

**98TH GENERAL ASSEMBLY****State of Illinois****2013 and 2014****SB2733**

Introduced 1/28/2014, by Sen. Pamela J. Althoff

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 a person operating a motorboat or personal watercraft must (1) possess a valid Boating Safety Certificate; (2) possess a valid license issued by the United States Coast guard or a maritime certificate issued by the Canadian government; (3) possess a rental or lease agreement from a rental or leasing business; (4) be under the direct supervision of a person that meets the safety criteria; (5) demonstrate that he or she is not a resident, is only temporarily using the waters of this State, and meets the safety education requirements of their home state or possess a Canadian Pleasure Craft Operator's Card; (6) have assumed operation in response to an illness or physical impairment of the operator for the purpose of returning the vessel to shore in order to provide assistance to that operator; (7) be registered as a commercial fisherman or be operating a commercial fisherman's vessel while under the supervision of that commercial fisherman; or (8) provide documentation that he or she is serving or has qualified as a surface warfare officer in the United States Navy. Provides that children between the age of 10 and 12 years may operate a motorboat under the supervision of an adult that meets the safety requirements. Provides that children between the age of 12 and 18 years that do not possess a Boating Safety Certificate may operate a motorboat under the supervision of an adult that meets the safety requirements. Provides that persons operating a motorboat or personal watercraft must provide proof they satisfy these requirements to law enforcement officers upon request. Provides that these requirements shall go into effect on a graduated schedule based on the watercraft being operated and the age of the operator. Provides that these requirements do not apply to law enforcement officers in the performance of their official duties. Provides that a violation carries a civil penalty of \$100. Requires boating safety education courses approved by the Department of Natural Resources to meet standards set by the National Association of State Boating Law Administrators. Provides that the Department may approve online boating safety education courses. Provides rule making authority to implement the boating safety requirements. Effective January 1, 2015.

LRB098 15079 MLW 50043 b

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. Boating safety requirements.

8 (a) No person shall operate a motorboat or personal
9 watercraft on the waters of this State unless the operator
10 meets one of the following boating safety requirements:

11 (1) possesses a valid Boating Safety Certificate
12 issued by the Department under subsection (e) of this
13 Section;

14 (2) possesses a valid license to operate a vessel
15 issued to maritime personnel by the United States Coast
16 Guard or a marine certificate issued by the Canadian
17 government;

18 (3) possesses a rental or lease agreement from a
19 motorboat or personal watercraft rental or leasing
20 business, which lists the person as the authorized operator
21 of the motorboat or personal watercraft;

22 (4) operates the motorboat or personal watercraft
23 under the onboard direct supervision of a person who meets

1 the requirements of this Section;

2 (5) demonstrates that he or she is not a resident, is
3 temporarily using the waters of this State for a period not
4 to exceed 90 days, and meets any applicable boating safety
5 education requirements of his or her state of residency or
6 possesses a Canadian Pleasure Craft Operator's Card;

7 (6) has assumed operation of the motorboat or personal
8 watercraft due to the illness or physical impairment of the
9 operator, and is returning the motorboat or personal
10 watercraft to shore in order to provide assistance or care
11 for that operator;

12 (7) is registered as a commercial fisherman or a person
13 who is under the onboard direct supervision of the
14 commercial fisherman while operating the commercial
15 fisherman's vessel; or

16 (8) possesses documentation that he or she is serving
17 or has qualified as a surface warfare officer or enlisted
18 surface warfare specialist in the United States Navy.

19 (b) In addition to the boating safety requirements of
20 subsection (a) of this Section:

21 (1) no ~~No~~ person under 10 years of age may operate a
22 motorboat; -

23 (2) persons ~~Persons~~ at least 10 years of age and less
24 than 12 years of age may operate a motorboat ~~only~~ if they
25 are accompanied on the motorboat and under the direct
26 control of a parent or guardian who meets the requirements

1 of subsection (a) of this Section or a person at least 18
2 years of age who meets the requirements of subsection (a)
3 of this Section designated by a parent or guardian; and ~~—~~

4 (3) persons ~~Persons~~ at least 12 years of age and less
5 than 18 years of age may operate a motorboat ~~only~~ if they
6 are accompanied on the motorboat and under the direct
7 control of a parent or guardian who meets the requirements
8 of subsection (a) of this Section or a person at least 18
9 years of age who meets the requirements of subsection (a)
10 of this Section designated by a parent or guardian, or the
11 ~~such~~ motorboat operator is in possession of a Boating
12 Safety Certificate issued by the Department of Natural
13 Resources, ~~Division of Law Enforcement,~~ authorizing the
14 holder to operate motorboats.

