



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1248

Introduced 2/7/2017, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

See Index

Amends the Boat Registration and Safety Act. Provides that no person may operate, use, or store (currently, operate) or give permission for the operation, usage, or storage (currently, operation) of any such watercraft on such waters unless it has on board while in operation a valid certificate of number issued under the Act, federal law, or another federally-approved numbering system of another state unless the pocket-sized certificate of number is in full force and effect or the operator is in possession of a valid 60 day temporary permit under the Act; and the identifying number set forth in the certificate of number is displayed on each side of the bow of such watercraft. Provides that watercraft requiring numbering applications shall be accompanied by a fee of up to \$28 for a Class 1 watercraft and up to \$60 for a Class 2 watercraft (rather than \$18 for Class 1 watercraft and \$50 for Class 2 watercraft). Provides that transfers of identification numbers with the Department of Natural Resources will bear a September 30 (rather than June 30) expiration date in the calendar year of expiration. Provides that new certificates of number issued will bear September 30 (rather than June 30) expiration dates in the calendar year 3 years after the issuing date. Provides that all certificates of number issued shall be renewed for 3 years from the nearest September 30 (rather than June 30). Provides that all certificates of number will be invalid after October 15 (rather than July 15) of the year of expiration. Limits the requirement for a certificate of title for watercraft required to be numbered to watercraft over 21 feet in length (rather than any watercraft). Repeals the Sections concerning water usage stamps and their required use on non-powered watercraft. Makes changes regarding the use of personal flotation devices. Makes other changes.

LRB100 06429 SLF 16468 b

FISCAL 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 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
17 in accordance with a Federally-approved numbering system of
18 another State, and unless:

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

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

23 (B) The ~~the~~ identifying number set forth in the certificate

1 of number is displayed on each side of the bow of such
2 watercraft.

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

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

21 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

22 Sec. 3-2. Identification number application. The owner of
23 each watercraft requiring numbering by this State shall file an
24 application for number with the Department on forms approved by
25 it. The application shall be signed by the owner of the

1 watercraft and shall be accompanied by a fee as follows:

2 A. (Blank).

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

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

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

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

14 Upon receipt of the application in approved form, and when
15 satisfied that no tax imposed pursuant to the "Municipal Use
16 Tax Act" or the "County Use Tax Act" is owed, or that such tax
17 has been paid, the Department shall enter the same upon the
18 records of its office and issue to the applicant a certificate
19 of number stating the number awarded to the watercraft and the
20 name and address of the owner.

21 The Department shall deposit 20% of all money collected
22 from watercraft registrations into the Conservation Police
23 Operations Assistance Fund. The monies deposited into the
24 Conservation Police Operations Assistance Fund under this
25 Section shall not be subject to administrative charges or
26 chargebacks unless otherwise authorized by this Act.

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

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

3 Sec. 3-5. Transfer of Identification Number. The purchaser
4 of a watercraft shall, within 15 days after acquiring same,
5 make application to the Department for transfer to him of the
6 certificate of number issued to the watercraft giving his name,
7 address and the number of the boat. The purchaser shall apply
8 for a transfer-renewal for a fee as prescribed under Section
9 3-2 of this Act for approximately 3 years. All transfers will
10 bear September 30 ~~June 30~~ expiration dates in the calendar year
11 of expiration. Upon receipt of the application and fee,
12 together with proof that any tax imposed under the Municipal
13 Use Tax Act or County Use Tax Act has been paid or that no such
14 tax is owed, the Department shall transfer the certificate of
15 number issued to the watercraft to the new owner.

16 Unless the application is made and fee paid, and proof of
17 payment of municipal use tax or county use tax or nonliability
18 therefor is made, within 30 days, the watercraft shall be
19 deemed to be without certificate of number and it shall be
20 unlawful for any person to operate the watercraft until the
21 certificate is issued.

22 Non-powered watercraft are exempt from this Section.

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

24 (625 ILCS 45/3-9) (from Ch. 95 1/2, par. 313-9)

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

12 All certificates shall be renewed for 3 years from the
13 nearest September 30 ~~June 30~~ for a fee as prescribed in Section
14 3-2 of this Act. All certificates will be invalid after October
15 15 ~~July 15~~ of the year of expiration. All certificates expiring
16 in a given year shall be renewed between January 1 and
17 September 30 ~~June 30~~ of that year, in order to allow sufficient
18 time for processing.

19 The Department shall issue "registration expiration
20 decals" with all new certificates of number, all certificates
21 of number transferred and renewed and all certificates of
22 number renewed. The decals issued for each year shall be of a
23 different and distinct color from the decals of each other year
24 currently displayed. The decals shall be affixed to each side
25 of the bow of the watercraft, except for federally documented
26 vessels, in the manner prescribed by the rules and regulations

1 of the Department. Federally documented vessels shall have
2 decals affixed to the watercraft on each side of the federally
3 documented name of the vessel in the manner prescribed by the
4 rules and regulations of the Department.

5 The Department shall fix a day and month of the year on
6 which certificates of number due to expire shall lapse and no
7 longer be of any force and effect unless renewed pursuant to
8 this Act.

9 No number or registration expiration decal other than the
10 number awarded or the registration expiration decal issued to a
11 watercraft or granted reciprocity pursuant to this Act shall be
12 painted, attached, or otherwise displayed on either side of the
13 bow of such watercraft. A person engaged in the operation of a
14 licensed boat livery shall pay a fee as prescribed under
15 Section 3-2 of this Act for each watercraft used in the livery
16 operation.

