



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1553

Introduced 2/22/2007, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

625 ILCS 45/5-22 new

Amends the Boat Registration and Safety Act. Provides that, when an authorized emergency watercraft approaches, or when approaching a stationary authorized emergency watercraft, the operator of another watercraft shall follow procedures similar to those the Illinois Vehicle Code requires of drivers in similar situations involving authorized emergency vehicles. Provides that the penalties for watercraft operators who fail to follow the required procedures are similar to those that apply to drivers under the Illinois Vehicle Code.

LRB095 09046 DRH 29237 b

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 adding Section 5-22 as follows:

6 (625 ILCS 45/5-22 new)

7 Sec. 5-22. Operation of watercraft upon the approach of an  
8 authorized emergency watercraft.

9 (a) As used in this Section, "authorized emergency  
10 watercraft" includes any watercraft operated by the Illinois  
11 Department of Natural Resources Police, the Illinois  
12 Department of State Police, a county sheriff, a local law  
13 enforcement agency, a fire department, a provider of emergency  
14 medical services, or the United States Coast Guard, equipped  
15 with alternately flashing red, red and white, red and blue, or  
16 red in combination with white or blue lights, while engaged in  
17 official duties. Any authorized emergency watercraft must be  
18 clearly emblazoned with markings identifying it as a watercraft  
19 operated by the qualifying agency.

20 (b) Upon the immediate approach of an authorized emergency  
21 watercraft making use of rotating or flashing visual signals  
22 and lawfully making use of a visual signal, the operator of  
23 every other watercraft shall yield the right-of-way and shall

1 immediately reduce the speed of the watercraft, so as not to  
2 create a wake, and shall yield way to the emergency watercraft,  
3 moving to the right to permit the safe passage of the emergency  
4 watercraft, and shall stop and remain in that position until  
5 the authorized emergency watercraft has passed, unless  
6 otherwise directed by a police officer.

7 (c) Upon approaching a stationary authorized emergency  
8 watercraft, when the authorized emergency watercraft is giving  
9 a signal by displaying rotating or alternately flashing red,  
10 red and white, red and blue, or red in combination with white  
11 or blue lights, a person operating an approaching watercraft  
12 shall proceed with due caution at no-wake speed and yield the  
13 right-of-way by moving safely away from that authorized  
14 emergency watercraft, proceeding with due caution at a no-wake  
15 speed with due regard to safety and water conditions,  
16 maintaining no-wake speed until sufficiently away from the  
17 emergency watercraft so as not to create a wake that would  
18 otherwise rock or otherwise disturb the authorized emergency  
19 watercraft.

20 (d) This Section shall not operate to relieve the operator  
21 of an authorized emergency watercraft from the duty to operate  
22 that watercraft with due regard for the safety of all persons  
23 using the waterway.

24 (e) A person who violates this Section commits a business  
25 offense punishable by a fine of not less than \$100 or more than  
26 \$10,000. It is a factor in aggravation if the person committed

1 the offense while in violation of Section 5-16 of this Act.

2 (f) If a violation of this Section results in damage to the  
3 property of another person, in addition to any other penalty  
4 imposed, the person's watercraft operating privileges shall be  
5 suspended for a fixed period of not less than 90 days and not  
6 more than one year.

7 (g) If a violation of this Section results in injury to  
8 another person, in addition to any other penalty imposed, the  
9 person's watercraft operating privileges shall be suspended  
10 for a fixed period of not less than 180 days and not more than 2  
11 years.

12 (h) If a violation of subsection (c) of this Section  
13 results in great bodily harm or permanent disability or  
14 disfigurement to, or the death of, another person, in addition  
15 to any other penalty imposed, the person's driving privileges  
16 shall be suspended for 2 years.

17 (i) The Department of Natural Resources shall, upon  
18 receiving a record of a judgment entered against a person under  
19 this Section:

20 (1) suspend the person's watercraft operating  
21 privileges for the mandatory period; or

22 (2) extend the period of an existing suspension by the  
23 appropriate mandatory period.