

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, 1998, 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 who does not meet the Boating Safety Certificate
25 requirements of this Section.

26 (f) Licensed boat liveries shall offer abbreviated

1 operating and safety instruction covering core boat safety
2 rules to all renters, unless the renter can demonstrate
3 compliance with the Illinois Boating Safety Certificate
4 requirements of this Section, or is exempt under subsection (i)
5 of this Section. A person who completes abbreviated operating
6 and safety instruction may operate a motorboat rented from the
7 livery providing the abbreviated operating and safety
8 instruction without having a Boating Safety Certificate for up
9 to one year from the date of instruction. The Department shall
10 adopt rules to implement this subsection.

11 (g) Violations.

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

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

25 (3) A person who loans or permits their Boating Safety
26 Certificate to be used by another person; or who operates a

1 motorboat with over 10 horse power using a Boating Safety
2 Certificate that has not been issued to that person is
3 guilty of a Class A misdemeanor.

4 (4) Violations of this Section done with the knowledge
5 of a parent or guardian shall be deemed a violation by the
6 parent or guardian and punishable under Section 11A-1.

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

26 The Department shall issue certificates of boating safety

1 to persons 10 years of age or older successfully completing the
2 prescribed course of instruction and passing such tests as may
3 be prescribed by the Department. The Department may charge each
4 person who enrolls in a course of instruction a fee not to
5 exceed \$5. If a fee is authorized by the Department, the
6 Department shall authorize instructors conducting such courses
7 meeting standards established by it to charge for the rental of
8 facilities or for the cost of materials utilized in the course.
9 Fees retained by the Department shall be utilized to defray a
10 part of its expenses to operate the safety and accident
11 reporting programs of the Department.

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

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

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

19 (3) a person who is not a resident, is temporarily
20 using the waters of this State for a period not to exceed
21 90 days, and meets any applicable boating safety education
22 requirements of his or her state of residency or possesses
23 a Canadian Pleasure Craft Operator's Card;

24 (4) a person who is a resident of this State who has
25 met the applicable boating safety education requirements
26 of another state or possesses a Canadian Pleasure Craft

1 Operator's Card;

2 (5) a person who has assumed operation of the motorboat
3 due to the illness or physical impairment of the operator,
4 and is returning the motorboat or personal watercraft to
5 shore in order to provide assistance or care for that
6 operator;

7 (6) a person who is registered as a commercial
8 fisherman or a person who is under the onboard direct
9 supervision of the commercial fisherman while operating
10 the commercial fisherman's vessel;

11 (7) a person who is serving or has qualified as a
12 surface warfare officer or enlisted surface warfare
13 specialist in the United States Navy;

14 (8) a person who has assumed operation of the motorboat
15 for the purpose of completing a watercraft safety course
16 approved by the Department, the U.S. Coast Guard, or the
17 National Association of State Boating Law Administrators;

18 (9) a person using only an electric motor to propel the
19 motorboat;

20 (10) a person operating a motorboat on private
21 property; or

22 (11) a ~~A~~ person over the age of 12 years who holds a
23 valid certificate issued by another state, a province of
24 the Dominion of Canada, the United States Coast Guard
25 Auxiliary or the United States Power Squadron need not
26 obtain a certificate from the Department if the course

1 content of the program in such other state, province or
2 organization substantially meets that established by the
3 Department under this Section. A certificate issued by the
4 Department or by another state, province of the Dominion of
5 Canada or approved organization shall not constitute an
6 operator's license, but shall certify only that the student
7 has successfully passed a course in boating safety
8 instruction.

9 (j) The Department of Natural Resources, ~~Division of Law~~
10 ~~Enforcement,~~ shall adopt rules necessary to implement and
11 ~~enforce the provisions of~~ this Section. The Department of
12 Natural Resources shall consult and coordinate with the boating
13 public, professional organizations for recreational boating
14 safety, and the boating retail, leasing, and dealer business
15 community in the adoption of these rules.

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