17 A person engaged in the manufacture or sale of watercraft
18 of a type otherwise required to be numbered hereunder, upon
19 application to the Department upon forms prescribed by it, may
20 obtain certificates of number for use in the testing or
21 demonstrating of such watercraft upon payment of \$10 for each
22 registration. Certificates of number so issued may be used by
23 the applicant in the testing or demonstrating of watercraft by
24 temporary placement of the numbers assigned by such
25 certificates on the watercraft so tested or demonstrated.

26 Non-powered watercraft are exempt from this Section.

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

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

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

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

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

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

11 (a) Every owner of a watercraft over 21 feet in length
12 required to be numbered by this State and for which no
13 certificate of title has been issued by the Department of
14 Natural Resources shall make application to the Department of
15 Natural Resources for a certificate of title either before or
16 at the same time he next applies for issuance, transfer or
17 renewal of a certificate of number. All watercraft already
18 covered by a number in full force and effect which has been
19 awarded to it pursuant to Federal law is exempt from titling
20 requirements in this Act.

21 (b) The Department shall not issue, transfer or renew a
22 certificate of number unless a certificate of title has been
23 issued by the Department of Natural Resources or an application
24 for a certificate of title has been delivered to the

1 Department.

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

3 (625 ILCS 45/4-1) (from Ch. 95 1/2, par. 314-1)

4 Sec. 4-1. Personal flotation devices.

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

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

15 C. No person may operate a watercraft 16 feet or more in
16 length, except a canoe or kayak, unless at least one readily
17 accessible United States ~~Type IV U.S.~~ Coast Guard approved
18 throwable PFD is on board ~~or its equivalent is on board in~~
19 ~~addition to the PFD's required in paragraph A of this Section.~~

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

25 E. When assisting a person on waterskis, aquaplane or

1 similar device, there must be one wearable United States U.S.
2 Coast Guard approved PFD on board the watercraft for each
3 person being assisted or towed or worn by the person being
4 assisted or towed.

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

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

8 2. identified by a label bearing a description and
9 approval number demonstrating that the device has been
10 approved by the United States Coast Guard ~~In serviceable~~
11 ~~condition;~~

12 3. of ~~of~~ the appropriate size for the person for whom
13 it is intended; and

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

17 5. in case of a throwable PFD, immediately available
18 for use;

19 6. out of its original packaging; and

20 7. not stowed under lock and key.

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

24 ~~Type I — A Type I personal flotation device is an~~
25 ~~approved device designed to turn an unconscious person in~~
26 ~~the water from a face downward position to a vertical or~~

1 ~~slightly backward position and to have more than 20 pounds~~
2 ~~of buoyancy.~~

3 ~~Type II - A Type II personal flotation device is an~~
4 ~~approved device designed to turn an unconscious person in~~
5 ~~the water from a face downward position to a vertical or~~
6 ~~slightly backward position and to have at least 15 1/2~~
7 ~~pounds of buoyancy.~~

8 ~~Type III - A Type III personal flotation device is an~~
9 ~~approved device designed to keep a conscious person in a~~
10 ~~vertical or slightly backward position and to have at least~~
11 ~~15 1/2 pounds of buoyancy.~~

12 ~~Type IV - A Type IV personal flotation device is an~~
13 ~~approved device designed to be thrown to a person in the~~
14 ~~water and not worn. It is designed to have at least 16 1/2~~
15 ~~pounds of buoyancy.~~

16 ~~Type V - A Type V personal flotation device is an~~
17 ~~approved device for restricted use and is acceptable only~~
18 ~~when used in the activity for which it is approved.~~

19 H. (Blank). ~~The provisions of subsections A through G of~~
20 ~~this Section shall not apply to sailboards.~~

21 I. No person may operate a watercraft under 26 feet in
22 length unless an approved and appropriate sized United States
23 Coast Guard ~~a Type I, Type II, Type III, or Type V~~ personal
24 flotation device is being properly worn by each person under
25 the age of 13 on board the watercraft at all times in which the
26 watercraft is underway; however, this requirement shall not

1 apply to persons who are below decks or in totally enclosed
2 cabin spaces. The provisions of this subsection I shall not
3 apply to a person operating a watercraft on an individual's
4 private property.

5 J. Racing shells, rowing sculls, racing canoes, and racing
6 kayaks are exempt from the PFD, of any type, carriage
7 requirements under this Section provided that the racing shell,
8 racing scull, racing canoe, or racing kayak is participating in
9 an event sanctioned by the Department as a PFD optional event.
10 The Department may adopt rules to implement this subsection.
11 (Source: P.A. 97-801, eff. 1-1-13; 98-567, eff. 1-1-14.)

12 (625 ILCS 45/3-1.5 rep.)

13 (625 ILCS 45/3-7.5 rep.)

14 Section 10. The Boat Registration and Safety Act is amended
15 by repealing Sections 3-1.5 and 3-7.5.

1 INDEX

2 Statutes amended in order of appearance

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

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

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

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

7 625 ILCS 45/3-11 from Ch. 95 1/2, par. 313-11

8 625 ILCS 45/3A-1 from Ch. 95 1/2, par. 313A-1

9 625 ILCS 45/4-1 from Ch. 95 1/2, par. 314-1

10 625 ILCS 45/3-1.5 rep.

11 625 ILCS 45/3-7.5 rep.