



AB 704 Operation of Motorboats by a Minor
Testimony of Senator Steve Nass
Assembly Committee on Forestry, Parks, & Outdoor Recreation
January 7, 2020 • 328 Northwest, State Capitol

Thank you chairman Mursau and committee members for holding a public hearing and allowing me to provide written testimony in support of AB 704. This bill fixes some inconsistencies in current law related to the operation of motorboats by minors. These issues were brought to our attention by a local water safety patrol from our district.

Under current law, a child 10-11 years old cannot operate a motorboat unless they are accompanied by a parent, guardian, or another person who is at least 18 years of age and is designated by a parent or guardian. A child between 12-15 years of age cannot operate a motorboat unless they hold a valid boating safety certificate issued or honored by the Department of Natural Resources (DNR), or is accompanied by a parent, guardian, or another person who is at least 18 years of age and is designated by the parent or guardian. And no person who is 16 years of age or older and born after January 1, 1989 can operate a motorboat unless they hold a valid boating safety certificate issued or honored by the DNR.

Existing law inadvertently treats 16 and 17 year olds more restrictively than younger children by prohibiting them from operating a boat without a license even in the presence of a parent or guardian, while allowing it for children 10-15. This bill makes the law consistent by allowing 16 and 17 year olds to operate a boat without having a boating safety license if they are accompanied by a parent, guardian, or another person who is at least 18 years of age and is designated by a parent or guardian. It also requires an adult supervisor for children between ages 10-17 operating a boat to be born before January 1, 1989 or have a boating safety certificate issued or honored by the DNR.

Thank you for the opportunity to provide testimony in support of AB 704. Please contact my office if committee members have further questions on this legislation.

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BOAT OPERATOR AGE	CURRENT LAW	AB 704
Under 10	NO	NO
10 and 11	YES with any parent or adult	YES with DNR certified parent/adult or parent/adult born pre-1989
12 to 15	YES with DNR certification or with any parent or adult	YES with DNR certification or with DNR certified parent/adult or parent/adult born pre-1989
16 to 18	not specified as a category	YES with DNR certification or with DNR certified adult or adult born pre-1989
16 plus and born after 1989	only with DNR certification	delete language
18 plus	not specified as a category	YES with DNR certification or with DNR certified adult or adult born pre-1989



Assembly Committee on Forestry, Parks and Outdoor Recreation

2019 Assembly Bill 704 *Operation of motorboats by minors* *January 7, 2020*

Good morning Chairman Mursau and members of the Committee. I am Lt. Matt O'Brien, Law Enforcement Policy Officer with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 704 (AB 704).

Boating Safety Requirements for Operators

Under current law, operation of a motorboat requires the operator to hold a valid boating safety certificate, with two general exceptions. The first applies to any person born before January 1, 1989; these individuals are exempt from the boating safety certificate requirement and may operate a motorboat under any circumstance. The second applies to all minors who are at least 10 years of age but under 16 years of age; these individuals are exempt from the boating safety certificate requirement only when operation occurs while accompanied by their parent, guardian, or other designated adult.

Under AB 704, an additional exception would be established for individuals at least 16 years of age (born after 1-1-89); these individuals would be exempt from the boating safety certificate requirement when operation occurs while accompanied by a person at least 18 years of age who was born before 1-1-89, or in possession of a valid boating safety certificate. This portion of the bill will generally serve to permit more individuals to operate motorboats without completing boater safety—while accompanied—than is permitted under current law. (See Figures 1 and 2 for a comparison of current and proposed law.)

The Department views successful completion of a boating safety program as an important factor for safe boating in Wisconsin, particularly when both state and federal incident databases reveal a majority of operators involved in boating incidents have not completed boating safety instruction. Since current Wisconsin law will ultimately lead to a future point where all boaters age 16 and above will be required to hold boater safety certification prior to operating a motorboat, the Department has concerns with any regulatory changes—including sections 3 and 4 of AB 704—that will reduce the prevalence of safety-certified individuals operating motorboats, even when such operators are accompanied by an adult holding a boating safety certificate.

Boating Safety Requirements for Accompanying Persons

AB 704 also modifies boating safety requirements for accompanying persons of operators aged 10-16. Current law does not require accompanying parents, guardians, or other designated adults to themselves be in compliance with the operator boating safety certificate requirements while acting as the accompanying agent. AB 704 modifies these provisions by subjecting the accompanying persons to the same requirements as other primary operators (born before 1-1-89, or in possession of a valid boating safety certificate.) This would generally require, as a matter of law, that accompanying persons have the

legal ability to operate the watercraft themselves, which does not present any concerns to the Department.

On behalf of the DNR Bureau of Law Enforcement, I would like to thank you again for your time today. I appreciate your partnership and commitment to enhancing the effectiveness of Wisconsin’s boating program so all recreational users continue to enjoy a safe and positive experience on Wisconsin’s waterways. I would be happy to answer any questions you may have.

Figure 1. Current law (regulatory outcome of age and safety certificate requirements)

Age	Holds boating safety certificate	No boating safety certificate
Under 10	May NOT operate a motorboat	May NOT operate a motorboat
10 – 12	May operate a motorboat only when accompanied by parent/guardian/designated adult	May operate a motorboat only when accompanied by parent/guardian/designated adult
12 – 16	May operate a motorboat	May operate a motorboat only when accompanied by parent/guardian/designated adult
16 – 31	May operate a motorboat	May NOT operate a motorboat
31+ (born on/before 1-1-89)	May operate a motorboat	May operate a motorboat

Figure 2. Proposed law under AB 704 (regulatory outcome of age and safety certificate requirements)

Age	Holds boating safety certificate	No boating safety certificate
Under 10	May NOT operate a motorboat	May NOT operate a motorboat
10 – 12	May operate a motorboat only when accompanied by parent/guardian/designated adult*	May operate a motorboat only when accompanied by parent/guardian/designated adult*
12 – 16	May operate a motorboat	May operate a motorboat only when accompanied by parent/guardian/designated adult*
16 – 31	May operate a motorboat	May NOT operate a motorboat May operate a motorboat only when accompanied by adult at least age 18*
31+ (born on/before 1-1-89)	May operate a motorboat	May operate a motorboat

*Accompanying persons must be born before 1-1-89, or possess boating safety certificate