

HB2727



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2727

by Rep. Tom Demmer

SYNOPSIS AS INTRODUCED:

See Index

Amends the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act. Makes changes concerning an operator's duties to stop, give information, and render aid at the scene of a collision, accident, or casualty. Further amends the Boat Registration and Safety Act. Makes changes in Sections concerning: junk watercraft; personal flotation devices; navigation lights; interference with navigation; traffic rules; operating a watercraft under the influence of alcohol or drugs; and the operation of motorboats.

LRB101 09269 TAE 54363 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Snowmobile Registration and Safety Act is
5 amended by changing Sections 6-1 and 6-2 as follows:

6 (625 ILCS 40/6-1) (from Ch. 95 1/2, par. 606-1)

7 Sec. 6-1. Collisions, accidents, and casualties; reports.

8 A. The operator of a snowmobile involved in a collision,
9 accident, or other casualty resulting in personal injury to or
10 death of any person shall immediately stop the snowmobile at
11 the scene of the accident, or as close thereto as possible,
12 shall forthwith return to, and in every event shall remain at
13 the scene of the collision, accident, or other casualty until
14 the requirements of Section 6-2 have been fulfilled. Every such
15 stop shall be made without obstructing the right of way of
16 other snowmobilers or vehicular traffic more than necessary.
17 For the purposes of this Section, "personal injury" means any
18 injury requiring immediate professional treatment in a medical
19 facility or doctor's office, ~~shall render to other persons~~
20 ~~affected by this collision, accident, or other casualty such~~
21 ~~assistance as may be practicable and as may be necessary in~~
22 ~~order to save them from or minimize any danger caused by the~~
23 ~~collision, accident, or other casualty, and also shall give his~~

1 ~~name, address, and identification of his snowmobile to any~~
2 ~~person injured and to the owner of any property damaged in the~~
3 ~~collision, accident, or other casualty.~~

4 A-5. Any person who fails to comply with the requirements
5 of subsection A must, as soon as possible but in no case later
6 than one-half hour after the collision, accident, or other
7 casualty, or if hospitalized and incapacitated from reporting
8 at any time during that period, as soon as possible but in no
9 case later than one-half hour after being discharged from the
10 hospital, report: the date, place, and approximate time of the
11 collision, accident, or other casualty; the snowmobile
12 operator's name and address; the registration number of the
13 snowmobile, if any; and the names of all other occupants of the
14 snowmobile, at a police station or sheriff's office near the
15 location where the collision, accident, or other casualty
16 occurred. A report made as required under this subsection may
17 not be used, directly or indirectly, as a basis for the
18 prosecution of any violation of subsection A.

19 A-10. Any person failing to comply with subsection A-5 is
20 guilty of a Class 4 felony if the collision, accident, or other
21 casualty does not result in the death of any person. Any person
22 failing to comply with subsection A-5 when the collision,
23 accident, or other casualty results in the death of any person
24 is guilty of a Class 2 felony, for which the person, if
25 sentenced to a term of imprisonment, shall be sentenced to a
26 term of not less than 3 years and not more than 14 years.

1 B. In the case of collision, accident, or other casualty
2 involving the operation of a snowmobile, the operator thereof,
3 if the collision, accident, or other casualty results in death
4 or injury to a person or damage to property in excess of \$750,
5 shall file with the Department a full description of the
6 collision, accident, or other casualty, including such
7 information as the Department may, by regulation, require.
8 Reports of such accidents must be filed with the Department on
9 a Department Accident Report form within 5 days.

10 C. Reports of accidents resulting in personal injury, where
11 a person sustains an injury requiring medical attention beyond
12 first aid ~~wherein a person is incapacitated for a period~~
13 ~~exceeding 72 hours~~, must be filed with the Department on a
14 Department Accident Report form within 5 days. Accidents which
15 result in loss of life shall be reported to the Department on a
16 Department form within 48 hours.

17 D. All required accident reports and supplemental reports
18 are without prejudice to the individual so reporting, and are
19 for the confidential use of the Department, except that the
20 Department may disclose the identity of a person involved in an
21 accident when such identity is not otherwise known or when such
22 person denies his presence at such accident. No such report may
23 be used as evidence in any trial, civil or criminal, arising
24 out of an accident, except that the Department must furnish
25 upon demand of any person who has or claims to have made such a
26 report, or upon demand of any court, a certificate showing that

1 a specified accident report has or has not been made to the
2 Department, solely to prove a compliance or a failure to comply
3 with the requirements that such a report be made to the
4 Department.

5 (Source: P.A. 92-174, eff. 7-26-01.)

6 (625 ILCS 40/6-2) (from Ch. 95 1/2, par. 606-2)

7 Sec. 6-2. Duty to give information and render aid ~~Owner's~~
8 ~~and Operator's Responsibility.~~

9 (a) The operator of any snowmobile involved in a collision,
10 accident, or other casualty resulting in injury to or death of
11 any person or damage to any snowmobile that is operated or
12 attended by any person shall: ~~The owner and any operator of a~~
13 ~~snowmobile are jointly and severally liable for any injury or~~
14 ~~damage occasioned by the operation of such snowmobile.~~

15 (1) give the operator's name, address, and
16 registration identification number and the name of owner of
17 the snowmobile the operator is operating;

18 (2) upon request and if available, exhibit the
19 operator's driver's license or other identification to the
20 person struck or the operator or occupant of or person
21 attending any snowmobile collided with; and

22 (3) render to any person injured in the collision,
23 accident, or other casualty reasonable assistance,
24 including the carrying or the making of arrangements for
25 the carrying of an injured person to a physician, surgeon,

1 or hospital for medical or surgical treatment, if it is
2 apparent that such treatment is necessary or if the
3 carrying is requested by the injured person.

4 (b) If none of the persons entitled to information pursuant
5 to this Section is in a condition to receive and understand
6 such information and no police officer is present, the operator
7 after rendering reasonable assistance shall forthwith report
8 the collision, accident, or other casualty at the nearest
9 office of a duly authorized police authority, disclosing the
10 information required by this Section.

11 (c) Any person failing to comply with this Section is
12 guilty of a Class A misdemeanor.

13 (Source: P.A. 77-1312.)

14 Section 10. The Boat Registration and Safety Act is amended
15 by changing Sections 3A-19, 4-1, 4-2, 5-3, 5-13, 5-16, 5-18,
16 6-1, and 6-2 as follows:

17 (625 ILCS 45/3A-19) (from Ch. 95 1/2, par. 313A-19)

18 Sec. 3A-19. Scrapping, junking or destroying a watercraft.

19 (a) As used in this Section, "junk watercraft" means a
20 vessel that has been or is being disassembled, crushed,
21 compressed, flattened, destroyed, or otherwise reduced to a
22 state in which it no longer can be returned to an operable
23 state, or has been branded or assigned as junk or a similar
24 designation by another state or jurisdiction.