15 Violations of this subsection ~~Section~~ done with the
16 knowledge of a parent or guardian shall be deemed a violation
17 by the parent or guardian and punishable under Section 11A-1.

18 (c) Any person who operates a motorboat or personal
19 watercraft on the waters of this State shall, upon the request
20 of a law enforcement officer, present to the officer evidence
21 that he or she is in compliance with the requirements of this
22 Section.

23 (d) The boating safety requirements of this Section shall
24 apply as follows:

25 (1) personal watercraft operators under 21 years of age
26 shall meet the requirements on and after July 1, 2016;

1 (2) personal watercraft operators at least 21 but under
2 36 years of age shall meet the requirements on and after
3 July 1, 2017;

4 (3) personal watercraft operators at least 36 but under
5 51 years of age shall meet the requirements on and after
6 July 1, 2018;

7 (4) personal watercraft operators 51 years of age or
8 older shall meet the requirements on and after July 1,
9 2019;

10 (5) motorboat operators under 21 years of age shall
11 meet the requirements on and after July 1, 2018;

12 (6) motorboat operators at least 21 but under 31 years
13 of age shall meet the requirements on and after July 1,
14 2019;

15 (7) motorboat operators at least 31 but under 41 years
16 of age shall meet the requirements on and after July 1,
17 2020;

18 (8) motorboat operators at least 41 but under 46 years
19 of age shall meet the requirements on and after July 1,
20 2021;

21 (9) motorboat operators at least 46 but under 51 years
22 of age shall meet the requirements on and after July 1,
23 2022; and

24 (10) motorboat operators 51 years of age or older shall
25 meet the requirements on and after July 1, 2023.

26 (e) The Department of Natural Resources, ~~Division of Law~~

1 ~~Enforcement,~~ shall establish a program of instruction on
2 boating safety, laws, regulations and administrative laws, and
3 any other subject matter which might be related to the subject
4 of general boat safety that meets standards set by the National
5 Association of State Boating Law Administrators. The program
6 shall be conducted by instructors certified by the Department
7 of Natural Resources, ~~Division of Law Enforcement.~~ The course
8 of instruction for persons certified to teach boating safety
9 shall be not less than 8 hours in length, and the Department
10 shall have the authority to revoke the certification of any
11 instructor who has demonstrated his inability to conduct
12 courses on the subject matter. Students satisfactorily
13 completing a program of not less than 8 hours in length shall
14 receive a Boating Safety Certificate ~~certificate of safety~~ from
15 the Department of Natural Resources, ~~Division of Law~~
16 ~~Enforcement.~~ The Department may cooperate with schools,
17 private clubs, and other organizations in offering boating
18 safety courses throughout the State of Illinois. The Department
19 may approve boating safety education courses offered online
20 through an Internet website provided these online courses meet
21 standards adopted by the Department and the National
22 Association of State Boating Law Administrators.

23 The Department shall issue Boating Safety Certificates
24 ~~certificates of boating safety~~ to persons 10 years of age or
25 older successfully completing the prescribed course of
26 instruction and passing such tests as may be prescribed by the

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

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

23 (f) The provisions of this Section shall not apply to law
24 enforcement officers while they are engaged in the performance
25 of their official duties.

26 (g) The Department of Natural Resources, ~~Division of Law~~

1 ~~Enforcement,~~ shall adopt rules necessary to implement and
2 ~~enforce the provisions of~~ this Section. The Department of
3 Natural Resources shall consult and coordinate with the boating
4 public, professional organizations for recreational boating
5 safety, and the boating retail, leasing, and dealer business
6 community in the adoption of these rules.

7 (h) Any person who violates this Section shall be subject
8 to a civil penalty of \$100.

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

10 Section 99. Effective date. This Act takes effect January
11 1, 2015.