



Sen. Pamela J. Althoff

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1 AMENDMENT TO HOUSE BILL 434

2 AMENDMENT NO. _____. Amend House Bill 434 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Boat Registration and Safety Act is amended
5 by changing Sections 3-1, 3-2, 3-5, 3-9, 3-11, 3A-1, and 4-1 as
6 follows:

7 (625 ILCS 45/3-1) (from Ch. 95 1/2, par. 313-1)

8 Sec. 3-1. Unlawful operation of unnumbered watercraft.
9 Every watercraft other than non-powered watercraft on waters
10 within the jurisdiction of this State shall be numbered. No
11 person may operate, use, or store or give permission for the
12 operation, usage, or storage of any such watercraft on such
13 waters unless it has on board while in operation: the
14 ~~watercraft is numbered~~

15 (A) A valid certificate of number is issued in accordance
16 with this Act, or in accordance with applicable Federal law, or

1 in accordance with a Federally-approved numbering system of
2 another State, and unless:

3 (1) the pocket sized certificate of number awarded to
4 such watercraft is in full force and effect; or

5 (2) the operator is in possession of a valid 60 day
6 temporary permit under this Act. ~~and (2)~~

7 (B) The ~~the~~ identifying number set forth in the certificate
8 of number is displayed on each side of the bow of such
9 watercraft.

10 The certificate of number, lease, or rental agreement
11 required by this Section shall be available at all times for
12 inspection at the request of a federal, State, or local law
13 enforcement officer on the watercraft for which it is issued.
14 No person shall operate a watercraft under this Section unless
15 the certificate of number, lease, or rental agreement required
16 is carried on board in a manner that it can be handed to a
17 requesting law enforcement officer for inspection. A holder of
18 a certificate of number shall notify the Department within 30
19 days if the holder's address no longer conforms to the address
20 appearing on the certificate and shall furnish the Department
21 with the holder's new address. The Department may provide for
22 in its rules and regulations for the surrender of the
23 certificate bearing the former address and its replacement with
24 a certificate bearing the new address or for the alteration of
25 an outstanding certificate to show the new address of the
26 holder.

1 (Source: P.A. 97-1136, eff. 1-1-13.)

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

3 Sec. 3-2. Identification number application. The owner of
4 each watercraft requiring numbering by this State shall file an
5 application for number with the Department on forms approved by
6 it. The application shall be signed by the owner of the
7 watercraft and shall be accompanied by a fee as follows:

8 A. (Blank).

9 B. Class 1 (all watercraft less
10 than 16 feet in length, except
11 non-powered watercraft.)up to \$28 ~~\$18~~

12 C. Class 2 (all watercraft 16
13 feet or more but less than 26 feet in length
14 except canoes, kayaks, and non-motorized paddle
15 boats)up to \$60 ~~\$50~~

16 D. Class 3 (all watercraft 26 feet or more
17 but less than 40 feet in length)..... \$150

18 E. Class 4 (all watercraft 40 feet in length
19 or more) \$200

20 Upon receipt of the application in approved form, and when
21 satisfied that no tax imposed pursuant to the "Municipal Use
22 Tax Act" or the "County Use Tax Act" is owed, or that such tax
23 has been paid, the Department shall enter the same upon the
24 records of its office and issue to the applicant a certificate
25 of number stating the number awarded to the watercraft and the

1 name and address of the owner.

2 The Department shall deposit 20% of all money collected
3 from watercraft registrations into the Conservation Police
4 Operations Assistance Fund. The monies deposited into the
5 Conservation Police Operations Assistance Fund under this
6 Section shall not be subject to administrative charges or
7 chargebacks unless otherwise authorized by this Act.

8 (Source: P.A. 97-1136, eff. 1-1-13.)

9 (625 ILCS 45/3-5) (from Ch. 95 1/2, par. 313-5)

10 Sec. 3-5. Transfer of Identification Number. The purchaser
11 of a watercraft shall, within 15 days after acquiring same,
12 make application to the Department for transfer to him of the
13 certificate of number issued to the watercraft giving his name,
14 address and the number of the boat. The purchaser shall apply
15 for a transfer-renewal for a fee as prescribed under Section
16 3-2 of this Act for approximately 3 years. All transfers will
17 bear September 30 ~~June 30~~ expiration dates in the calendar year
18 of expiration. Upon receipt of the application and fee,
19 together with proof that any tax imposed under the Municipal
20 Use Tax Act or County Use Tax Act has been paid or that no such
21 tax is owed, the Department shall transfer the certificate of
22 number issued to the watercraft to the new owner.