1 (b) An owner who scraps, junks, destroys, or possesses a
2 junk watercraft, or a person who purchases a watercraft as
3 scrap or as a watercraft to be junked or destroyed, shall
4 surrender within 15 days the certificate of title to be mailed
5 or delivered to the Department of Natural Resources.

6 (c) If an insurance company makes a payment of damages on a
7 total loss claim for a watercraft, the insurance company shall
8 be deemed to be the owner of the watercraft and the watercraft
9 shall be considered to be junk. The insurance company shall
10 surrender within 20 days the certificate of title to be mailed
11 or delivered to the Department of Natural Resources.

12 As used in this subsection, "total loss" means the
13 watercraft sustained damage by collision, fire, theft, rust
14 corrosion, or other means so that the cost of repairing the
15 damage, including labor, would be greater than 33 1/3% of its
16 fair market value without the damage.

17 An insurer that surrendered a certificate of title for
18 payment on a total loss vessel claim due to theft may make
19 application for a new certificate of title if:

20 (1) the vessel is later recovered and incurred only
21 minor damage that does not affect the operational safety of
22 the watercraft;

23 (2) the damages incurred initially to the watercraft
24 would not have caused the watercraft to be declared a total
25 loss by the insurer;

26 (3) the insurer makes application for a certificate of

1 title and provides affirmation under penalty of perjury to
2 the Department that the vessel did not incur damages that
3 affect the watercraft's operational safety; and

4 (4) the insurer submits any photographs required by the
5 Department of Natural Resources.

6 (d) A watercraft sold without a certificate of title at
7 auction or sale shall be deemed junk if transfer of ownership
8 occurred due to payment for a "total loss" insurance claim to
9 the registered owner.

10 (e) A certificate of title shall not again be issued for a
11 watercraft deemed junk, except as provided in subsection (c).

12 (f) Any person who, without authority, knowingly sells,
13 exchanges, transfers, or offers to sell, exchange, or transfer
14 a certificate of title to any watercraft that is a junk
15 watercraft is guilty of a Class 3 felony.

16 (g) Any person who knowingly fails to surrender to the
17 Department of Natural Resources a certificate of title,
18 certificate of purchase, or a similarly acceptable
19 out-of-state document of ownership as required under this
20 Section is guilty of a Class A misdemeanor for a first offense
21 and a Class 4 felony for a second or subsequent offense.

22 (h) Any watercraft that is deemed a junk watercraft may not
23 be operated on the waters of this State. A violation of this
24 subsection is a Class A misdemeanor.

25 ~~An owner who scraps, junks or destroys a watercraft, or a~~
26 ~~person who purchases a watercraft as scrap or as a watercraft~~

1 ~~to be junked or destroyed shall immediately cause the~~
2 ~~certificate of title to be mailed or delivered to the~~
3 ~~Department of Natural Resources, and a certificate of title~~
4 ~~shall not again be issued for such watercraft. Upon receipt of~~
5 ~~the certificate of title, the Department shall cancel the~~
6 ~~certificate.~~

7 (Source: P.A. 89-445, eff. 2-7-96.)

8 (625 ILCS 45/4-1) (from Ch. 95 1/2, par. 314-1)

9 Sec. 4-1. Personal flotation devices.

10 A. No person may operate a watercraft unless at least one
11 wearable U.S. Coast Guard approved PFD for each person is on
12 board, so placed as to be readily available for each person.

13 B. No person may operate a personal watercraft or specialty
14 prop-craft unless each person aboard is wearing a PFD approved
15 by the United States Coast Guard. No person on board a personal
16 watercraft shall use an inflatable PFD in order to meet the PFD
17 requirements of subsection A of this Section.

18 C. No person may operate a watercraft 16 feet or more in
19 length, except a canoe or kayak, unless at least one readily
20 accessible United States Coast Guard approved throwable PFD is
21 on board.

22 D. (Blank).

23 E. When assisting a person on water skis, aquaplane or
24 similar device, there must be one wearable United States Coast
25 Guard approved PFD on board the watercraft for each person

1 being assisted or towed or worn by the person being assisted or
2 towed.

3 F. No person may operate a watercraft unless each device
4 required by this Section is:

5 1. in serviceable condition;

6 2. identified by a label bearing a description and
7 approval number demonstrating that the device has been
8 approved by the United States Coast Guard;

9 3. of the appropriate size for the person for whom it
10 is intended;

11 4. in the case of a wearable PFD, readily accessible
12 aboard the watercraft;

13 5. in the case of a throwable PFD, immediately
14 available for use;

15 6. out of its original packaging; and

16 7. not stowed under lock and key.

17 G. Approved personal flotation devices are defined as a
18 device that is approved by the United States Coast Guard under
19 Title 46 CFR Part 160.

20 H. (Blank).

21 H-5. An approved and appropriate-sized United States Coast
22 Guard PFD shall be worn by each person under the age of 13
23 while in tow.

24 I. No person may operate a watercraft under 26 feet in
25 length unless an approved and appropriate sized United States
26 Coast Guard personal flotation device is being properly worn by

1 each person under the age of 13 on board the watercraft at all
2 times in which the watercraft is underway; however, this
3 requirement shall not apply to persons who are below decks or
4 in totally enclosed cabin spaces. ~~The provisions of this~~
5 ~~subsection I shall not apply to a person operating a watercraft~~
6 ~~on an individual's private property.~~

7 J. Racing shells, rowing sculls, racing canoes, and racing
8 kayaks are exempt from the PFD, of any type, carriage
9 requirements under this Section provided that the racing shell,
10 racing scull, racing canoe, or racing kayak is participating in
11 an event sanctioned by the Department as a PFD optional event.
12 The Department may adopt rules to implement this subsection.

13 (Source: P.A. 100-469, eff. 6-1-18; 100-863, eff. 8-14-18.)

14 (625 ILCS 45/4-2) (from Ch. 95 1/2, par. 314-2)

15 Sec. 4-2. Navigation lights ~~Lights~~.

16 A. Watercraft subject to this Section shall be divided into
17 classes as follows: ~~It is unlawful to operate any vessel less~~
18 ~~than 39 feet in length unless the following lights are carried~~
19 ~~and displayed when underway from sunset to sunrise:~~

20 1. Class 1: Less than 16 feet in length. ~~A bright,~~
21 ~~white light after to show all around the horizon, visible~~
22 ~~for a distance of 2 miles. The word "visible" as used~~
23 ~~herein means visible on a dark night with clear atmosphere.~~

24 2. Class 2: 16 feet or over and less than 26 feet in
25 length. ~~A combination light in the forepart of the boat~~

1 ~~lower than the white light after, showing green to~~
2 ~~starboard and red to port, so fixed as to throw a light~~
3 ~~from dead ahead to 2 points abaft the beam on their~~
4 ~~respective sides and visible for a distance of not less~~
5 ~~than 1 mile.~~

6 3. Class 3: 26 feet or over and less than 40 feet in
7 length. Lights under International Rules may be shown as an
8 alternative to the above requirements.

