



2005 SENATE BILL 471

December 9, 2005 - Introduced by Senators OLSEN, MILLER, ROESSLER and DARLING, cosponsored by Representatives HINES, FREESE, TOWNSEND, HUNDERTMARK, BLACK, OTT, AINSWORTH, BIES, BERCEAU, LEHMAN, KRAWCZYK, VAN ROY, OWENS, MOULTON, JESKEWITZ and MOLEPSKE. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT to repeal** 30.68 (3) (b); **to renumber** 30.68 (3) (a); **to renumber and**
2 **amend** 30.625 (2), 30.68 (3) (c) 1., 30.68 (3) (c) 2., 30.68 (3) (c) 3. and 30.68 (3)
3 (d); **to amend** 30.625 (title), 30.625 (1) (intro.), 30.625 (1) (a), 30.68 (3) (title),
4 30.74 (1) (a), 30.74 (1) (b), 30.742, 30.80 (2) and 30.80 (2m); and **to create** 30.678
5 (title) and (1), 30.678 (2) (title) and (c) and 30.678 (3) of the statutes; **relating**
6 **to:** operation of motorboats by persons who are at least 16 years of age and born
7 after a certain date and the rental of motorboats and granting rule-making
8 authority.

Analysis by the Legislative Reference Bureau

Under current law, a person who is 16 years of age or older may operate a motorboat without completing a boating safety course or otherwise being tested as to his or her knowledge regarding boating operation and safety. Under current law, "motor boat" is defined to include personal water craft. Under this bill, a person who is 16 years of age or older and who is born after January 1, 1989, must complete a boating safety course established by the Department of Natural Resources (DNR) and must be issued a boating safety certificate in order to operate a motorboat. Under current law, a certificate issued by another state or a Canadian province will be honored in this state if the course content substantially meets the requirements for the course established by DNR.

SENATE BILL 471

Under current law, a person may not rent a personal watercraft to a person who will be operating one for the first time and who does not have a valid boating safety certificate unless the person offering the personal watercraft for rent gives the person renting the personal water craft instruction on how to operate it. Under current law, DNR has the authority to promulgate as rules minimum standards of instruction.

This bill expands this requirement to include all motorboats. It also requires that the instruction be given to any person who is operating a motorboat for the first time in a calendar year, instead of just requiring one-time instruction. The bill also allows persons giving the instruction to collect an instruction fee for the instruction in the same manner as persons conducting boating safety courses. Under current law, DNR determines the portion of the fee, which may not exceed 50 percent, that the person giving the course may retain.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 30.625 (title) of the statutes is amended to read:

2 **30.625** (title) **Rental of personal watercraft motorboats.**

3 **SECTION 2.** 30.625 (1) (intro.) of the statutes is amended to read:

4 30.625 (1) (intro.) No person who is engaged in the rental or leasing of ~~personal~~
5 ~~watercraft~~ motorboats to the public may do any of the following:

6 **SECTION 3.** 30.625 (1) (a) of the statutes is amended to read:

7 30.625 (1) (a) Rent or lease a personal watercraft motorboat for operation by
8 a person who will be operating a ~~personal watercraft~~ motorboat for the first time in
9 each calendar year and who does not hold a valid certificate issued under s. 30.74 (1)
10 unless the person engaged in the rental or leasing gives the person instruction on
11 how to operate a ~~personal watercraft~~ motorboat in the manner established by the
12 department under under s. 30.74 (1) (am).

13 **SECTION 4.** 30.625 (2) of the statutes is renumbered 30.74 (1) (am) amended to
14 read:

SENATE BILL 471

1 30.74 (1) (am) The department may promulgate rules to establish minimum
2 standards and procedures for the instruction given under sub. (1) (a) s. 30.625 (1) (a).

3 **SECTION 5.** 30.678 (title) and (1) of the statutes are created to read:

4 **30.678 (title) Boating safety certificates; requirements; exemptions;**
5 **operation by minors. (1) MOTORBOATS OTHER THAN PERSONAL WATERCRAFT. (a) No**
6 person under 10 years of age may operate a motorboat.

7 (b) No person who is at least 10 years of age but under 12 years of age may
8 operate a motorboat unless he or she is accompanied in the motorboat by a parent
9 or guardian or by a person who is at least 18 years of age and who is designated by
10 a parent or guardian.

