



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB3433

Introduced 2/14/2014, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

625 ILCS 45/5-18

from Ch. 95 1/2, par. 315-13

Amends the Boat Registration and Safety Act. Provides that beginning January 1, 2016 no person born on or after January 1, 1991 shall operate a motorboat with over 10 horse power without a Boating Safety Certificate. Beginning January 1, 2016, requires persons between 10 and 12 operating a motorboat with over 10 horse power to be under the direct on-board supervision of a parent, guardian, or designee over 18 that possesses a Boating Safety Certificate. Beginning January 1, 2016, requires persons between 12 and 18 operating a motorboat with over 10 horse power to have a Boating Safety Certificate or be under the supervision of a parent, guardian, or designee over 18 with a Boating Safety Certificate. Beginning January 1, 2016, provides that the owner of a motorboat with over 10 horse power shall not allow it to be operated by anyone without a Boating Safety Certificate. Provides that a person operating a motorboat with over 10 horse power must provide their Boating Safety Certificate to law enforcement upon request. Provides that boat liveries may offer an abbreviated safety course that allows persons renting motorboats from the livery to operate those rentals without a Boating Safety Certificate. Provides that providing false information in an application for a Boating Safety Certificate or displaying a false certificate is a Class A misdemeanor. Provides exceptions to the certificate requirement.

LRB098 20183 MLW 55514 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Boat Registration and Safety Act is amended  
5 by changing Section 5-18 as follows:

6 (625 ILCS 45/5-18) (from Ch. 95 1/2, par. 315-13)  
7 Sec. 5-18.

8 (a) Beginning on January 1, 2016, no person born on or  
9 after January 1, 1991, unless exempted by subsection (i), shall  
10 operate a motorboat with over 10 horse power unless that person  
11 has a valid Boating Safety Certificate issued by the Department  
12 of Natural Resources or an entity or organization recognized  
13 and approved by the Department.

14 (b) No person under 10 years of age may operate a  
15 motorboat.

16 (c) Prior to January 1, 2016, persons ~~Persons~~ at least 10  
17 years of age and less than 12 years of age may operate a  
18 motorboat with over 10 horse power only if they are accompanied  
19 on the motorboat and under the direct control of a parent or  
20 guardian or a person at least 18 years of age designated by a  
21 parent or guardian. Beginning on January 1, 2016, persons at  
22 least 10 years of age and less than 12 years of age may operate  
23 a motorboat with over 10 horse power only if the person is

1 under the direct on-board supervision of a parent or guardian  
2 who meets the requirements of subsection (a) or a person at  
3 least 18 years of age who meets the requirements of subsection  
4 (a) and is designated by a parent or guardian.

5 (d) Prior to January 1, 2016, persons ~~Persons~~ at least 12  
6 years of age and less than 18 years of age may operate a  
7 motorboat with over 10 horse power only if they are accompanied  
8 on the motorboat and under the direct control of a parent or  
9 guardian or a person at least 18 years of age designated by a  
10 parent or guardian, or the ~~such~~ motorboat operator is in  
11 possession of a Boating Safety Certificate issued by the  
12 Department of Natural Resources, Division of Law Enforcement,  
13 authorizing the holder to operate motorboats. Beginning on  
14 January 1, 2016, persons at least 12 years and less than 18  
15 years of age may operate a motorboat with over 10 horse power  
16 only if the person meets the requirements of subsection (a) or  
17 is under the direct on-board supervision of a parent or  
18 guardian who meets the requirements of subsection (a) or a  
19 person at least 18 years of age who meets the requirements of  
20 subsection (a) and is designated by a parent or guardian.

21 (e) Beginning January 1, 2016, the owner of a motorboat or  
22 a person given supervisory authority over a motorboat shall not  
23 permit a motorboat with over 10 horse power to be operated by a  
24 person not possessing a valid Boating Safety Certificate as  
25 required by this Section.

26 (f) Licensed boat liveries may offer an abbreviated safety

1 course covering core boat safety rules. A person who completes  
2 an abbreviated safety course may operate a motorboat rented  
3 from the livery providing the abbreviated safety course without  
4 having a Boating Safety Certificate for up to one year from the  
5 date of course completion. The Department shall adopt rules to  
6 implement this subsection.

7 (g) Violations.

8 (1) A person who is operating a motorboat with over 10  
9 horse power and is required to have a valid Boating Safety  
10 Certificate under the provisions of this Section shall  
11 present the certificate to a law enforcement officer upon  
12 request. Failure of the person to present the certificate  
13 upon request is a petty offense.