9 4. Class 4: 40 feet or over and not more than 65 feet
10 in length.

11 B. Every motorboat, in all weather from sunset to sunrise,
12 shall carry and exhibit the following United States Coast Guard
13 approved lights when underway and, during such time, no other
14 lights that may be mistaken for or interfere with those
15 prescribed shall be exhibited: Watercraft propelled by
16 muscular power when underway shall carry on board from sunset
17 to sunrise, but not fixed to any part of the boat, a lantern or
18 flashlight capable of showing a white light visible all around
19 the horizon at a distance of 2 miles or more, and shall display
20 such lantern in sufficient time to avoid collision with another
21 watercraft.

22 (1) A Class 1 or Class 2 motorboat shall carry the
23 following lights:

24 (a) A bright white light aft to show all around the
25 horizon.

26 (b) A combined light in the fore part of the

1 watercraft and lower than the white light aft, showing
2 green to starboard and red to port, so fixed as to
3 throw the light from right ahead to 2 points (22.5
4 degrees) abaft the beam on their respective sides.

5 (2) A Class 3 or Class 4 motorboat shall carry the
6 following lights:

7 (a) A bright white light in the fore part of the
8 watercraft as near the stem as practicable, so
9 constructed as to show the unbroken light over an arc
10 of the horizon of 20 points (225 degrees) of the
11 compass, so fixed as to throw the light 10 points
12 (112.5 degrees) on each side of the watercraft, namely,
13 from right ahead to 2 points (22.5 degrees) abaft the
14 beam on either side.

15 (b) A bright white light aft, mounted higher than
16 the white light forward, to show all around the
17 horizon.

18 (c) On the starboard side, a green light so
19 constructed as to show an unbroken light over an arc of
20 the horizon of 10 points (112.5 degrees) of the
21 compass, so fixed as to throw the light from right
22 ahead to 2 points (22.5 degrees) abaft the beam on the
23 starboard side. On the port side, a red light so
24 constructed as to show an unbroken light over an arc of
25 the horizon of 10 points (112.5 degrees) of the
26 compass, so fixed as to throw the light from right

1 ahead to 2 points (22.5 degrees) abaft the beam on the
2 port side. The side lights shall be fitted with inboard
3 screens so set as to prevent these lights from being
4 seen across the bow.

5 (3) A Class 1 or Class 2 Motorboat propelled by sail
6 alone shall exhibit the combined light prescribed by
7 paragraph (1) and a 12-point (135 degrees) white light aft.
8 A Class 3 or Class 4 Motorboat, when so propelled, shall
9 exhibit the colored side lights, suitably screened as
10 prescribed by paragraph (2) and a 12-point (135 degrees)
11 white light aft.

12 (4) Every white light prescribed by this Section shall
13 be of such character as to be visible at a distance of at
14 least 2 miles. Every colored light prescribed by this
15 Section shall be of such character as to be visible at a
16 distance of at least one mile. As used in this subsection
17 "visible", when applied to lights, means visible on a dark
18 night with clear atmosphere.

19 (5) If propelled by sail and machinery, a motorboat
20 shall carry the lights required by this Section for a
21 motorboat propelled by machinery only.

22 (6) All other watercraft over 65 feet in length and
23 those propelled solely by wind effect on the sail shall
24 display lights prescribed by federal regulations.

25 C. Manually propelled watercraft shall carry, ready at
26 hand, a lantern or flashlight showing a white light that shall

1 be exhibited in sufficient time to avert collision. Manually
2 propelled watercraft used on the waters of this State where
3 power-driven watercraft are prohibited are exempt from the
4 provisions of this Section. ~~Every vessel 39 feet or more in~~
5 ~~length shall carry and display when underway such additional or~~
6 ~~alternate lights as shall be required by the U. S. Coast Guard~~
7 ~~for watercraft of equivalent length and type.~~

8 D. Any watercraft may carry and exhibit the lights required
9 by the international rules in lieu of the lights required by
10 subsection B of this Section. ~~Sailboats equipped with motors~~
11 ~~and being propelled partly or solely by such motors shall carry~~
12 ~~and display the same lights required for motorboats of the same~~
13 ~~class. Sailboats being propelled entirely by sail between~~
14 ~~sunset and sunrise shall have lighted the combination running~~
15 ~~light, and a white light visible aft only. Sailboats 26 feet or~~
16 ~~more in length, equipped with motors but being propelled~~
17 ~~entirely by sail between sunset and sunrise, shall have lighted~~
18 ~~the colored side lights suitably screened, but not the white~~
19 ~~lights prescribed for motorboats.~~

20 E. All watercraft, when anchored, other than in a special
21 anchorage area, shall, from sunset to sunrise, carry and
22 display a steady white light visible all around the horizon for
23 a distance of no less than 2 miles. ~~Dinghies, tenders and other~~
24 ~~watercraft, whose principal function is as an auxiliary to~~
25 ~~other larger watercraft, when so operating need carry only a~~
26 ~~flashlight visible to other craft in the area, anything in this~~

1 ~~section to the contrary notwithstanding.~~

2 F. (Blank). ~~Vessels at anchor between the hours of sunset~~
3 ~~and sunrise, except those in a "Special Anchorage Area", shall~~
4 ~~display such anchor lights as shall be required by the U. S.~~
5 ~~Coast Guard for watercraft of equivalent length and type.~~

6 G. (Blank). ~~Watercraft operated manually or by motor which~~
7 ~~are located on bodies of water where motors of over 7 1/2~~
8 ~~horsepower are prohibited must be equipped during the hours~~
9 ~~between sunset and sunrise with a lantern or flashlight which~~
10 ~~is capable of showing a beam for 2 miles, anything in this~~
11 ~~Section to the contrary notwithstanding.~~

12 (Source: P.A. 88-524.)

13 (625 ILCS 45/5-3) (from Ch. 95 1/2, par. 315-3)

14 Sec. 5-3. Interference with navigation.

15 (a) No person shall operate any watercraft in a manner
16 which unreasonably or unnecessarily interferes with other
17 watercraft or with the free and proper navigation of the
18 waterways of the State. ~~Anchoring under bridges or in heavily~~
19 ~~traveled channels constitutes such interference if~~
20 ~~unreasonable under the prevailing circumstances.~~

21 (b) A vessel engaged in fishing shall not impede the
22 passage of any other vessel navigating within a narrow channel
23 or canal.

24 (c) A vessel nearing a bend or an area of a narrow channel
25 or canal where other vessels may be obscured by an intervening

1 obstruction shall navigate with alertness and caution and shall
2 sound the appropriate audible signal.

3 (d) A vessel shall avoid anchoring in a narrow channel,
4 under bridges, or in heavily traveled channels or canals, if
5 unreasonable under the prevailing circumstances.

6 (Source: P.A. 82-783.)