23 Unless the application is made and fee paid, and proof of
24 payment of municipal use tax or county use tax or nonliability
25 therefor is made, within 30 days, the watercraft shall be

1 deemed to be without certificate of number and it shall be
2 unlawful for any person to operate the watercraft until the
3 certificate is issued.

4 Non-powered watercraft are exempt from this Section.

5 (Source: P.A. 97-1136, eff. 1-1-13.)

6 (625 ILCS 45/3-9) (from Ch. 95 1/2, par. 313-9)

7 Sec. 3-9. Certificate of Number. Every certificate of
8 number awarded pursuant to this Act shall continue in full
9 force and effect for approximately 3 years unless sooner
10 terminated or discontinued in accordance with this Act. All new
11 certificates issued will bear September 30 ~~June 30~~ expiration
12 dates in the calendar year 3 years after the issuing date.
13 Provided however, that the Department may, for purposes of
14 implementing this Section, adopt rules for phasing in the
15 issuance of new certificates and provide for 1, 2 or 3 year
16 expiration dates and pro-rated payments or charges for each
17 registration.

18 All certificates shall be renewed for 3 years from the
19 nearest September 30 ~~June 30~~ for a fee as prescribed in Section
20 3-2 of this Act. All certificates will be invalid after October
21 15 ~~July 15~~ of the year of expiration. All certificates expiring
22 in a given year shall be renewed between January 1 and
23 September 30 ~~June 30~~ of that year, in order to allow sufficient
24 time for processing.

25 The Department shall issue "registration expiration

1 decals" with all new certificates of number, all certificates
2 of number transferred and renewed and all certificates of
3 number renewed. The decals issued for each year shall be of a
4 different and distinct color from the decals of each other year
5 currently displayed. The decals shall be affixed to each side
6 of the bow of the watercraft, except for federally documented
7 vessels, in the manner prescribed by the rules and regulations
8 of the Department. Federally documented vessels shall have
9 decals affixed to the watercraft on each side of the federally
10 documented name of the vessel in the manner prescribed by the
11 rules and regulations of the Department.

12 The Department shall fix a day and month of the year on
13 which certificates of number due to expire shall lapse and no
14 longer be of any force and effect unless renewed pursuant to
15 this Act.

16 No number or registration expiration decal other than the
17 number awarded or the registration expiration decal issued to a
18 watercraft or granted reciprocity pursuant to this Act shall be
19 painted, attached, or otherwise displayed on either side of the
20 bow of such watercraft. A person engaged in the operation of a
21 licensed boat livery shall pay a fee as prescribed under
22 Section 3-2 of this Act for each watercraft used in the livery
23 operation.

24 A person engaged in the manufacture or sale of watercraft
25 of a type otherwise required to be numbered hereunder, upon
26 application to the Department upon forms prescribed by it, may

1 obtain certificates of number for use in the testing or
2 demonstrating of such watercraft upon payment of \$10 for each
3 registration. Certificates of number so issued may be used by
4 the applicant in the testing or demonstrating of watercraft by
5 temporary placement of the numbers assigned by such
6 certificates on the watercraft so tested or demonstrated.

7 Non-powered watercraft are exempt from this Section.

8 (Source: P.A. 97-1136, eff. 1-1-13.)

9 (625 ILCS 45/3-11) (from Ch. 95 1/2, par. 313-11)

10 Sec. 3-11. Penalty. No person shall at any time falsely
11 alter or change in any manner a certificate of number ~~or water~~
12 ~~usage stamp~~ issued under the provisions hereof, or falsify any
13 record required by this Act, or counterfeit any form of license
14 provided for by this Act.

15 (Source: P.A. 97-1136, eff. 1-1-13.)

16 (625 ILCS 45/3A-1) (from Ch. 95 1/2, par. 313A-1)

17 Sec. 3A-1. Certificate of title required.

18 (a) Every owner of a watercraft over 21 feet in length
19 required to be numbered by this State and for which no
20 certificate of title has been issued by the Department of
21 Natural Resources shall make application to the Department of
22 Natural Resources for a certificate of title either before or
23 at the same time he next applies for issuance, transfer or
24 renewal of a certificate of number. All watercraft already

1 covered by a number in full force and effect which has been
2 awarded to it pursuant to Federal law is exempt from titling
3 requirements in this Act.

4 (b) The Department shall not issue, transfer or renew a
5 certificate of number unless a certificate of title has been
6 issued by the Department of Natural Resources or an application
7 for a certificate of title has been delivered to the
8 Department.

