

## **IC 14-15-11**

### Chapter 11. Requirements for Motorboat Operators

#### **IC 14-15-11-1**

##### **"Bureau" defined**

Sec. 1. As used in this chapter, "bureau" refers to the bureau of motor vehicles established by IC 9-14-1-1.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-2**

##### **"Department" defined**

Sec. 2. As used in this chapter, "department" refers to the department of natural resources created by IC 14-9-1-1.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-3**

##### **"Driver's license" defined**

Sec. 3. As used in this chapter, "driver's license" means:

- (1) an Indiana driver's license; or
- (2) a license to operate a motor vehicle issued under the laws of a jurisdiction other than Indiana.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-4**

##### **"Indiana driver's license" defined**

Sec. 4. As used in this chapter, "Indiana driver's license" means:

- (1) an operator's license;
- (2) a chauffeur's license; or
- (3) a public passenger chauffeur's license;

that is issued to an individual by the bureau of motor vehicles under IC 9-24-3.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-5**

##### **"Individual" defined**

Sec. 5. As used in this chapter, "individual" means an individual human being.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-6**

##### **"Motorboat" defined**

Sec. 6. (a) As used in this chapter, "motorboat" means a watercraft that is:

- (1) equipped with an internal combustion, a steam, or an electrical motor or engine that is inboard or outboard; or
- (2) propelled by any mechanical means.

(b) The term includes a personal watercraft.

(c) The term includes a sailboat that is equipped with a motor or an engine described in subsection (a)(1) when in operation, whether or not the sails are hoisted.

(d) The term does not include a boat that is propelled by only one (1) motor or engine if the motor or engine is rated at not more than ten (10) horsepower.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-7**

##### **"Personal watercraft" defined**

Sec. 7. As used in this chapter, "personal watercraft" has the meaning set forth in IC 14-8-2-202.5.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-8**

##### **"Public waters" defined**

Sec. 8. As used in this chapter, "public waters" has the meaning set forth in IC 14-8-2-226.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-9**

##### **License requirements**

Sec. 9. (a) Except as provided in subsections (b) and (c), an individual may not operate a motorboat on public waters unless the individual holds a valid driver's license.

(b) An individual who is at least fifteen (15) years of age and who does not hold a valid driver's license may operate a motorboat on public waters if the individual:

(1) has been issued an identification card by the bureau under IC 9-24-16; and

(2) has successfully completed a boating education course approved by the department for the purposes of this chapter.

(c) An individual who:

(1) is at least twenty-one (21) years of age; and

(2) does not hold:

(A) a valid driver's license; or

(B) a driver's license that is suspended or revoked;

may operate a motorboat on public waters if the individual is issued an identification card by the bureau under IC 9-24-16 before January 1, 1996.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-10**

##### **Knowing or intentional violations**

Sec. 10. (a) Except as provided in section 11 of this chapter, an individual who knowingly or intentionally operates a motorboat on public waters in violation of section 9 of this chapter commits a Class C infraction.

(b) In a proceeding to enforce this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid driver's license or identification card.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-11**

#### **Operation of motorboat while license is suspended or revoked**

Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-41-1-19);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license.

*As added by P.L.57-1995, SEC.8. Amended by P.L.32-2000, SEC.8.*

### **IC 14-15-11-12**

#### **Unlawful authorization to operate motorboat**

Sec. 12. (a) A person may not authorize or knowingly permit a motorboat that is:

(1) owned by the person; or

(2) under the person's control;

to be driven by a person whose operation of the motorboat violates this chapter.

(b) A person who violates this section commits a Class C infraction.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-13**

#### **Rules**

Sec. 13. (a) The bureau of motor vehicles and the natural resources commission established by IC 14-10-1-1 shall adopt rules under IC 4-22-2 to administer this chapter.

(b) The bureau of motor vehicles shall adopt rules concerning the following matters:

(1) The suspension of a motorboat operator's license under section 14 of this chapter.

(2) The assessment of points under section 17 of this chapter against a person who commits a misdemeanor by operating a motorboat.

(c) The natural resources commission shall adopt rules concerning the following matters:

(1) The duties of the department under this chapter.

(2) The information that a boating education course must offer in order to be approved by the department for purposes of this chapter.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-14**

#### **Suspension or revocation of driver's license by bureau**

Sec. 14. (a) The bureau may suspend or revoke the driver's license of a person upon the conviction of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8, or IC 14-15-12.

(b) In suspending or revoking a driver's license under this section, the bureau shall follow the procedure set forth in IC 9-30-4.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-15**

#### **Suspension or revocation of driver's license on recommendation of court**

Sec. 15. (a) A court in which an individual is convicted of a crime based on a violation of IC 14-15-3, IC 14-15-8, or IC 14-15-12 relating to the operation of a motorboat shall forward a certified abstract of the record of the conviction to the bureau.

(b) If, in the opinion of the court, an individual referred to in subsection (a) should be deprived of the privilege of operating a vehicle or motorboat, the court shall recommend the suspension of the Indiana driver's license issued to the individual for a fixed period. The period of the suspension shall be established by the court but may not exceed one (1) year.

(c) Upon receiving the recommendation of the court under subsection (b), the bureau shall suspend the individual's license for the period recommended by the court.

(d) A certified abstract forwarded to the bureau under subsection

(a):

- (1) must be in the form prescribed by the bureau; and
- (2) shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-16**

##### **Boating education course**

Sec. 16. (a) If a person's Indiana driver's license is suspended under section 15 of this chapter, the court that recommends the suspension of the person's driver's license may require the person, as a prerequisite to the ending of the suspension, to successfully complete a boating education course approved by the department for the purposes of this chapter.

(b) A court that makes the ending of the suspension of a person's Indiana driver's license conditional upon the person's completion of the boating education course under subsection (a) may also order the refunding to the person of part or all of the fine paid by the person upon conviction of the crime for which the person's license was suspended, upon the person's completion of the boating education course.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-17**

##### **Assessment of points for motorboat violations**

Sec. 17. (a) For purposes of the point system for Indiana traffic convictions operated by the bureau under 140 IAC 1-4.5, the bureau shall assess points against a person who commits a crime by operating a motorboat in violation of:

- (1) IC 14-15-3;
- (2) IC 14-15-8; or
- (3) IC 14-15-12.

(b) The bureau shall assess points against a person under this section for each crime referred to in subsection (a) that is committed by the person.

(c) The point study committee appointed by the commissioner under 140 IAC 1-4.5-3, in consultation with the department, shall determine the number of points assessed under subsection (a) for each type of criminal violation of IC 14-15-3, IC 14-15-8, or IC 14-15-12 based on the evaluation by the committee of the danger to human life, human physical safety, and property posed by the violation.

*As added by P.L.57-1995, SEC.8.*