7 (625 ILCS 45/5-13) (from Ch. 95 1/2, par. 315-8)

8 Sec. 5-13. Traffic rules.

9 A. The area straight ahead of a vessel to the point that is
10 22.5 degrees beyond the middle of the vessel on the starboard
11 side of the watercraft shall be designated the danger zone. An
12 operator of a watercraft shall yield the right of way to any
13 other watercraft occupying or entering into the danger zone
14 that may result in collision. ~~Passing. When 2 boats are~~
15 ~~approaching each other "head on" or nearly so (so as to involve~~
16 ~~risk of collision), each boat must bear to the right and pass~~
17 ~~the other boat on its left side.~~

18 A-5. Head-on situation.

19 (1) If 2 power-driven vessels are meeting head-on or nearly
20 head-on courses so as to involve risk of collision, each shall
21 alter course to starboard so that each shall pass on the port
22 side of the other.

23 (2) A vessel proceeding along the course of a narrow
24 channel or canal shall keep as near to the outer limit of the
25 channel or canal that lies on the starboard side as is safe and

1 practicable.

2 (3) A power-driven vessel operating in narrow channels and
3 proceeding downstream shall have the right of way over a vessel
4 proceeding upstream. The vessel proceeding upstream shall
5 yield as necessary to permit safe passing.

6 B. Crossing. ~~When boats approach each other obliquely or at~~
7 ~~right angles, the boat approaching on the right side has the~~
8 ~~right of way.~~

9 (1) If 2 power-driven vessels are crossing so as to involve
10 the risk of collision, the vessel that has the other on the
11 starboard side shall keep out of the way and shall avoid
12 crossing ahead of the other vessel.

13 (2) A power-driven vessel crossing a river shall keep out
14 of the way of a power-driven vessel ascending or descending the
15 river.

16 (3) A vessel may not cross a narrow channel or canal if the
17 crossing impedes the passage of a vessel that can only safely
18 navigate within the channel or canal.

19 C. Overtaking. ~~One boat may overtake another on either side~~
20 ~~but must grant right of way to the overtaken boat.~~

21 (1) A vessel overtaking any other shall give way to the
22 vessel being overtaken.

23 (2) If a vessel operator is in doubt as to whether he or
24 she is overtaking another vessel, the operator shall assume
25 that is the case and act accordingly.

26 (3) Any subsequent alteration of the bearing between the 2

1 vessels shall not make the overtaking vessel a crossing vessel
2 within the meaning of this Section or relieve the overtaking
3 operator of the duty of keeping clear of the overtaken vessel
4 until finally past and clear.

5 (4) In a narrow channel or canal when overtaking, the
6 operator of a power-driven vessel intending to overtake another
7 power-driven vessel shall proceed to pass safety only after
8 indicating his or her intention by sounding the horn as
9 follows:

10 (a) one short blast from the horn signifies a request
11 to pass on the overtaken vessel's starboard side;

12 (b) 2 short blasts from horn signifies a request to
13 pass on the overtaken vessel's port side.

14 (5) The operator of the power-driven vessel being overtaken
15 shall:

16 (a) acknowledge the request by sounding the same
17 signal; or

18 (b) sound 5 short blasts to indicate danger or do not
19 pass.

20 No response from the overtaken vessel shall be interpreted
21 as an indication of danger and the same as if 5 short blasts
22 were sounded.

23 In the absence of an audible signal or horn, a light signal
24 device utilizing the appropriate number of rapid bursts of
25 light may be used.

26 D. Sailing vessels.

1 (1) The operator of a power-driven vessel shall yield the
2 right of way to any non-powered or sailing vessel unless the
3 non-powered vessel is overtaking the power-driven vessel or
4 ~~Sailboats and Rowboats. When a motorboat is approaching a boat~~
5 ~~propelled solely by sails or oars, the motorboat must yield the~~
6 ~~right of way to the sailboat or rowboat except,~~ when a large
7 craft is navigating in a confined channel, the large craft has
8 the right of way over a boat propelled solely by oars or sails.

9 (2) If 2 sailing vessels are approaching one another, so as
10 to involve risk of collision, one of them shall keep out of the
11 way of the other as follows:

12 (a) If each has the wind on a different side, the
13 vessel that has the wind on the port side shall give way to
14 the other vessel.

15 (b) If both have the wind on the same side, the vessel
16 that is to windward shall give way to the vessel that is to
17 leeward.

18 (c) If a vessel with the wind on the port side sees a
19 vessel to windward and cannot determine with certainty
20 whether the other vessel has the wind on the port or
21 starboard side, the vessel shall give way to the other
22 vessel.

23 (3) As used in this subsection, "windward side" means the
24 side opposite to that on which the mainsail is carried or, in
25 the case of a square-rigged vessel, the side opposite to that
26 on which the largest fore-and-aft sail is carried.

1 (Source: P.A. 82-783.)

2 (625 ILCS 45/5-16)

3 Sec. 5-16. Operating a watercraft under the influence of
4 alcohol, other drug or drugs, intoxicating compound or
5 compounds, or combination thereof.

6 (A) 1. A person shall not operate or be in actual physical
7 control of any watercraft within this State while:

8 (a) The alcohol concentration in the ~~such~~ person's
9 blood, other bodily substance, or breath is 0.08 or more
10 based on the definition of blood and breath units described
11 under Section 11-501.2 ~~a concentration at which driving a~~
12 ~~motor vehicle is prohibited under subdivision (1) of~~
13 ~~subsection (a) of Section 11-501~~ of the Illinois Vehicle
14 Code;

15 (b) Under the influence of alcohol;

16 (c) Under the influence of any other drug or
17 combination of drugs to a degree which renders the ~~such~~
18 person incapable of safely operating any watercraft;

19 (c-1) Under the influence of any intoxicating compound
20 or combination of intoxicating compounds to a degree that
21 renders the person incapable of safely operating any
22 watercraft;

23 (d) Under the combined influence of alcohol, and any
24 other drug or drugs, or intoxicating compound or compounds
25 to a degree that ~~which~~ renders the ~~such~~ person incapable of

1 safely operating any a watercraft;

2 (d-1) The person has, within 2 hours of operating or
3 being in actual physical control of a watercraft, a
4 tetrahydrocannabinol concentration in the person's whole
5 blood or other bodily substance as defined in paragraph 6
6 of subsection (a) of Section 11-501.2 of the Illinois
7 Vehicle Code. Subject to all other requirements and
8 provisions under this Section, this paragraph does not
9 apply to the lawful consumption of cannabis by a qualifying
10 patient licensed under the Compassionate Use of Medical
11 Cannabis Pilot Program Act who is in possession of a valid
12 registry card issued under that Act, unless that person is
13 impaired by the use of cannabis;

14 (d-3) (Blank); The person who is not a CDL holder has a
15 tetrahydrocannabinol concentration in the person's whole
16 blood or other bodily substance at which driving a motor
17 vehicle is prohibited under subdivision (7) of subsection
18 (a) of Section 11 501 of the Illinois Vehicle Code;

19 (d-5) (Blank); or The person who is a CDL holder has
20 any amount of a drug, substance, or compound in the
21 person's breath, blood, other bodily substance, or urine
22 resulting from the unlawful use or consumption of cannabis
23 listed in the Cannabis Control Act; or

24 (e) There is any amount of a drug, substance, or
25 compound in the person's breath, blood, other bodily
26 substance, or urine resulting from the unlawful use or

1 consumption of a controlled substance listed in the
2 Illinois Controlled Substances Act, methamphetamine as
3 listed in the Methamphetamine Control and Community
4 Protection Act, or an intoxicating compound listed in the
5 Use of Intoxicating Compounds Act.

