



2003 ASSEMBLY BILL 790

February 2, 2004 - Introduced by Representatives HINES, OTT, BLACK, MILLER, TOWNSEND, HUNDERTMARK, BERCEAU, BIES and AINSWORTH, cosponsored by Senator SCHULTZ. 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.

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, 1987, 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.

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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:

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, 1987, 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.**

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1 (c) No person who was born on or after January 1, 1987, 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

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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.

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)