

ASSEMBLY BILL 248 (LRB -1678)

An Act to repeal 30.68 (3) (b); to renumber 30.68 (3) (a); to renumber and amend 30.68 (3) (c) 1., 30.68 (3) (c) 2., 30.68 (3) (c) 3. and 30.68 (3) (d); to amend 30.68 (3) (title), 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. (FE)

2005

| | | | |
|--------|----|--|-----|
| 06-01. | A. | Introduced by Representatives Hines, Freese, Townsend, Hundertmark, Black, Ott, Ainsworth, Bies, Berceau, Lehman, Krawczyk, Van Roy, Owens, Moulton, Jeskewitz and Molepske ; cosponsored by Senators Olsen and Miller . | |
| 03-18. | A. | Read first time and referred to committee on Natural Resources | 145 |
| 04-08. | A. | Fiscal estimate received. | |
| 05-25. | A. | Public hearing held. | |
| 06-01. | A. | Senator Roessler added as a cosponsor | 262 |
| 06-21. | A. | Assembly amendment 1 offered by Representative Hines (LRB a0496) | 306 |
| 06-29. | A. | Executive action taken. | |
| 07-07. | A. | Report Assembly Amendment 1 adoption recommended by committee on Natural Resources, Ayes 14, Noes 0 | 359 |
| 07-07. | A. | Report passage as amended recommended by committee on Natural Resources, Ayes 14, Noes 0 | 359 |
| 07-07. | A. | Referred to committee on Rules | 359 |
| 11-30. | A. | Placed on calendar 12-6-2005 by committee on Rules. | |
| 12-06. | A. | Read a second time | 648 |
| 12-06. | A. | Assembly amendment 1 to Assembly amendment 1 offered by Representatives Albers and Hines (LRB a1739) | 648 |
| 12-06. | A. | Read a second time | 648 |
| 12-06. | A. | Assembly amendment 1 to Assembly amendment 1 adopted | 648 |
| 12-06. | A. | Assembly amendment 1 adopted | 648 |
| 12-06. | A. | Ordered to a third reading | 648 |
| 12-06. | A. | Rules suspended | 648 |
| 12-06. | A. | Read a third time and passed , Ayes 91, Noes 3, Paired 2 | 648 |
| 12-06. | A. | Ordered immediately messaged | 649 |
| 12-06. | S. | Received from Assembly | 477 |
| 12-06. | S. | Read first time and referred to committee on Natural Resources and Transportation | 478 |

2006

| | | | |
|--------|----|---|-----|
| 01-05. | S. | Public hearing held. | |
| 01-11. | S. | Executive action taken. | |
| 01-12. | S. | Report concurrence recommended by committee on Natural Resources and Transportation, Ayes 4, Noes 1 | 522 |
| 01-12. | S. | Available for scheduling. | |
| 01-25. | S. | Placed on calendar 1-26-2006 by committee on Senate Organization. | |
| 01-26. | S. | Read a second time. | |
| 01-26. | S. | Ordered to a third reading. | |
| 01-26. | S. | Rules suspended. | |
| 01-26. | S. | Read a third time and concurred in , Ayes 31, Noes 2. | |
| 01-26. | S. | Ordered immediately messaged. | |
| 01-26. | A. | Received from Senate concurred in. | |

**2005
ENROLLED BILL**

05en A B- 248

ADOPTED DOCUMENTS:

Orig Engr SubAmdt 05-1678/2

Amendments to above (if none, write "NONE"): _____

AA1 = LRB a 0496/1

AA1 to AA1 = LRB a 1739/1

Corrections - show date (if none, write "NONE"): None

Topic Use relating clause

2-1-06

Date

S. R. Miller

Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide, Document Specific Procedures, Ch. 20, Engrossing and Enrolling*

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Reference section 1 copy
- Bill index librarian 1 copy

2005 ASSEMBLY BILL 248

March 18, 2005 - Introduced by Representatives HINES, FREESE, TOWNSEND, HUNDERTMARK, BLACK, OTT, AINSWORTH, BIES, BERCEAU, LEHMAN, KRAWCZYK, VAN ROY, OWENS, MOULTON, JESKEWITZ and MOLEPSKE, cosponsored by Senators OLSEN and MILLER. Referred to Committee on Natural Resources.

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

INSERT 1-1

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 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 certificate of completion. 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.

ASSEMBLY BILL 248

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:

INSERT
1-2

1m ← 1-3

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

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

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

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

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

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

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

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

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

21 30.678 (2) (title) PERSONAL WATERCRAFT.

ASSEMBLY BILL 248

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

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

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

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

10 30.68 (3) (title) OPERATION BY INCAPACITATED PERSON OR MINOR.

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

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

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

15 30.678 (2) (a) No person under ~~the age of 12 years~~ of age may operate, lease or
16 rent a personal watercraft.

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

19 30.625 (1m) No person who is ~~at least 12 years of age but~~ under 16 years of age
20 may rent or lease a personal watercraft.

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

23 30.678 (2) (b) No person who is ~~at least 12 years of age~~ or older but under 16
24 years of age may operate a personal watercraft unless he or she is in possession of

ASSEMBLY BILL 248

valid 1-4

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

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

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

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 (END)

AA1 to AA1-1

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 248**

June 21, 2005 – Offered by Representative HINES.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 6: after “date” insert “and the rental of motorboats”.

3 **2.** Page 2, line 1: before that line insert:

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

5 **30.625 (title) Rental of personal watercraft motorboats.**

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

7 30.625 (1) (intro.) No person who is engaged in the rental or leasing of personal
8 ~~watercraft motorboats~~ to the public may do any of the following:

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

10 30.625 (1) (a) Rent or lease a personal watercraft motorboat for operation by
11 a person who will be operating a personal watercraft motorboat for the first time in
12 each calendar year and who does not hold a valid certificate issued under s. 30.74 (1)
13 unless the person engaged in the rental or leasing gives the person instruction on

1-1

1-2

1-2

1 how to operate a ~~personal watercraft~~ motorboat in the manner established by the
2 department under under s. 30.74 (1) (am).

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

5 30.74 (1) (am) The department may promulgate rules to establish minimum
6 standards and procedures for the instruction given under ~~sub. (1) (a)~~ s. 30.625 (1)
7 (a).

8 **3.** Page 2, line 1: substitute "1m" for "1".

1-3

9 **4.** Page 4, line 1: before "certificate issued" insert "valid".

1-4

10 **5.** Page 4, line 8: after that line insert:

1-5

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

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

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

20 30.74 (1) (b) ~~The department shall prescribe the course content and the form~~
21 ~~of the certificate. An instructor~~ A person conducting a course or giving instruction
22 under this subsection shall collect the instruction fee from each person who receives
23 instruction. The department may determine the portion of this fee, which may not
24 exceed 50%, that the ~~instructor~~ person may retain to defray expenses incurred by the

1-5

1 instructor person in conducting the course or giving the instruction. The instructor
2 person shall remit the remainder of the fee or, if nothing is retained, the entire fee
3 to the department. The department by rule shall set the fee for the course. X

4

(END)

INSERT AA1 to AA1 - 1

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 248**

December 6, 2005 - Offered by Representatives ALBERS and HINES.

1 At the locations indicated, amend the amendment as follows:

2 1. Page 3, line 3: after that line insert:

3 "5m. Page 4, line 24: after that line insert:

4 ~~SECTION 14m. Nonstatutory provisions.~~

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

8 (END)

AA1 to AA1-1