



2023 ASSEMBLY BILL 656

November 9, 2023 - Introduced by Representatives SWEARINGEN, PLUMER, SINICKI, SNODGRASS, SPIROS, WITTKE and DALLMAN, cosponsored by Senators FELZKOWSKI, NASS, ROYS and TESTIN. Referred to Committee on Forestry, Parks and Outdoor Recreation.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 30.69 (3) (d); and **to create** 30.01 (1ag), 30.01 (1ah), 30.50 (13r),
2 30.50 (13v) and 30.69 (3) (cm) of the statutes; **relating to:** the regulation of
3 wakesurfing and wakeboarding.

Analysis by the Legislative Reference Bureau

This bill regulates wakesurfing and wakeboarding. The bill defines wakesurfing as surfing a motorboat's wake, regardless of whether the person is being pulled by a tow rope attached to the motorboat that is producing the wake or operating a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person. The bill defines wakeboarding as being towed on a board with or without foot bindings by a motorboat across the vessel's wake or operating a motorboat in a manner that creates a wake while towing a person on a board with or without foot bindings.

Under current law, various regulations apply to water skiing, aquaplaning, "or similar activity," and under current law, wakesurfing and wakeboarding likely fall under "aquaplaning" or "similar activity." The bill explicitly provides that "aquaplaning" includes wakesurfing and wakeboarding, and thereby applies the same safety regulations that apply to water skiing and aquaplaning to wakesurfing and wakeboarding. These regulations include requiring an observer or a wide-angle mirror on the motorboat, restricting wakesurfing and wakeboarding to between sunrise and sunset, prohibiting intoxicated wakesurfing and wakeboarding, requiring a motorboat used for wakesurfing or wakeboarding to stay more than 100 feet away from any occupied anchored boat, personal watercraft, or marked

ASSEMBLY BILL 656

swimming area or public boat landing, and prohibiting a person engaged in wakesurfing or wakeboarding from being within 100 feet, or allowing a tow rope to be within 100 feet, of a personal watercraft.

The bill also adds restrictions that apply specifically to wakeboarding and wakesurfing. Current law prohibits the operation of a motorboat on a lake open to public access that is 50 acres or less. The bill prohibits wakesurfing and wakeboarding on a body of water of 50 acres or less or that is less than 400 feet wide, regardless of public access. The bill prohibits wakesurfing or wakeboarding within 200 feet of a shoreline or dock, pier, boathouse, or other structure located completely or partly on the water, though the bill allows a local ordinance to be less strict, but not more strict, than this prohibition. The bill also requires that a person surfing a wake or being towed on a board must wear a personal flotation device.

The bill applies the same penalties to wakesurfing and wakeboarding violations that apply to water skiing violations under current law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 30.01 (1ag) of the statutes is created to read:

2 30.01 (**1ag**) “Aquaplaning” includes wakesurfing and wakeboarding.

3 **SECTION 2.** 30.01 (1ah) of the statutes is created to read:

4 30.01 (**1ah**) “Aquaplane” includes the board upon which a person rides while
5 wakesurfing or wakeboarding.

6 **SECTION 3.** 30.50 (13r) of the statutes is created to read:

7 30.50 (**13r**) “Wakeboarding” means the activity of any of the following:

8 (a) Being towed on a board with or without foot bindings by a motorboat across
9 the motorboat’s wake.

10 (b) Operating a motorboat in a manner that creates a wake while towing a
11 person on a board with or without foot bindings.

12 **SECTION 4.** 30.50 (13v) of the statutes is created to read:

13 30.50 (**13v**) “Wakesurfing” means the activity of any of the following:

ASSEMBLY BILL 656

1 (a) Surfing a motorboat's wake, regardless of whether the person is being pulled
2 by a tow rope attached to the motorboat that is producing the wake.

3 (b) Operating a motorboat in a manner that creates a wake that is, or is
4 intended to be, surfed by a person.

5 **SECTION 5.** 30.69 (3) (cm) of the statutes is created to read:

6 30.69 (3) (cm) 1. Except as provided in subd. 2., no person may engage in
7 wakesurfing or wakeboarding in any of the following circumstances:

8 a. On a body of water that is 50 acres or less.

9 b. On a portion of a body of water with a width, measured from the nearest
10 shoreline to the second nearest shoreline, of less than 400 feet.

11 c. Subject to subd. 3., within 200 feet of a shoreline or a dock, pier, boathouse,
12 or other structure located completely or partly on the body of water.

13 d. When surfing a wake or being towed on a board without wearing a personal
14 flotation device prescribed by federal regulations.

15 2. Subdivision 1. does not apply to duly authorized wakeboarding or
16 wakesurfing tournaments, competitions, exhibitions, or trials therefor, where
17 adequate lighting is provided.

18 3. In an ordinance enacted under s. 30.77, a city, village, town, public inland
19 lake protection and rehabilitation district, or town sanitary district may not be more
20 restrictive than the prohibition in subd. 1. c. but may provide an exemption from the
21 prohibition in subd. 1. c. or substitute a lesser number of feet.

22 **SECTION 6.** 30.69 (3) (d) of the statutes is amended to read:

