

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  
8 born on or after January 1, 1998, unless exempted by  
9 subsection (i), shall operate a motorboat with over 10 horse  
10 power unless that person has a valid Boating Safety  
11 Certificate issued by the Department of Natural Resources or  
12 an entity or organization recognized and approved by the  
13 Department.

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

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

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

5 (d) Prior to January 1, 2016, persons at least 12 years of  
6 age and less than 18 years of age may operate a motorboat with  
7 over 10 horse power only if they are accompanied on the  
8 motorboat and under the direct control of a parent or guardian  
9 or a person at least 18 years of age designated by a parent or  
10 guardian, or the motorboat operator is in possession of a  
11 Boating Safety Certificate issued by the Department of Natural  
12 Resources, Division of Law Enforcement, authorizing the holder  
13 to operate motorboats. Beginning on January 1, 2016, persons  
14 at least 12 years and less than 18 years of age may operate a  
15 motorboat with over 10 horse power only if the person meets the  
16 requirements of subsection (a) or is under the direct on-board  
17 supervision of a parent or guardian who meets the requirements  
18 of subsection (a) or a person at least 18 years of age who  
19 meets the requirements of subsection (a) and is designated by  
20 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  
23 not permit a motorboat with over 10 horse power to be operated  
24 by a 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  
5 (i) of this Section. A person who completes abbreviated  
6 operating and safety instruction may operate a motorboat  
7 rented from the livery providing the abbreviated operating and  
8 safety instruction without having a Boating Safety Certificate  
9 for up to one year from the date of instruction. The Department  
10 shall 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 his or her Boating  
26 Safety Certificate to be used by another person or who

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

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

8 (h) The Department of Natural Resources shall establish a  
9 program of instruction on boating safety, laws, regulations  
10 and administrative laws, and any other subject matter which  
11 might be related to the subject of general boat safety. The  
12 program shall be conducted by instructors certified by the  
13 Department of Natural Resources. 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  
17 has demonstrated his inability to conduct courses on the  
18 subject matter. The Department of Natural Resources shall  
19 develop and provide a method for students to complete the  
20 program online. Students satisfactorily completing a program  
21 of not less than 8 hours in length shall receive a certificate  
22 of safety from the Department of Natural Resources. The  
23 Department may cooperate with schools, online vendors, private  
24 clubs and other organizations in offering boating safety  
25 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  
2 the prescribed course of instruction and passing such tests as  
3 may be prescribed by the Department. The Department may charge  
4 each 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  
8 of facilities or for the cost of materials utilized in the  
9 course. Fees retained by the Department shall be utilized to  
10 defray a part of its expenses to operate the safety and  
11 accident 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  
17 State, 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

Operator's Card;

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

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

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

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

(9) (blank) ~~a person using only an electric motor to propel the motorboat;~~

(10) a person operating a motorboat on private property;

(11) a person over the age of 12 years who holds a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron need not

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

10 (12) a person who is temporarily using the waters of  
11 this State for the purpose of participating in a boat  
12 racing event sanctioned by the Department of Natural  
13 Resources or authorized federal agency. The organizer or  
14 holder of the sanctioned event shall possess liability  
15 insurance for property damage and bodily injury or death  
16 with a minimum benefit of \$1,000,000 that shall remain in  
17 effect through the entirety of the event.

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

24 (Source: P.A. 98-698, eff. 1-1-15; 99-78, eff. 7-20-15;  
25 99-526, eff. 7-8-16.)