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

10 (625 ILCS 45/4-1) (from Ch. 95 1/2, par. 314-1)

11 Sec. 4-1. Personal flotation devices.

12 A. No person may operate a watercraft unless at least one
13 U.S. Coast Guard approved PFD ~~of the following types or their~~
14 ~~equivalent~~ is on board, so placed as to be readily available
15 ~~for each person: Type I, Type II or Type III.~~

16 B. No person may operate a personal watercraft or specialty
17 prop-craft unless each person aboard is wearing a ~~Type I, Type~~
18 ~~II, Type III or Type V~~ PFD approved by the United States Coast
19 Guard. No person on board a personal watercraft shall use an
20 inflatable PFD in order to meet the PFD requirements of
21 subsection A of this Section.

22 C. No person may operate a watercraft 16 feet or more in
23 length, except a canoe or kayak, unless at least one readily
24 accessible United States ~~Type IV U.S.~~ Coast Guard approved
25 throwable PFD is on board ~~or its equivalent is on board in~~

1 ~~addition to the PFD's required in paragraph A of this Section.~~

2 D. (Blank). ~~A U.S. Coast Guard approved Type V personal~~
3 ~~flotation device may be carried in lieu of the Type I, II, III~~
4 ~~or IV personal flotation device required in this Section, if~~
5 ~~the Type V personal flotation device is approved for the~~
6 ~~activity in which it is being used.~~

7 E. When assisting a person on waterskis, aquaplane or
8 similar device, there must be one wearable United States U.S.
9 Coast Guard approved PFD on board the watercraft for each
10 person being assisted or towed or worn by the person being
11 assisted or towed.

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

14 1. in serviceable condition ~~Readily accessible;~~

15 2. identified by a label bearing a description and
16 approval number demonstrating that the device has been
17 approved by the United States Coast Guard ~~In serviceable~~
18 ~~condition;~~

19 3. of ~~of~~ the appropriate size for the person for whom
20 it is intended; and

21 4. in the case of a wearable PFD, readily accessible
22 aboard the watercraft; ~~Legibly marked with the U.S. Coast~~
23 ~~Guard approval number.~~

24 5. in case of a throwabale PFD, immediately available
25 for use;

26 6. out of its original packaging; and

1 7. not stowed under lock and key.

2 G. Approved personal flotation devices are defined as a
3 device that is approved by the United States Coast Guard under
4 Title 46 CFR Part 160. follows:

5 ~~Type I — A Type I personal flotation device is an~~
6 ~~approved device designed to turn an unconscious person in~~
7 ~~the water from a face downward position to a vertical or~~
8 ~~slightly backward position and to have more than 20 pounds~~
9 ~~of buoyancy.~~

10 ~~Type II — A Type II personal flotation device is an~~
11 ~~approved device designed to turn an unconscious person in~~
12 ~~the water from a face downward position to a vertical or~~
13 ~~slightly backward position and to have at least 15 1/2~~
14 ~~pounds of buoyancy.~~

15 ~~Type III — A Type III personal flotation device is an~~
16 ~~approved device designed to keep a conscious person in a~~
17 ~~vertical or slightly backward position and to have at least~~
18 ~~15 1/2 pounds of buoyancy.~~

19 ~~Type IV — A Type IV personal flotation device is an~~
20 ~~approved device designed to be thrown to a person in the~~
21 ~~water and not worn. It is designed to have at least 16 1/2~~
22 ~~pounds of buoyancy.~~

23 ~~Type V — A Type V personal flotation device is an~~
24 ~~approved device for restricted use and is acceptable only~~
25 ~~when used in the activity for which it is approved.~~

26 H. (Blank). ~~The provisions of subsections A through G of~~

1 ~~this Section shall not apply to sailboards.~~

2 I. No person may operate a watercraft under 26 feet in
3 length unless an approved and appropriate sized United States
4 Coast Guard ~~a Type I, Type II, Type III, or Type V~~ personal
5 flotation device is being properly worn by each person under
6 the age of 13 on board the watercraft at all times in which the
7 watercraft is underway; however, this requirement shall not
8 apply to persons who are below decks or in totally enclosed
9 cabin spaces. The provisions of this subsection I shall not
10 apply to a person operating a watercraft on an individual's
11 private property.

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

18 (Source: P.A. 97-801, eff. 1-1-13; 98-567, eff. 1-1-14.)

19 (625 ILCS 45/3-1.5 rep.)

20 (625 ILCS 45/3-7.5 rep.)

21 Section 10. The Boat Registration and Safety Act is amended
22 by repealing Sections 3-1.5 and 3-7.5."