14 (2) A person who provides false or fictitious  
15 information in an application for a Boating Safety  
16 Certificate; or who alters, forges, counterfeits, or  
17 falsifies a Boating Safety Certificate; or who possesses a  
18 Boating Safety Certificate that has been altered, forged,  
19 counterfeited, or falsified is guilty of a Class A  
20 misdemeanor.

21 (3) A person who loans or permits their Boating Safety  
22 Certificate to be used by another person; or who operates a  
23 motorboat with over 10 horse power using a Boating Safety  
24 Certificate that has not been issued to that person is  
25 guilty of a Class A misdemeanor.

26 (4) Violations of this Section done with the knowledge

1 of a parent or guardian shall be deemed a violation by the  
2 parent or guardian and punishable under Section 11A-1.

3 (h) The Department of Natural Resources, ~~Division of Law~~  
4 ~~Enforcement,~~ shall establish a program of instruction on  
5 boating safety, laws, regulations and administrative laws, and  
6 any other subject matter which might be related to the subject  
7 of general boat safety. The program shall be conducted by  
8 instructors certified by the Department of Natural Resources, ~~7~~  
9 ~~Division of Law Enforcement.~~ The course of instruction for  
10 persons certified to teach boating safety shall be not less  
11 than 8 hours in length, and the Department shall have the  
12 authority to revoke the certification of any instructor who has  
13 demonstrated his inability to conduct courses on the subject  
14 matter. The Department of Natural Resources shall develop and  
15 provide a method for students to complete the program online.  
16 Students satisfactorily completing a program of not less than 8  
17 hours in length shall receive a certificate of safety from the  
18 Department of Natural Resources, ~~Division of Law Enforcement.~~  
19 The Department may cooperate with schools, online vendors,  
20 private clubs and other organizations in offering boating  
21 safety courses throughout the State of Illinois.

22 The Department shall issue certificates of boating safety  
23 to persons 10 years of age or older successfully completing the  
24 prescribed course of instruction and passing such tests as may  
25 be prescribed by the Department. The Department may charge each  
26 person who enrolls in a course of instruction a fee not to

1 exceed \$5. If a fee is authorized by the Department, the  
2 Department shall authorize instructors conducting such courses  
3 meeting standards established by it to charge for the rental of  
4 facilities or for the cost of materials utilized in the course.  
5 Fees retained by the Department shall be utilized to defray a  
6 part of its expenses to operate the safety and accident  
7 reporting programs of the Department.

8 (i) A Boating Safety Certificate is not required by:

9 (1) a person who possesses a valid United States Coast  
10 Guard commercial vessel operator's license or a marine  
11 certificate issued by the Canadian government;

12 (2) a person employed by the United States, this State,  
13 another state, or a subdivision thereof while in  
14 performance of his or her official duties;

15 (3) a person that is not a resident, is temporarily  
16 using the waters of this State for a period not to exceed  
17 90 days, and meets any applicable boating safety education  
18 requirements of his or her state of residency or possesses  
19 a Canadian Pleasure Craft Operator's Card;

20 (4) a person that has assumed operation of the  
21 motorboat or personal watercraft due to the illness or  
22 physical impairment of the operator, and is returning the  
23 motorboat or personal watercraft to shore in order to  
24 provide assistance or care for that operator;

25 (5) a person that is registered as a commercial  
26 fisherman or a person who is under the onboard direct

1 supervision of the commercial fisherman while operating  
2 the commercial fisherman's vessel;

3 (6) a person that is serving or has qualified as a  
4 surface warfare officer or enlisted surface warfare  
5 specialist in the United States Navy; or

6 (7) a ~~A~~ person over the age of 12 years who holds a  
7 valid certificate issued by another state, a province of  
8 the Dominion of Canada, the United States Coast Guard  
9 Auxiliary or the United States Power Squadron need not  
10 obtain a certificate from the Department if the course  
11 content of the program in such other state, province or  
12 organization substantially meets that established by the  
13 Department under this Section. A certificate issued by the  
14 Department or by another state, province of the Dominion of  
15 Canada or approved organization shall not constitute an  
16 operator's license, but shall certify only that the student  
17 has successfully passed a course in boating safety  
18 instruction.

19 (j) Except as otherwise provided in subsection (f), the ~~The~~  
20 Department of Natural Resources may adopt rules necessary to ~~7~~  
21 ~~Division of Law Enforcement, shall implement and enforce the~~  
22 ~~provisions of~~ this Section.

23 (Source: P.A. 91-357, eff. 7-29-99.)