

1 S.69

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; protection of navigable waters and
6 shorelands; use of public waters; wake boats

7 Statement of purpose of bill as introduced: This bill proposes to regulate the
8 operation of wake boats on the public waters of the State.

9 An act relating to regulating the use of wake boats on State waters

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 10 V.S.A. § 1429 is added to read:

12 § 1429. OPERATION OF WAKE BOATS

13 (a) Definitions. As used in this section:

14 (1) "Inland lake or pond" means any lake or pond within Vermont
15 except for Lake Champlain and Lake Memphremagog.

16 (2) "Plowing" means intentionally operating a vessel with the bow
17 elevated.

18 (3) "Vessel" has the same meaning as in 23 V.S.A. § 3302.

19 (4) "Wake boat" or "wake enhancing boat" means a vessel of any length
20 with ballast added for the purpose of creating a larger wake.

1 (b) Operation.

2 (1) Pursuant to 23 V.S.A. § 3311, a wake boat operating on a public
3 water shall operate at a speed of less than five miles per hour within 200 feet of
4 a shoreline so as not to create a wake.

5 (2) A person operating a wake boat shall not engage in plowing on an
6 inland lake or pond, a river, or a stream in the State.

7 (c) Penalty.

8 (1) A person who violates subdivision (b)(1) of this section shall be
9 subject to penalty under 23 V.S.A. § 3317.

10 (2) A person who violates subdivision (b)(2) of this section shall be
11 subject to a civil penalty under section 8019 of this title of up to \$500.00 for
12 each violation.

13 Sec. 2. ANR RULEMAKING ON USE OF WAKE BOATS ON PUBLIC
14 WATERS

15 (a) Definition. As used in this section, “wake boat” or “wake enhancing
16 boat” means a vessel of any length with ballast added for the purpose of
17 creating a larger wake.

18 (b) Rulemaking. On or before July 1, 2021, the Secretary of Natural
19 Resources shall amend the rules regarding the use of public waters of the State
20 in order to regulate the use of public waters by wake boats. The rules shall:

1 (1) include requirements for the general operation of wake boats on
2 public waters;

3 (2) restrict or prohibit the use of wake boats on certain public waters due
4 to: the size and flow of the public waters; the predominant use of adjacent
5 lands; the depth of the public water; the predominant use of the public waters
6 prior to regulation; the uses for which the public water is adaptable; the
7 availability of fishing, boating, and bathing facilities; the scenic beauty; or the
8 recreational uses of the public water and surrounding area.

9 (c) Advisory committee. Prior to prefiling under 3 V.S.A. § 837 of the rule
10 required under subsection (b) of this section, the Secretary shall convene a
11 committee to advise the Secretary on the content of the proposed rules for
12 operation of wake boats on the public waters of the State. The advisory
13 committee shall be appointed by the Secretary and shall include:

14 (1) the Commissioner of Fish and Wildlife or designee;

15 (2) the Commissioner of Public Safety or designee;

16 (3) an owner of property on a lake smaller than 1,000 acres

17 (4) an owner of property on a lake larger than 1,000 acres;

18 (5) an owner of property on a river where operation of a wake boat is
19 feasible;

20 (6) a Vermont resident that owns and operates a wake boat; and

21 (7) a representative of a local lake association in the State.

1 Sec. 3. REPEAL

2 10 V.S.A. § 1429 (operation of wake boats) shall be repealed on July 1,
3 2021.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.