6 2. The fact that any person charged with violating this
7 Section is or has been legally entitled to use alcohol,
8 cannabis under the Compassionate Use of Medical Cannabis Pilot
9 Program Act, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof, ~~other drug or drugs, any~~
11 ~~intoxicating compound or compounds, or any combination of them,~~
12 shall not constitute a defense against any charge of violating
13 this Section.

14 3. Every person convicted of violating this Section shall
15 be guilty of a Class A misdemeanor, except as otherwise
16 provided in this Section.

17 4. Every person convicted of violating this Section shall
18 be guilty of a Class 4 felony if:

19 (a) The person ~~He or she~~ has a previous conviction
20 under this Section;

21 (b) The offense results in personal injury where a
22 person other than the operator suffers great bodily harm or
23 permanent disability or disfigurement, when the violation
24 was a proximate cause of the injuries. A person guilty of a
25 Class 4 felony under this subparagraph (b), if sentenced to
26 a term of imprisonment, shall be sentenced to a term of not

1 less than one year nor more than 12 years; or

2 (c) The offense occurred during a period in which the
3 person's ~~his or her~~ privileges to operate a watercraft are
4 revoked or suspended, and the revocation or suspension was
5 for a violation of this Section or was imposed under
6 subsection (B).

7 5. Every person convicted of violating this Section shall
8 be guilty of a Class 2 felony if the offense results in the
9 death of a person. A person guilty of a Class 2 felony under
10 this paragraph 5, if sentenced to a term of imprisonment, shall
11 be sentenced to a term of not less than 3 years and not more
12 than 14 years.

13 5.1. A person convicted of violating this Section or a
14 similar provision of a local ordinance who had a child under
15 the age of 16 aboard the watercraft at the time of offense is
16 subject to a mandatory minimum fine of \$500 and to a mandatory
17 minimum of 5 days of community service in a program benefiting
18 children. The assignment under this paragraph 5.1 is not
19 subject to suspension and the person is not eligible for
20 probation in order to reduce the assignment.

21 5.2. A person found guilty of violating this Section, if
22 his or her operation of a watercraft while in violation of this
23 Section proximately caused any incident resulting in an
24 appropriate emergency response, is liable for the expense of an
25 emergency response as provided in subsection (m) of Section
26 11-501 of the Illinois Vehicle Code.

1 5.3. In addition to any other penalties and liabilities, a
2 person who is found guilty of violating this Section, including
3 any person placed on court supervision, shall be fined \$100,
4 payable to the circuit clerk, who shall distribute the money to
5 the law enforcement agency that made the arrest. In the event
6 that more than one agency is responsible for the arrest, the
7 \$100 shall be shared equally. Any moneys received by a law
8 enforcement agency under this paragraph 5.3 shall be used to
9 purchase law enforcement equipment or to provide law
10 enforcement training that will assist in the prevention of
11 alcohol related criminal violence throughout the State. Law
12 enforcement equipment shall include, but is not limited to,
13 in-car video cameras, radar and laser speed detection devices,
14 and alcohol breath testers.

15 6. (a) In addition to any criminal penalties imposed, the
16 Department of Natural Resources shall suspend the watercraft
17 operation privileges of any person convicted or found guilty of
18 a misdemeanor under this Section, a similar provision of a
19 local ordinance, or Title 46 of the U.S. Code of Federal
20 Regulations for a period of one year, except that a first time
21 offender is exempt from this mandatory one year suspension.

22 As used in this subdivision (A) 6(a), "first time offender"
23 means any person who has not had a previous conviction or been
24 assigned supervision for violating this Section, a similar
25 provision of a local ordinance or, Title 46 of the U.S. Code of
26 Federal Regulations, or any person who has not had a suspension

1 imposed under subdivision (B) 3.1 of Section 5-16.

2 (b) In addition to any criminal penalties imposed, the
3 Department of Natural Resources shall suspend the watercraft
4 operation privileges of any person convicted of a felony under
5 this Section, a similar provision of a local ordinance, or
6 Title 46 of the U.S. Code of Federal Regulations for a period
7 of 3 years.

8 (B) 1. Any person who operates or is in actual physical
9 control of any watercraft upon the waters of this State shall
10 be deemed to have given consent to a chemical test or tests of
11 blood, breath, other bodily substance, or urine for the purpose
12 of determining the content of alcohol, other drug or drugs,
13 intoxicating compound or compounds, or combination thereof in
14 the person's blood or other bodily substance if arrested for
15 any offense of subsection (A) above. The chemical test or tests
16 shall be administered at the direction of the arresting
17 officer. The law enforcement agency employing the officer shall
18 designate which of the tests shall be administered. Up to 2
19 additional tests of urine or other bodily substance may be
20 administered even after a blood or breath test or both has been
21 administered.

22 1.1. For the purposes of this Section, an Illinois Law
23 Enforcement officer of this State who is investigating the
24 person for any offense defined in Section 5-16 may travel into
25 an adjoining state, where the person has been transported for
26 medical care to complete an investigation, and may request that

1 the person submit to the test or tests set forth in this
2 Section. The requirements of this Section that the person be
3 arrested are inapplicable, but the officer shall issue the
4 person a uniform citation for an offense as defined in Section
5 5-16 or a similar provision of a local ordinance prior to
6 requesting that the person submit to the test or tests. The
7 issuance of the uniform citation shall not constitute an
8 arrest, but shall be for the purpose of notifying the person
9 that he or she is subject to the provisions of this Section and
10 of the officer's belief in the existence of probable cause to
11 arrest. Upon returning to this State, the officer shall file
12 the uniform citation with the circuit clerk of the county where
13 the offense was committed and shall seek the issuance of an
14 arrest warrant or a summons for the person.

15 1.2. Notwithstanding any ability to refuse under this Act
16 to submit to these tests or any ability to revoke the implied
17 consent to these tests, if a law enforcement officer has
18 probable cause to believe that a watercraft operated by or
19 under actual physical control of a person under the influence
20 of alcohol, other drug or drugs, intoxicating compound or
21 compounds, or any combination of them has caused the death of
22 or personal injury to another, that person shall submit, upon
23 the request of a law enforcement officer, to a chemical test or
24 tests of his or her blood, breath, other bodily substance, or
25 urine for the purpose of determining the alcohol content or the
26 presence of any other drug, intoxicating compound, or

1 combination of them. For the purposes of this Section, a
2 personal injury includes severe bleeding wounds, distorted
3 extremities, and injuries that require the injured party to be
4 carried from the scene for immediate professional attention in
5 either a doctor's office or a medical facility.

