

HB3126



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3126

by Rep. Robert W. Pritchard

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 boating safety certificate is not required for a person who is not a resident of this State and is temporarily using the waters of this State for the purpose of participating in a sanctioned and insured national motor boat racing event. Effective immediately.

LRB099 07364 RJF 27478 b

A BILL FOR

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

1 meets the requirements of subsection (a) or a person at least
2 18 years of age who meets the requirements of subsection (a)
3 and is designated by a parent or guardian.

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

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

25 (f) Licensed boat liveries shall offer abbreviated
26 operating and safety instruction covering core boat safety

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

10 (g) Violations.

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

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

24 (3) A person who loans or permits his or her ~~their~~
25 Boating Safety Certificate to be used by another person, or
26 who operates a motorboat with over 10 horse power using a

1 Boating Safety Certificate that has not been issued to that
2 person is guilty of a Class A misdemeanor.

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

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

25 The Department shall issue certificates of boating safety
26 to persons 10 years of age or older successfully completing the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (12) a person who is not a resident of this State and
9 is temporarily using the waters of this State for the
10 purpose of participating in a sanctioned and insured
11 national motor racing event.

12 (j) The Department of Natural Resources shall adopt rules
13 necessary to implement this Section. The Department of Natural
14 Resources shall consult and coordinate with the boating public,
15 professional organizations for recreational boating safety,
16 and the boating retail, leasing, and dealer business community
17 in the adoption of these rules.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.