

2005 Assembly Bill 248

Date of enactment: **April 19, 2006**

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2005 WISCONSIN ACT 356

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

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

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

30.625 (title) Rental of personal watercraft motorboats.

SECTION 1c. 30.625 (1) (intro.) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(d) No person who was born on or after January 1, 1989, and who is 16 years of age or older may operate a

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

motorboat unless the person holds a valid safety certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that is honored under s. 30.74 (1) (c).

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

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

30.678 (2) (title) PERSONAL WATERCRAFT.

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

SECTION 12. 30.80 (2) of the statutes is amended to read:

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

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

30.80 (2m) Any person violating s. 30.678 or 30.68 shall be required to obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1). If the 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).

SECTION 14m. Nonstatutory provisions.

(1) The department of natural resources may not enforce the provisions of this act until it promulgates rules under sections 30.74 (1) (am) and (b) and 30.742 of the statutes, as affected by this act.