6 2. Any person who is dead, unconscious or who is otherwise
7 in a condition rendering such person incapable of refusal,
8 shall be deemed not to have withdrawn the consent provided
9 above, and the test may be administered.

10 3. A person requested to submit to a chemical test as
11 provided above shall be verbally advised by the law enforcement
12 officer requesting the test that a refusal to submit to the
13 test will result in suspension of such person's privilege to
14 operate a watercraft for a minimum of 2 years. Following this
15 warning, if a person under arrest refuses upon the request of a
16 law enforcement officer to submit to a test designated by the
17 officer, no test shall be given, but the law enforcement
18 officer shall file with the clerk of the circuit court for the
19 county in which the arrest was made, and with the Department of
20 Natural Resources, a sworn statement naming the person refusing
21 to take and complete the chemical test or tests requested under
22 the provisions of this Section. Such sworn statement shall
23 identify the arrested person, such person's current residence
24 address and shall specify that a refusal by such person to take
25 the chemical test or tests was made. Such sworn statement shall
26 include a statement that the arresting officer had reasonable

1 cause to believe the person was operating or was in actual
2 physical control of the watercraft within this State while
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds, or combination thereof and
5 that such chemical test or tests were made as an incident to
6 and following the lawful arrest for an offense as defined in
7 this Section or a similar provision of a local ordinance, and
8 that the person after being arrested for an offense arising out
9 of acts alleged to have been committed while so operating a
10 watercraft refused to submit to and complete a chemical test or
11 tests as requested by the law enforcement officer.

12 3.1. The law enforcement officer submitting the sworn
13 statement as provided in paragraph 3 of this subsection (B)
14 shall serve immediate written notice upon the person refusing
15 the chemical test or tests that the person's privilege to
16 operate a watercraft within this State will be suspended for a
17 period of 2 years unless, within 28 days from the date of the
18 notice, the person requests in writing a hearing on the
19 suspension.

20 If the person desires a hearing, such person shall file a
21 complaint in the circuit court for and in the county in which
22 such person was arrested for such hearing. Such hearing shall
23 proceed in the court in the same manner as other civil
24 proceedings, shall cover only the issues of whether the person
25 was placed under arrest for an offense as defined in this
26 Section or a similar provision of a local ordinance as

1 evidenced by the issuance of a uniform citation; whether the
2 arresting officer had reasonable grounds to believe that such
3 person was operating a watercraft while under the influence of
4 alcohol, other drug or drugs, intoxicating compound or
5 compounds, or combination thereof; and whether such person
6 refused to submit and complete the chemical test or tests upon
7 the request of the law enforcement officer. Whether the person
8 was informed that such person's privilege to operate a
9 watercraft would be suspended if such person refused to submit
10 to the chemical test or tests shall not be an issue.

11 If the person fails to request in writing a hearing within
12 28 days from the date of notice, or if a hearing is held and the
13 court finds against the person on the issues before the court,
14 the clerk shall immediately notify the Department of Natural
15 Resources, and the Department shall suspend the watercraft
16 operation privileges of the person for at least 2 years.

17 ~~3.2. If the person is a CDL holder and submits to a test~~
18 ~~that discloses an alcohol concentration of 0.08 or more, or any~~
19 ~~amount of a drug, substance or intoxicating compound in the~~
20 ~~person's breath, blood, other bodily substance, or urine~~
21 ~~resulting from the unlawful use of cannabis listed in the~~
22 ~~Cannabis Control Act, a controlled substance listed in the~~
23 ~~Illinois Controlled Substances Act, methamphetamine as listed~~
24 ~~in the Methamphetamine Control and Community Protection Act, or~~
25 ~~an intoxicating compound listed in the Use of Intoxicating~~
26 ~~Compounds Act, the law enforcement officer shall immediately~~

1 ~~submit a sworn report to the circuit clerk of venue and the~~
2 ~~Department of Natural Resources, certifying that the test or~~
3 ~~tests were requested under paragraph 1 of this subsection (B)~~
4 ~~and the person submitted to testing that disclosed an alcohol~~
5 ~~concentration of 0.08 or more or any amount of a drug,~~
6 ~~substance or intoxicating compound in the person's breath,~~
7 ~~blood, other bodily substance, or urine resulting from the~~
8 ~~unlawful use of cannabis listed in the Cannabis Control Act, a~~
9 ~~controlled substance listed in the Illinois Controlled~~
10 ~~Substances Act, methamphetamine as listed in the~~
11 ~~Methamphetamine Control and Community Protection Act, or an~~
12 ~~intoxicating compound listed in the Use of Intoxicating~~
13 ~~Compounds Act. If the person is not a CDL holder and submits to~~
14 a test that discloses an alcohol concentration of 0.08 or more,
15 a tetrahydrocannabinol concentration in the person's whole
16 blood or other bodily substance as defined in paragraph 6 of
17 subsection (a) of Section 11-501.2 of the Illinois Vehicle
18 Code, or any amount of a drug, substance or intoxicating
19 compound in the person's breath, blood, other bodily substance,
20 or urine resulting from the unlawful use of a controlled
21 substance listed in the Illinois Controlled Substances Act,
22 methamphetamine as listed in the Methamphetamine Control and
23 Community Protection Act, or an intoxicating compound listed in
24 the Use of Intoxicating Compounds Act, the law enforcement
25 officer shall immediately submit a sworn report to the circuit
26 clerk of venue and the Department of Natural Resources,

1 certifying that the test or tests were requested under
2 paragraph 1 of this subsection (B) and the person submitted to
3 testing that disclosed an alcohol concentration of 0.08 or
4 more, a tetrahydrocannabinol concentration in the person's
5 whole blood or other bodily substance as defined in paragraph 6
6 of subsection (a) of Section 11-501.2 of the Illinois Vehicle
7 Code, or any amount of a drug, substance or intoxicating
8 compound in the person's breath, blood, other bodily substance,
9 or urine resulting from the unlawful use of a controlled
10 substance listed in the Illinois Controlled Substances Act,
11 methamphetamine as listed in the Methamphetamine Control and
12 Community Protection Act, or an intoxicating compound listed in
13 the Use of Intoxicating Compounds Act.

