



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 248

**Assembly Amendment 1 and
Assembly Amendment 1 to
Assembly Amendment 1**

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Current law allows a person who is 16 years of age or older to operate a motorboat without completing the boating safety course. (A “motorboat” is any type of motorized watercraft, including personal watercraft.) A person who is at least 12 years of age but less than 16 years of age may operate a motorboat which is not a personal watercraft either with adult supervision or with a valid boating safety certificate. (Adult supervision requires a parent, guardian, or person 18 years of age or older who is approved by the parent or guardian, to accompany the 12 to 15-year old operator in the boat.) A person who is at least 12 years of age but less than 16 years of age must have a boating safety certificate in order to operate a personal watercraft.

Assembly Bill 248 adds to the current statute a requirement that any motorboat operator (including the operator of a personal watercraft) who was born after January 1, 1989 and is over the age of 16 must have a boating safety certificate. If this bill is adopted, all motorboat operators will eventually be required to have a boating safety certificate. Assembly Bill 248 also clarifies that the requirement to have a boating safety certificate may be satisfied by a boating safety certificate issued by another state or Canadian province if the Department of Natural Resources (DNR) determines that the course content of the other state or Canadian province substantially meets the standards for the boating safety program established by the DNR.

Assembly Amendment 1 modifies the current statute on rental of personal watercraft. The current statute provides that a person who is in the business of renting personal watercraft to the public must provide instructions to a person who is renting a personal watercraft for the first time and who does not have a boating safety certificate. The DNR promulgates rules to establish minimum standards for this instruction. The amendment expands the statute on rental of personal watercraft so that it applies to the rental of any motorboat. The amendment also requires that the instruction be given by the person operating the motorboat rental business each time the person will be operating a motorboat for the first time in any calendar year.

Assembly Amendment 1 to Assembly Amendment 1 adds a provision to the bill that prohibits DNR from enforcing the statutes that are created or modified by the bill until the DNR promulgates rules regarding the course content, the form of the certificate, and the apportionment of the fee for the course.

Legislative History

Assembly Amendment 1 was offered by Representative Hines on June 21, 2005 and adopted by the Assembly Committee on Natural Resources on July 7, 2005 by a vote of Ayes, 14; Noes, 0. The Assembly Committee on Natural Resources recommended passage of Assembly Bill 248 as amended on July 7, 2005 by a vote of Ayes, 14; Noes, 0. Assembly Amendment 1 to Assembly Amendment 1 was introduced in the Assembly on December 6, 2005, and the bill, as amended by Assembly Amendment 1 and Assembly Amendment 1 to Assembly Amendment 1, was passed by the Assembly on December 6, 2005, on a vote of Ayes, 93; Noes, 3; Paired, 2.

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