



Rep. Robert W. Pritchard

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LRB099 06710 RJF 31563 a

1 AMENDMENT TO HOUSE BILL 1681

2 AMENDMENT NO. _____. Amend House Bill 1681 by replacing
3 everything after the enacting clause with the following:

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. (a) Beginning on January 1, 2016, no person born
8 on or after January 1, 1998, unless exempted by subsection (i),
9 shall operate a motorboat with over 10 horse power unless that
10 person has a valid Boating Safety Certificate issued by the
11 Department of Natural Resources or an entity or organization
12 recognized and approved by the Department.

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

15 (c) Prior to January 1, 2016, persons at least 10 years of
16 age and less than 12 years of age may operate a motorboat with

1 over 10 horse power only if they are accompanied on the
2 motorboat and under the direct control of a parent or guardian
3 or a person at least 18 years of age designated by a parent or
4 guardian. Beginning on January 1, 2016, persons at least 10
5 years of age and less than 12 years of age may operate a
6 motorboat with over 10 horse power only if the person is under
7 the direct on-board supervision of a parent or guardian who
8 meets the requirements of subsection (a) or a person at least
9 18 years of age who meets the requirements of subsection (a)
10 and is designated by a parent or guardian.

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

1 (e) Beginning January 1, 2016, the owner of a motorboat or
2 a person given supervisory authority over a motorboat shall not
3 permit a motorboat with over 10 horse power to be operated by a
4 person who does not meet the Boating Safety Certificate
5 requirements of this Section.

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

17 (g) Violations.

18 (1) A person who is operating a motorboat with over 10
19 horse power and is required to have a valid Boating Safety
20 Certificate under the provisions of this Section shall
21 present the certificate to a law enforcement officer upon
22 request. Failure of the person to present the certificate
23 upon request is a petty offense.

24 (2) A person who provides false or fictitious
25 information in an application for a Boating Safety
26 Certificate; or who alters, forges, counterfeits, or

1 falsifies a Boating Safety Certificate; or who possesses a
2 Boating Safety Certificate that has been altered, forged,
3 counterfeited, or falsified is guilty of a Class A
4 misdemeanor.

5 (3) A person who loans or permits his or her ~~their~~
6 Boating Safety Certificate to be used by another person, or
7 who operates a motorboat with over 10 horse power using a
8 Boating Safety Certificate that has not been issued to that
9 person is guilty of a Class A misdemeanor.

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

14 (h) The Department of Natural Resources shall establish a
15 program of instruction on boating safety, laws, regulations and
16 administrative laws, and any other subject matter which might
17 be related to the subject of general boat safety. The program
18 shall be conducted by instructors certified by the Department
19 of Natural Resources. The course of instruction for persons
20 certified to teach boating safety shall be not less than 8
21 hours in length, and the Department shall have the authority to
22 revoke the certification of any instructor who has demonstrated
23 his inability to conduct courses on the subject matter. The
24 Department of Natural Resources shall develop and provide a
25 method for students to complete the program online. Students
26 satisfactorily completing a program of not less than 8 hours in

1 length shall receive a certificate of safety from the
2 Department of Natural Resources. The Department may cooperate
3 with schools, online vendors, private clubs and other
4 organizations in offering boating safety courses throughout
5 the State of Illinois.

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

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

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

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

25 (3) a person who is not a resident, is temporarily
26 using the waters of this State for a period not to exceed

1 90 days, and meets any applicable boating safety education
2 requirements of his or her state of residency or possesses
3 a Canadian Pleasure Craft Operator's Card;

4 (4) a person who is a resident of this State who has
5 met the applicable boating safety education requirements
6 of another state or possesses a Canadian Pleasure Craft
7 Operator's Card;

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

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

17 (7) a person who is serving or has qualified as a
18 surface warfare officer or enlisted surface warfare
19 specialist in the United States Navy;

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

24 (9) a person using only an electric motor to propel the
25 motorboat;

26 (10) a person operating a motorboat on private

1 property; ~~or~~

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

15 (12) a person, at least 9 years of age, who is
16 participating in a closed-course motorboat competition,
17 including operation of a motorboat for competition
18 practice purposes, sanctioned by an organization with the
19 authority to conduct motorboat competitions.

20 (j) The Department of Natural Resources shall adopt rules
21 necessary to implement this Section. The Department of Natural
22 Resources shall consult and coordinate with the boating public,
23 professional organizations for recreational boating safety,
24 and the boating retail, leasing, and dealer business community
25 in the adoption of these rules.

26 (Source: P.A. 98-698, eff. 1-1-15; revised 12-10-14.)".