14 ~~In cases involving a person who is a CDL holder where the~~
15 ~~blood alcohol concentration of 0.08 or greater or any amount of~~
16 ~~drug, substance or compound resulting from the unlawful use of~~
17 ~~cannabis, a controlled substance, methamphetamine, or an~~
18 ~~intoxicating compound is established by a subsequent analysis~~
19 ~~of blood, other bodily substance, or urine collected at the~~
20 ~~time of arrest, the arresting officer or arresting agency shall~~
21 ~~immediately submit a sworn report to the circuit clerk of venue~~
22 ~~and the Department of Natural Resources upon receipt of the~~
23 ~~test results. In cases involving a person who is not a CDL~~
24 ~~holder where the blood alcohol concentration of 0.08 or~~
25 ~~greater, a tetrahydrocannabinol concentration in the person's~~
26 ~~whole blood or other bodily substance as defined in paragraph 6~~

1 ~~of subsection (a) of Section 11-501.2 of the Illinois Vehicle~~
2 ~~Code, or any amount of drug, substance, or compound resulting~~
3 ~~from the unlawful use of a controlled substance,~~
4 ~~methamphetamine, or an intoxicating compound is established by~~
5 ~~a subsequent analysis of blood, other bodily substance, or~~
6 ~~urine collected at the time of arrest, the arresting officer or~~
7 ~~arresting agency shall immediately submit a sworn report to the~~
8 ~~circuit clerk of venue and the Department of Natural Resources~~
9 ~~upon receipt of the test results.~~

10 4. A person must submit to each chemical test offered by
11 the law enforcement officer in order to comply with the implied
12 consent provisions of this Section.

13 5. The provisions of Section 11-501.2 of the Illinois
14 Vehicle Code, as amended, concerning the certification and use
15 of chemical tests apply to the use of such tests under this
16 Section.

17 (C) Upon the trial of any civil or criminal action or
18 proceeding arising out of acts alleged to have been committed
19 by any person while operating a watercraft while under the
20 influence of alcohol, other drug or drugs, intoxicating
21 compound or compounds, or combination thereof, the
22 concentration of alcohol, drug, or compound in the person's
23 blood, other bodily substance, or breath at the time alleged as
24 shown by analysis of a person's blood, urine, breath, or other
25 bodily substance shall give rise to the presumptions specified
26 in subdivisions 1, 2, and 3 of subsection (b) and subsection

1 (b-5) of Section 11-501.2 of the Illinois Vehicle Code. The
2 foregoing provisions of this subsection (C) shall not be
3 construed as limiting the introduction of any other relevant
4 evidence bearing upon the question whether the person was under
5 the influence of alcohol, other drug or drugs, intoxicating
6 compound or compounds, or a combination thereof.

7 (D) If a person under arrest refuses to submit to a
8 chemical test under the provisions of this Section, evidence of
9 refusal shall be admissible in any civil or criminal action or
10 proceeding arising out of acts alleged to have been committed
11 while the person under the influence of alcohol, other drug or
12 drugs, intoxicating compound or compounds, or combination of
13 them was operating a watercraft.

14 (E) The owner of any watercraft or any person given
15 supervisory authority over a watercraft, may not knowingly
16 permit a watercraft to be operated by any person under the
17 influence of alcohol, other drug or drugs, intoxicating
18 compound or compounds, or combination thereof.

19 (F) Whenever any person is convicted or found guilty of a
20 violation of this Section, including any person placed on court
21 supervision, the court shall notify the Office of Law
22 Enforcement of the Department of Natural Resources, to provide
23 the Department with the records essential for the performance
24 of the Department's duties to monitor and enforce any order of
25 suspension or revocation concerning the privilege to operate a
26 watercraft.

1 (G) No person who has been arrested and charged for
2 violating paragraph 1 of subsection (A) of this Section shall
3 operate any watercraft within this State for a period of 24
4 hours after such arrest.

5 (Source: P.A. 99-697, eff. 7-29-16.)

6 (625 ILCS 45/5-18) (from Ch. 95 1/2, par. 315-13)

7 Sec. 5-18. (a) ~~No Beginning on January 1, 2016, no~~ person
8 born on or after January 1, 1998, unless exempted by subsection
9 (i), shall operate a motorboat ~~with over 10 horse power~~ unless
10 that person has a valid Boating Safety Certificate issued by
11 the Department of Natural Resources or an entity or
12 organization recognized and approved by the Department.

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

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

1 (a) and is designated by a parent or guardian.

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

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

23 (f) Licensed boat liveries shall offer abbreviated
24 operating and safety instruction covering core boat safety
25 rules to all renters, unless the renter can demonstrate
26 compliance with the Illinois Boating Safety Certificate

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

8 (g) Violations.

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

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

22 (3) A person who loans or permits his or her Boating
23 Safety Certificate to be used by another person or who
24 operates a motorboat ~~with over 10 horse power~~ using a
25 Boating Safety Certificate that has not been issued to that
26 person is guilty of a Class A misdemeanor.

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

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

22 The Department shall issue certificates of boating safety
23 to persons 10 years of age or older successfully completing the
24 prescribed course of instruction and passing such tests as may
25 be prescribed by the Department. The Department may charge each
26 person who enrolls in a course of instruction a fee not to

1 exceed \$5. If a fee is authorized by the Department, the
2 Department shall authorize instructors conducting such courses
3 meeting standards established by it to charge for the rental of
4 facilities or for the cost of materials utilized in the course.
5 Fees retained by the Department shall be utilized to defray a
6 part of its expenses to operate the safety and accident
7 reporting programs of the Department.

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

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

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

15 (3) a person over the age of 12 years who is not a
16 resident, is temporarily using the waters of this State for
17 a period not to exceed 90 days, and meets any applicable
18 boating safety education requirements of his or her state
19 of residency or possesses a Canadian Pleasure Craft
20 Operator's Card;

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

25 (5) a person who has assumed operation of the motorboat
26 due to the illness or physical impairment of the operator,

1 and is returning the motorboat or personal watercraft to
2 shore in order to provide assistance or care for that
3 operator;

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

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

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

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

17 (10) (blank); ~~a person operating a motorboat on private~~
18 ~~property;~~

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

1 Department or by another state, province of the Dominion of
2 Canada or approved organization shall not constitute an
3 operator's license, but shall certify only that the student
4 has successfully passed a course in boating safety
5 instruction; or

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

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

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

22 (625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

23 Sec. 6-1. Collisions, accidents, and casualties; reports.

24 A. The operator of a vessel involved in a collision,
25 accident, or other casualty, resulting in personal injury to or

1 death of any person shall immediately stop the vessel at the
2 scene of the accident, or as close thereto as possible, shall
3 forthwith return to, and in every event shall remain at the
4 scene of the collision, accident, or other casualty until the
5 requirements of Section 6-2 have been fulfilled. Every such
6 stop shall be made without obstructing navigation more than
7 necessary. ~~so far as he can without serious danger to his own~~
8 ~~vessel, crew, passengers and guests, if any, shall render to~~
9 ~~other persons affected by the collision, accident, or other~~
10 ~~casualty assistance as may be practicable and as may be~~
11 ~~necessary in order to save them from or minimize any danger~~
12 ~~caused by the collision, accident, or other casualty, and also~~
13 ~~shall give his name, address, and identification of his vessel~~
14 ~~to any person injured and to the owner of any property damaged~~
15 ~~in the collision, accident, or other casualty.~~

16 ~~If the collision, accident, or other casualty has resulted~~
17 ~~in the death of or personal injury to any person, failure to~~
18 ~~comply with this subsection A is a Class A misdemeanor.~~

19 A-1. Any person who has failed to stop or to comply with
20 the requirements of subsection A must, as soon as possible but
21 in no case later than one-half ~~one~~ hour after the collision,
22 accident, or other casualty, or, if hospitalized and
23 incapacitated from reporting at any time during that period, as
24 soon as possible but in no case later than one-half ~~one~~ hour
25 after being discharged from the hospital, report the date,
26 place, and approximate time of the collision, accident, or

1 other casualty, the watercraft operator's name and address, the
2 identification number of the watercraft, if any, and the names
3 of all other occupants of the watercraft, at a police station
4 or sheriff's office near the location where the collision,
5 accident, or other casualty occurred. A report made as required
6 under this subsection ~~A-1~~ may not be used, directly or
7 indirectly, as a basis for the prosecution of any violation of
8 subsection A.