11 (c) No person who is at least 12 years of age but under 16 years of age may
12 operate a motorboat unless one of the following applies:

13 1. The person holds a valid boating safety certificate issued under s. 30.74 (1)
14 (a) or a valid boating safety certificate that is honored under s. 30.74 (1) (c).

15 2. The person is accompanied in the motorboat by a parent or guardian or by
16 a person who is at least 18 years of age and who is designated by a parent or guardian.

17 (d) No person who was born on or after January 1, 1989, and who is 16 years
18 of age or older may operate a motorboat unless the person holds a valid safety
19 certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that is
20 honored under s. 30.74 (1) (c).

21 (e) Paragraphs (a) to (d) do not apply to the operation of a personal watercraft.

22 **SECTION 6.** 30.678 (2) (title) and (c) of the statutes are created to read:

23 **30.678 (2) (title) PERSONAL WATERCRAFT.**

24 (c) No person who was born on or after January 1, 1989, and who is 16 years
25 of age or older may operate a personal watercraft unless the person holds a valid

SENATE BILL 471**SECTION 6**

1 safety certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that
2 is honored under s. 30.74 (1) (c).

3 **SECTION 7.** 30.678 (3) of the statutes is created to read:

4 30.678 (3) EXEMPTION. Subsections (1) (b), (c), and (d) and (2) (b) and (c) do not
5 apply to a person while the person is operating a motorboat as may be required as
6 part of a boating safety course under s. 30.74 (1).

7 **SECTION 8.** 30.68 (3) (title) of the statutes is amended to read:

8 30.68 (3) (title) OPERATION BY INCAPACITATED PERSON ~~OR MINOR~~.

9 **SECTION 9.** 30.68 (3) (a) of the statutes is renumbered 30.68 (3).

10 **SECTION 10.** 30.68 (3) (b) of the statutes is repealed.

11 **SECTION 11.** 30.68 (3) (c) 1. of the statutes is renumbered 30.678 (2) (a) and
12 amended to read:

13 30.678 (2) (a) No person under ~~the age of 12 years~~ of age may operate, lease or
14 ~~rent~~ a personal watercraft.

15 **SECTION 12.** 30.68 (3) (c) 2. of the statutes is renumbered 30.625 (1m) and
16 amended to read:

17 30.625 (1m) No person who is ~~at least 12 years of age but~~ under 16 years of age
18 may rent or lease a personal watercraft.

19 **SECTION 13.** 30.68 (3) (c) 3. of the statutes is renumbered 30.678 (2) (b) and
20 amended to read:

21 30.678 (2) (b) No person who is ~~at least 12 years of age or older~~ but under 16
22 years of age may operate a personal watercraft unless he or she is in possession of
23 a valid certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that
24 is honored under s. 30.74 (1) (c).

SENATE BILL 471

1 **SECTION 14.** 30.68 (3) (d) of the statutes is renumbered 30.678 (4) and amended
2 to read:

3 30.678 (4) PARENT AND GUARDIAN LIABILITY. A violation of par. (b) or (c) sub. (1)
4 (a), (b), (c), or (d) or (2) (a), (b), or (c) that is done with the knowledge of a parent or
5 guardian shall be deemed considered a violation by the parent or guardian, and shall
6 be punishable under s. 30.80.

7 **SECTION 15.** 30.74 (1) (a) of the statutes is amended to read:

8 30.74 (1) (a) The department shall create comprehensive courses on boating
9 safety and operation. These courses shall be offered in cooperation with schools,
10 private clubs and organizations, and may be offered by the department in areas
11 where requested and where other sponsorship is unavailable. The department shall
12 issue certificates to persons 10 years of age or older successfully completing such
13 courses. The department shall prescribe the course content and the form of the
14 certificate.

15 **SECTION 16.** 30.74 (1) (b) of the statutes is amended to read:

16 30.74 (1) (b) ~~The department shall prescribe the course content and the form~~
17 ~~of the certificate. An instructor~~ A person conducting a course or giving instruction
18 under this subsection shall collect the instruction fee from each person who receives
19 instruction. The department may determine the portion of this fee, which may not
20 exceed 50% 50 percent, that the ~~instructor~~ person may retain to defray expenses
21 incurred by the ~~instructor~~ person in conducting the course or giving the instruction.
22 The ~~instructor~~ person shall remit the remainder of the fee or, if nothing is retained,
23 the entire fee to the department. The department by rule shall set the fee for the
24 course.

25 **SECTION 17.** 30.742 of the statutes is amended to read:

