**Section 2080.40 Dry Dock Inspection**

a) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the U.S. Coast Guard in 46 CFR Subchapters T, K, and H.

1) Before carrying passengers for hire, a watercraft shall successfully complete a dry dock inspection conducted by a marine inspector. The Department shall subsequently require successful completion of a dry dock inspection every 5 years.

2) Before an inspection, the owner of a watercraft shall remove or effectively store all associated equipment, including fishing gear, coolers, and personal belongings onboard the watercraft, which could impede the inspection process.

3) The owner of a watercraft shall open or remove all hatches and inspection ports before or during an inspection and shall have the watercraft in a reasonably clean and orderly condition.

4) To determine that a watercraft is seaworthy and in good and serviceable condition, the owner of a vessel shall permit the marine inspector to inspect the entire interior and exterior of the vessel, including all components, machinery, and associated equipment.

5) When the marine inspector has reasonable cause to believe that the seaworthiness or the sound structure of the watercraft may be impaired, the owner of the watercraft may be required to remove sections or portions of the lining, decking, ceiling, or other obstructions that may obscure any part of the watercraft so that the seaworthiness or sound structure may be determined.

6) Current U.S. Coast Guard inspection documentation that complies with this subsection (a) that was completed within 5 years from the date of application to the Department may be submitted in substitution of a private marine inspection report.

b) Watercraft Passenger Capacity; Determination

1) On watercraft that do not have or are not required to have a watercraft capacity plate, the maximum passenger capacity shall be determined by applying any one of the following criteria which result in the allowance of the greatest number of passengers.

A) One passenger per 30 inches of rail space available to passengers at the watercraft's sides and across the transom.

B) One passenger per 10 square feet of deck area available for passenger use. In computing the deck area, the areas occupied by concession stands, toilets and washrooms, companionways, and stairways shall be excluded.

C) One passenger per 18 inches of width of fixed seating provided.

2) Except as provided in subsection (b)(3), on vessels that have or are required to have vessel capacity plates, the passenger capacity shall be determined by applying either of the following criteria which result in the allowance of the greatest number of persons without exceeding the capacity plate maximums.

A) (Weight capacity - maximum motor and gear weight) / 150 = number of passengers.

B) (Boat length X boat beam) / 15 = number of passengers.

3) The marine inspector shall calculate the number of passengers which may safely be transported on watercraft carrying passengers for hire. For watercraft that have 2 or more passenger decks above the waterline, the marine inspector shall follow the vessel stability criteria contained in 46 CFR Subchapter S (1999; no later amendments or editions included) in determining the number of passengers allowable on each deck of the watercraft. The number shall be set forth on the certificate of inspection.

c) Vessel damage, repairs, and alterations; reports; repair and alteration standards; modification of corrections and repairs; determination of unsafe vessel; modification and inspection exception.

1) When a vessel is involved in an accident causing major physical damage, has structural damage, or is to be hauled out and dry docked to carry out major repairs or alterations affecting the vessel's seaworthiness, the owner of the vessel shall immediately report to a marine inspector the nature of the damage, repairs, or alterations. Physical damage does not include breakage of glass, lights, or decorative items.

2) All repairs and alterations shall be done in accordance with good marine practice and standards and approved by a marine inspector before the work is started. Drawings, sketches, or written specifications may be required by the marine inspector depending on the nature and extent of the repairs or alterations.

3) The owner of a vessel shall not allow the vessel to be returned to service or returned to the water until all repairs or alterations have been completed and the vessel has been reinspected and approved by a marine inspector. A marine inspector shall reinspect the watercraft as soon as possible after notification by the owner that the repairs and alterations have been completed.

4) When corrections or repairs to the watercraft or associated equipment are required as a result of an inspection by a marine inspector, the owner of the vessel shall notify the marine inspector when the corrections or repairs have been made.

5) When during the course of an inspection, the marine inspector finds equipment or conditions which are not addressed in this Part and which are unsafe or jeopardize the safety of the passengers carried onboard, the marine inspector shall require the condition be corrected or the equipment removed from the watercraft.

6) When it is determined by the marine inspector that a watercraft, because of its construction or design, or both, is not safe to carry passengers for hire, a certificate of inspection shall not be issued. The owner, if not satisfied with the decision of the Department, may seek relief by requesting a formal hearing as authorized by 17 Ill. Adm. Code 2530.

7) Notification and inspection shall not be required for general maintenance dry docking or hauling out.

d) Inspection Exemptions

1) Watercraft carrying not more than six passengers for hire, as defined by the U.S. Coast Guard in 46 CFR Subchapters T, K, and H, shall not be required to be inspected under the provisions of this Section.

2) Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)