9 A-2. Any person arrested for violating this Section may be
10 subject to chemical testing of his or her blood, breath, other
11 bodily substance, or urine for the presence of alcohol, other
12 drug or drugs, intoxicating compound or compounds, or any
13 combination thereof, as provided in Section 5-16c, if the
14 testing occurs within 12 hours of the time of the occurrence of
15 the collision, accident, or other casualty that led to the
16 arrest. The person's watercraft operation privileges are
17 subject to a statutory summary suspension under Section 5-16c,
18 if the person fails testing, or statutory summary revocation
19 under Section 5-16c, if the person refuses to undergo testing.

20 For purposes of ~~As used in~~ this Section, "personal injury"
21 means any injury requiring immediate professional treatment in
22 a medical facility or doctor's office ~~treatment beyond first~~
23 aid.

24 A-3. Any person failing to comply with ~~this~~ subsection A-1
25 is guilty of a Class 4 felony if the collision, accident, or
26 other casualty does not result in the death of any person. Any

1 person failing to comply with ~~this~~ subsection A-1 when the
2 collision, accident, or other casualty results in the death of
3 any person is guilty of a Class 2 felony, for which the person,
4 if sentenced to a term of imprisonment, shall be sentenced to a
5 term of not less than 3 years and not more than 14 years.

6 B. In the case of collision, accident, or other casualty
7 involving a vessel, the operator, if the collision, accident,
8 or other casualty results in death or injury to a person or
9 damage to property in excess of \$2000, or there is a complete
10 loss of the vessel, shall file with the Department a full
11 description of the collision, accident, or other casualty,
12 including information as the Department may by regulation
13 require. Reports of the accidents must be filed with the
14 Department on a Department Accident Report form within 5 days.

15 C. Reports of accidents resulting in personal injury, where
16 a person sustains an injury requiring medical attention beyond
17 first aid, must be filed with the Department on a Department
18 Accident Report form within 5 days. Accidents that result in
19 loss of life shall be reported to the Department on a
20 Department form within 48 hours.

21 D. All required accident reports and supplemental reports
22 are without prejudice to the individual reporting, and are for
23 the confidential use of the Department, except that the
24 Department may disclose the identity of a person involved in an
25 accident when the identity is not otherwise known or when the
26 person denies his presence at the accident. No report to the

1 Department may be used as evidence in any trial, civil or
2 criminal, arising out of an accident, except that the
3 Department must furnish upon demand of any person who has or
4 claims to have made a report or upon demand of any court a
5 certificate showing that a specified accident report has or has
6 not been made to the Department solely to prove a compliance or
7 a failure to comply with the requirements that a report be made
8 to the Department.

9 E. (1) Every coroner or medical examiner shall on or before
10 the 10th day of each month report in writing to the Department
11 the circumstances surrounding the death of any person that has
12 occurred as the result of a boating accident within the
13 examiner's jurisdiction during the preceding calendar month.

14 (2) Within 6 hours after a death resulting from a
15 boating accident, but in any case not more than 12 hours
16 after the occurrence of the boating accident, a blood
17 specimen of at least 10 cc shall be withdrawn from the body
18 of the decedent by the coroner or medical examiner or by a
19 qualified person at the direction of the physician. All
20 morticians shall obtain a release from the coroner or
21 medical examiner prior to proceeding with embalming any
22 body coming under the scope of this Section. The blood so
23 drawn shall be forwarded to a laboratory approved by the
24 Department of State Police for analysis of the alcoholic
25 content of the blood specimen. The coroner or medical
26 examiner causing the blood to be withdrawn shall be

1 notified of the results of each analysis made and shall
2 forward the results of each analysis to the Department. The
3 Department shall keep a record of all examinations to be
4 used for statistical purposes only. The cumulative results
5 of the examinations, without identifying the individuals
6 involved, shall be disseminated and made public by the
7 Department.

8 (Source: P.A. 93-782, eff. 1-1-05; 94-214, eff. 1-1-06.)

9 (625 ILCS 45/6-2) (from Ch. 95 1/2, par. 316-2)

10 Sec. 6-2. Duty to give information and render aid.
11 ~~Operator's responsibility.~~

12 (a) The operator of a watercraft involved in a collision,
13 accident, or other casualty resulting in injury to or death of
14 a person or damage to a vessel that is operated or attended by
15 a person shall: ~~The operator of a watercraft is liable for any~~
16 ~~injury or damage occasioned by the negligent operation of such~~
17 ~~watercraft, whether such negligence consists of a violation of~~
18 ~~the provisions of the Statutes of this State, or in the failure~~
19 ~~to observe such ordinary care in such operation as the rules of~~
20 ~~the common law require.~~

21 (1) give the operator's name, address, and
22 registration identification number and the name of the
23 owner of the vessel the operator is operating;

24 (2) upon request and if available, exhibit his or her
25 driver's license or other identification to the person

1 struck or the operator or occupant of or person attending
2 any vessel collided with; and

3 (3) render to any person injured in the collision,
4 accident, or other casualty reasonable assistance,
5 including the carrying or the making of arrangements for
6 the carrying of the person to a physician, surgeon, or
7 hospital for medical or surgical treatment, if it is
8 apparent that such treatment is necessary or if the
9 carrying is requested by the injured person.

10 (b) If none of the persons entitled to information pursuant
11 to this Section is in a condition to receive and understand
12 such information and no police officer is present, the
13 operator, after rendering reasonable assistance, shall
14 forthwith report the collision, accident, or other casualty at
15 the nearest office of a duly authorized police authority,
16 disclosing the information required by this Section.

17 (c) Any person failing to comply with this Section is
18 guilty of a Class A misdemeanor.

19 (Source: P.A. 82-783.)

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625 ILCS 45/3A-19	from Ch. 95 1/2, par. 313A-19
625 ILCS 45/4-1	from Ch. 95 1/2, par. 314-1
625 ILCS 45/4-2	from Ch. 95 1/2, par. 314-2
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