them. If this rule were to keep in effect, then those boats would be in violation of DNR regulation. Boats produced nationwide with blue lights already installed on them are sold to new owners, not knowing that they are violating a rule which will then fine them for having those lights on their property.

I have been in contact with our legislative liaison at the DNR and these are excerpts from our correspondence which demonstrate why we need to change the rule to reflect its true meaning.

*“NR 5.17 Lighting Requirements: 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(9b), Stats.*

*“NR 30.61(1)(c): No person shall exhibit from or on any motorboat when under way at any time from sunset to sunrise any light which may be mistaken for those required by this section.*

*“It is DNR interpretation that s. 30.61(1)(c), Stats., and NR 5.17 only prevent the display of red, green, white, and flashing blue, red and yellow lights.*

*“DNR’s position remains that we are not concerned about blue-lit fringe or deck lighting. We are only concerned regarding blue lights that are confusing to the public as to whether or not the vessel being operated is a law enforcement boat or not. If it does not flash blue lights like a law enforcement vessel, it will not be pulled over solely because it has blue lights.*

*“Primary and secondary enforcement*

*“A primary enforcement violation permits an officer to stop or inspect a vehicle solely to determine compliance with all other state laws. Speeding on a highway or violating slow-no-wake are examples of such violations. Broken or malfunctioning vehicle lights or failure to wear a seat belt while driving on a public highway after 2009 Act 28 is another. The department will treat the use of flashing blue lights as a primary enforcement violation. The department will*

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*“establish this procedure through an implementation of guidance subject to public review and comment to ensure this law is implemented consistently statewide.*

*“A secondary enforcement is a violation that does not warrant an immediate stop by an officer in-and-of-itself, though it would be a citation violation that in conjunction with the primary enforcement violation. An example of this would be failure to wear a seat belt while driving on a public highway prior to 2009 Act 28. Department guidance, subject to public review and comment, has not been developed for circumstances when a stationary blue light interferes with required navigational (green, red and white) lighting. The department expects to soon provide guidance to only stop boats with flashing blue lights for primary enforcement of this rule.*

*“Wisconsin Law*

*“Wisconsin state statute 30.61(1)(c): “No person shall exhibit from or on any motorboat when under way at any time from sunset to sunrise any [green, red, and white navigational] light which may be mistaken for those required by this section.”*

*“NR 5.17(1) requires operators of boats in the state of Wisconsin shall also comply with all federal lighting requirements.*

*“Wisconsin state statute 30.64(1): “The operator of a patrol boat, including a commission warden, as defined in s. 939.22 (5), when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, need not comply with this subchapter or ordinances under s. 30.77 when a siren or emergency light is activated or, if the patrol boat is equipped with a siren and an emergency light, when both the siren and emergency light are activated, and if due regard is given to the safety of other persons in the vicinity. If an emergency light is used, it shall be of a type and design specified under 33 CFR 88.11 or 88.12.”*

*“Federal Law*

*“§ 33 CFR 88.11 Law enforcement vessels: (a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement or public safety activities. This light must be located so that it does not interfere with the visibility of the vessel's navigation lights.*

*“§ 33 CFR 88.12 Public safety activities: (a) Vessels engaged in government sanctioned public safety activities, and commercial vessels performing similar functions, may display an alternately flashing red and yellow light signal. This identification light signal must be located so that it does not interfere with the visibility of the vessel's navigation lights. The identification*

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*“light signal may be used only as an identification signal and conveys no special privilege. Vessels using the identification light signal during public safety activities must abide by the*

*“Inland Navigation Rules, and must not presume that the light or the exigency gives them precedence or right of way.*

*“The United States Coast Guard written to the department that failure to enforce navigation rules, which includes our blue light rule, could make Wisconsin ineligible to receive federal funding for its boating enforcement program.”*

The goal of this bill is simple, to have the language in the statute reflect how the DNR will enforce the bill. It is not a complicated issue; boats being made and driven in Wisconsin today have blue lights on them. If this rule stands as it is, many owners and manufacturers will have boats that are violating a DNR rule even before they are in the water.