

**2003 DRAFTING REQUEST**

**Bill**

Received: 10/30/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: J.A. Hines (608) 266-7746

By/Representing: Doug Parrott

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hines@legis.state.wi.us

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Mandatory boating safety certificates for certain persons over 16 years old

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	mglass 12/08/2003	kgilfoy 12/26/2003	pgreensl 12/29/2003		Inorthro 12/29/2003	Inorthro 01/20/2004	

FE Sent For: *at intro*  
*1/30*

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1?	mglass	1-12/26 Kmg	12/09 P8	12/29 P8/15			

FE Sent For:

<END>

## Gibson-Glass, Mary

---

**From:** Hines, Jake  
**Sent:** Thursday, October 30, 2003 2:09 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Parrott, Douglas  
**Subject:** FW: (b) No person under the age of 10 years may operate a motorboat

Dear Mary,

My office has been working with the Department of Natural Resources regarding boating safety and boater certification. They have sent us language that would require anyone under the age of 16 and born after 1987 to have mandatory certification. I am forwarding that language to you and ask that it be drafted into a bill.

If you have any questions, please feel free to contact my office.

Thank you for your time and assistance.

Sincerely,

Rep. J.A. Hines  
42nd Assembly District  
Phone: 6-7746

-----Original Message-----

**From:** Engfer, William G  
**Sent:** Wednesday, October 29, 2003 12:11 PM  
**To:** Hines, Jake  
**Subject:** (b) No person under the age of 10 years may operate a motorboat



No person under  
the age of 10 ...

I hope that this addresses what you were looking for. I will be out of the office till the 5th of November due to a family death. I can answer any questions you have at that time and provide you with additional information. Also, I know there is some other interest in the legislature to do the same thing if you are looking for a co-sponsor.

Bill

(b) No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or in possession of a certificate issued under s. 30.74 (1). This paragraph does not apply to personal watercraft.

(b)1. **No person who is at least 16 years of age and who is born on or after January 1, 1987, may operate a motorboat unless he or she holds a valid certificate issued under s. 30.74 (1).**

30.68(3)(c)

(c)

30.68(3)(c)1.

1. No person under the age of 12 years may operate, lease or rent a personal watercraft.

30.68(3)(c)2.

2. No person who is at least 12 years of age but under 16 years of age may rent or lease a personal watercraft.

30.68(3)(c)3.

3. No person who is at least 12 years of age ~~but under 16 years of age~~ **and who is born on or after January 1, 1987,** may operate a personal watercraft unless he or she ~~is in possession of a~~ **holds a valid** certificate issued under s. 30.74 (1).



State of Wisconsin  
2003 - 2004 LEGISLATURE

RMR  
LRB-3614~~8~~ 1  
MGG: King

D-N

soon 18  
(in 12/8)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT <sup>Gen. Cat.</sup>; relating to: operation of motorboats by persons who are at least 16  
2 years of age and born after a certain date •  
A

*Analysis by the Legislative Reference Bureau*

to  
Under current law, a person who is 16 years of age or older may operate a motorboat without being completing a boating safety course or otherwise being tested testing as his or her knowledge regarding boating operation and safety. Under this bill, a person who is 16 years or older and who is born after January 1, 1987, must complete a boating safety course established the Department of Natural Resources (DNR) and must be issued a certificate of completion. Under current law and under the bill, a certificate issued by another state or Canadian province will be honored in this state if the course content substantially meets the requirement for the course established by DNR.

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

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

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

No. 3  
(title)

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

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

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

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

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

14           (d) No person who was born on or after January 1, 1987, and who is 16 years  
15 of age or older may operate a motorboat unless the person holds a valid safety  
16 certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that is  
17 honored under s. 30.74 (1) (c).

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

19           **SECTION 2. 30.678 (2) (title) of the statutes and (c) ~~was~~ created to read:**

20           **30.678 (2) (title) PERSONAL WATERCRAFT.**

21           ~~SECTION 3. 30.678 (2) (c) of the statutes is created to read.~~

22           **30.678 (2) (c)** No person who was born on or after January 1, 1987, and who  
23 is 16 years of age or older may operate a personal watercraft unless the person holds  
24 a valid safety certificate issued under s. 30.74 (1) (a) or a valid boating safety  
25 certificate that is honored under s. 30.74 (1) (c).

1 SECTION 4. 30.678 (3) of the statutes is created to read:

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

5 SECTION 5. 30.68 (3) (title) of the statutes is amended to read:

6 30.68 (3) (title) OPERATION BY INCAPACITATED PERSON OR MINOR.

7 History: 1971 c. 40 s. 93; 1971 c. 219; 1973 c. 302; 1975 c. 22, 39; 1983 a. 459; 1985 a. 146 s. 8; 1985 a. 243, 331; 1991 a. 257, 316; 1993 a. 236; 1997 a. 198.

