



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 356
[2005 Assembly Bill 248]

**Qualifications to Operate a
Motorboat**

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. (Current law contains other regulations on the age of motorboat operators that do not relate to changes made by Act 356.)

2005 Wisconsin Act 356 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. As a result of Act 356, all motorboat operators will eventually be required to have a boating safety certificate. Act 356 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.

Act 356 modifies and expands the statute that applies to rental of personal watercraft. Prior to Act 356, the statute provided 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 Act expands the statute on rental of personal watercraft so that it applies to the rental of any motorboat. The Act 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.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

The Act prohibits DNR from enforcing the statutes that are created or modified by the Act until the DNR promulgates rules regarding the course content, the form of the certificate, and the apportionment of the fee for the course.

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