

2005 ASSEMBLY BILL 248

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.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1b.** 30.625 (title) of the statutes is amended to read:
9 **30.625 (title) Rental of personal watercraft motorboats.**
10 **SECTION 1c.** 30.625 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 248**SECTION 1c**

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

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

4 30.625 (1) (a) Rent or lease a ~~personal watercraft~~ motorboat for operation by
5 a person who will be operating a ~~personal watercraft~~ motorboat for the first time in
6 each calendar year and who does not hold a valid certificate issued under s. 30.74 (1)
7 unless the person engaged in the rental or leasing gives the person instruction on
8 how to operate a ~~personal watercraft~~ motorboat in the manner established by the
9 department under under s. 30.74 (1) (am).

10 **SECTION 1e.** 30.625 (2) of the statutes is renumbered 30.74 (1) (am) amended
11 to read:

12 30.74 (1) (am) The department may promulgate rules to establish minimum
13 standards and procedures for the instruction given under ~~sub. (1) (a)~~ s. 30.625 (1) (a).

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

15 **30.678 (title) Boating safety certificates; requirements; exemptions;**
16 **operation by minors. (1) MOTORBOATS OTHER THAN PERSONAL WATERCRAFT.** (a) No
17 person under 10 years of age may operate a motorboat.

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

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

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

ASSEMBLY BILL 248

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

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

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

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

9 30.678 (2) (title) PERSONAL WATERCRAFT.

10 (c) No person who was born on or after January 1, 1989, and who is 16 years
11 of age or older may operate a personal watercraft unless the person holds a valid
12 safety certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that
13 is honored under s. 30.74 (1) (c).

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

15 30.678 (3) EXEMPTION. Subsections (1) (b), (c), and (d) and (2) (b) and (c) do not
16 apply to a person while the person is operating a motorboat as may be required as
17 part of a boating safety course under s. 30.74 (1).

18 **SECTION 4.** 30.68 (3) (title) of the statutes is amended to read:

19 30.68 (3) (title) OPERATION BY INCAPACITATED PERSON ~~OR MINOR~~.

20 **SECTION 5.** 30.68 (3) (a) of the statutes is renumbered 30.68 (3).

21 **SECTION 6.** 30.68 (3) (b) of the statutes is repealed.

22 **SECTION 7.** 30.68 (3) (c) 1. of the statutes is renumbered 30.678 (2) (a) and
23 amended to read:

24 30.678 (2) (a) No person under the age of 12 years of age may operate, lease or
25 rent a personal watercraft.

ASSEMBLY BILL 248**SECTION 8**

1 **SECTION 8.** 30.68 (3) (c) 2. of the statutes is renumbered 30.625 (1m) and
2 amended to read:

3 30.625 **(1m)** No person who is ~~at least 12 years of age~~ but under 16 years of age
4 may rent or lease a personal watercraft.

5 **SECTION 9.** 30.68 (3) (c) 3. of the statutes is renumbered 30.678 (2) (b) and
6 amended to read:

7 30.678 **(2)** (b) No person who is ~~at least 12 years of age~~ or older but under 16
8 years of age may operate a personal watercraft unless he or she is in possession of
9 a valid certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that
10 is honored under s. 30.74 (1) (c).

11 **SECTION 10.** 30.68 (3) (d) of the statutes is renumbered 30.678 (4) and amended
12 to read:

13 30.678 **(4)** PARENT AND GUARDIAN LIABILITY. A violation of ~~par. (b) or (c)~~ sub. (1)
14 (a), (b), (c), or (d) or (2) (a), (b), or (c) that is done with the knowledge of a parent or
15 guardian shall be deemed considered a violation by the parent or guardian, and shall
16 be punishable under s. 30.80.

17 **SECTION 10g.** 30.74 (1) (a) of the statutes is amended to read:

18 30.74 **(1)** (a) The department shall create comprehensive courses on boating
19 safety and operation. These courses shall be offered in cooperation with schools,
20 private clubs and organizations, and may be offered by the department in areas
21 where requested and where other sponsorship is unavailable. The department shall
22 issue certificates to persons 10 years of age or older successfully completing such
23 courses. The department shall prescribe the course content and the form of the
24 certificate.

25 **SECTION 10r.** 30.74 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 248

1 30.74 (1) (b) ~~The department shall prescribe the course content and the form~~
2 ~~of the certificate. An instructor~~ A person ~~conducting a course~~ or giving instruction
3 under this subsection shall collect the instruction fee from each person who receives
4 instruction. The department may determine the portion of this fee, which may not
5 exceed 50%, that the ~~instructor~~ person may retain to defray expenses incurred by the
6 ~~instructor~~ person in conducting the course or giving the instruction. The ~~instructor~~
7 person shall remit the remainder of the fee or, if nothing is retained, the entire fee
8 to the department. The department by rule shall set the fee for the course.

9 **SECTION 11.** 30.742 of the statutes is amended to read:

10 **30.742 Water exhibitions and races; rules.** For water exhibitions or races,
11 the department may promulgate rules that provide exemptions from any of the
12 requirements or restrictions under s. 30.61, 30.62, 30.65, 30.66, 30.678, 30.68 or
13 30.69.

14 **SECTION 12.** 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 for 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 **SECTION 13.** 30.80 (2m) of the statutes is amended to read:

20 30.80 (2m) Any person violating s. 30.678 or 30.68 shall be required to obtain
21 a certificate of satisfactory completion of a safety course under s. 30.74 (1). If the
22 person has a valid certificate at the time that the court imposes sentence under sub.
23 (1) or (2), the court shall permanently revoke the certificate and order the person to
24 obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1).

25 **SECTION 14m. Nonstatutory provisions.**