8 SECTION 6. 30.68 (3) (a) of the statutes is renumbered 30.68 (3).

9 SECTION 7. 30.68 (3) (b) of the statutes is repealed.

10 SECTION 8. 30.68 (3) (c) 1. of the statutes is renumbered 30.678 (2) (a) and  
11 amended to read:

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

~~STRIKE COMMA~~  
strike comma →

13 History: 1971 c. 40 s. 93; 1971 c. 219; 1973 c. 302; 1975 c. 22, 39; 1983 a. 459; 1985 a. 146 s. 8; 1985 a. 243, 331; 1991 a. 257, 316; 1993 a. 236; 1997 a. 198.

14 SECTION 9. 30.68 (3) (c) 2. of the statutes is renumbered 30.625 (1m) and

15 amended to read:

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

17 History: 1971 c. 40 s. 93; 1971 c. 219; 1973 c. 302; 1975 c. 22, 39; 1983 a. 459; 1985 a. 146 s. 8; 1985 a. 243, 331; 1991 a. 257, 316; 1993 a. 236; 1997 a. 198.

18 SECTION 10. 30.68 (3) (c) 3. of the statutes is renumbered 30.678 (2) (b) and

19 amended to read:

20 30.678 (2) (b) No person who is at least 12 years of age or older but under 16  
21 years of age may operate a personal watercraft unless he or she is in possession of  
22 a certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that is  
honored under s. 30.74 (1) (c).

History: 1971 c. 40 s. 93; 1971 c. 219; 1973 c. 302; 1975 c. 22, 39; 1983 a. 459; 1985 a. 146 s. 8; 1985 a. 243, 331; 1991 a. 257, 316; 1993 a. 236; 1997 a. 198.

1           **SECTION 11.** 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)~~ <sup>✓</sup> 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 **History:** 1971 c. 40 s. 93; 1971 c. 219; 1973 c. 302; 1975 c. 22, 39; 1983 a. 459; 1985 a. 146 s. 8; 1985 a. 243, 331; 1991 a. 257, 316; 1993 a. 236; 1997 a. 198.

8           **SECTION 12.** 30.742 of the statutes is amended to read:

9           **30.742 Water exhibitions and races; rules.** For water exhibitions or races,  
10 the department may promulgate rules that provide exemptions from any of the  
11 requirements or restrictions under s. 30.61, 30.62, 30.65, 30.66, 30.678, 30.68 or  
12 30.69.

13 **History:** 1991 a. 257.

14           **SECTION 13.** 30.80 (2) of the statutes is amended to read:

15           30.80 (2) Any person violating s. 30.68 (2) shall be fined not more than \$200  
16 or imprisoned <sup>for</sup> not more than 6 months or both. ~~Any person violating s. 30.68 shall~~  
17 ~~be required to obtain a certificate of satisfactory completion of a safety course under~~  
18 ~~s. 30.74 (1).~~

19 **History:** 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 261 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109.

20           **SECTION 14.** 30.80 (2m) of the statutes is amended to read:

21           30.80 (2m) Any person violating s. 30.678 <sup>or</sup> 30.68 shall be required to obtain a  
22 certificate of satisfactory completion of a safety course under s. 30.74 (1). If the  
23 person has a valid certificate at the time that the court imposes sentence under sub.  
(1) or (2), the court shall permanently revoke the certificate and order the person to  
obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1).

(END)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3614/dn

MGG:.....

A  
King

1. The amendment of s. 30.80 (2) is merely to remove some redundant language. The language is repeated in s. 30.80 (2m) under current law.

2. Note that a 15<sup>v</sup>-year<sup>v</sup>-old can operate a motorboat if he or she has adult supervision<sup>v</sup> without having a certificate, but a 16<sup>v</sup>-year<sup>v</sup>-old must have a certificate under all circumstances. I assume that that is your intent, but if not, this will need redrafting.

3. Presumably more people will be taking the boating safety course. Do you want to provide additional funding to DNR for this purpose.

4. Do you want a delayed effective date to allow time to allow additional boating safety course to be provided?

s

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3614/1dn  
MGG:kmg:pg

December 29, 2003

1. The amendment of s. 30.80 (2) is merely to remove some redundant language. The language is repeated in s. 30.80 (2m) under current law.
2. Note that a 15-year-old can operate a motorboat, if he or she has adult supervision, without having a certificate, but a 16-year-old must have a certificate under all circumstances. I assume that that is your intent, but, if not, this will need redrafting.
3. Presumably more people will be taking the boating safety course. Do you want to provide additional funding to DNR for this purpose.
4. Do you want a delayed effective date to allow time for additional boating safety courses to be provided?

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

**Northrop, Lori**

---

**From:** Parrott, Douglas  
**Sent:** Tuesday, January 20, 2004 3:28 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-3614/1 Topic: Mandatory boating safety certificates for certain persons over 16 years old

It has been requested by <Parrott, Douglas> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3614/1 Topic: Mandatory boating safety certificates for certain persons over 16 years old