



Sen. Ram Villivalam

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1 AMENDMENT TO HOUSE BILL 2499

2 AMENDMENT NO. _____. Amend House Bill 2499 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Boat Registration and Safety Act is
5 amended by changing Sections 1-2, 3-7, 3C-4, 4-1, 4-2, 5-3,
6 and 5-13 as follows:

7 (625 ILCS 45/1-2) (from Ch. 95 1/2, par. 311-2)

8 Sec. 1-2. Definitions. As used in this Act, unless the
9 context clearly requires a different meaning:

10 "Airboat" means a vessel that is typically flat-bottomed
11 and propelled by an aircraft-type propeller powered by an
12 engine.

13 "Competent" means capable of assisting a water skier in
14 case of injury or accident.

15 "Dealer" means any person who engages in the business of
16 manufacturing, selling, or dealing in, on consignment or

1 otherwise, any number of new watercraft or 5 or more used
2 watercraft of any make during the year, including any
3 off-highway vehicle dealer or snowmobile dealer or a person
4 licensed as a new or used vehicle dealer who also sells or
5 deals in, on consignment or otherwise, any number of
6 watercraft as defined in this Act.

7 "Department" means the Department of Natural Resources.

8 "Inland Rules" means the Inland Navigation Rules Act of
9 1980.

10 "International regulations" means the International
11 Regulations for Preventing Collisions at Sea, 1972, including
12 annexes currently in force for the United States.

13 "Leeward side" means the side of a vessel's sail that is
14 facing away or sheltered from the wind.

15 "Lifeboat" means a small boat kept on board a larger boat
16 for use in an emergency.

17 "Motorboat" or "power-driven vessel" means any vessel
18 propelled by machinery.

19 "Nonpowered watercraft" or "human-powered watercraft"
20 means any canoe, kayak, kiteboard, paddleboard, ribbed
21 inflatable, or any other watercraft propelled by oars,
22 paddles, or poles but not powered by sail, canvas, human body
23 part, or machinery of any sort.

24 "Operate" means to use, navigate, employ, or otherwise be
25 in actual physical control of a motorboat or vessel.

26 "Operator" means a person who operates or is in actual

1 physical control of a watercraft.

2 "Owner" means a person, other than a secured party, having
3 property rights or title to a watercraft. "Owner" includes a
4 person entitled to the use or possession of a motorboat
5 subject to an interest in another person, reserved or created
6 by agreement and securing payment of performance of an
7 obligation. "Owner" does not include a lessee under a lease
8 not intended as security.

9 "Person" means any individual, firm, corporation,
10 partnership, or association, and any agent, assignee, trustee,
11 executor, receiver, or representative thereof.

12 "Personal flotation device" or "PFD" means a device that
13 is approved by the Commandant, U.S. Coast Guard, under Part
14 160 of Title 46 of the Code of Federal Regulations.

15 "Personal watercraft" means a vessel propelled by a water
16 jet pump or other machinery as its primary source of motive
17 power and designed to be operated by a person sitting,
18 standing, or kneeling on the vessel, rather than within the
19 confines of a hull.

20 "Principally operated" means the vessel is or will be
21 primarily operated within the jurisdiction of the State during
22 a calendar year.

23 "Recreational boat" means any vessel manufactured or used
24 primarily for noncommercial use, or leased, rented, or
25 chartered to another for noncommercial use.

26 "Sailboat" or "sailing vessel" means any vessel under sail

1 so long as the propelling machinery, if fitted, is not being
2 used.

3 "Seaplane" means any aircraft designed to maneuver on the
4 water.

5 "Specialty prop-craft" means a vessel that is similar in
6 appearance and operation to a personal watercraft but that is
7 powered by an outboard or propeller driven motor.

8 "Throwable PFD" has the meaning provided in 33 CFR 175.13.

9 "Underway" applies to a vessel or watercraft at all times
10 except when it is moored at a dock or anchorage area.

11 "Use" applies to all vessels on the waters of this State,
12 whether moored or underway.

13 "Vessel" or "watercraft" means every watercraft used or
14 capable of being used as a means of transportation on water,
15 except a seaplane on the water, air mattress or similar
16 device, and boats used for concession rides in artificial
17 bodies of water designed and used exclusively for such
18 concessions.

19 "Waters of this State" means any water within the
20 jurisdiction of this State.

21 "Wearable U.S. Coast Guard approved personal flotation
22 device", "wearable U.S. Coast Guard approved PFD", and
23 "wearable PFD" have the meaning provided for "wearable PFD" in
24 33 CFR 175.13.

25 "Windward side" means the side of a vessel's sail that has
26 the wind blowing into the sail.

1 "Wing in Ground" (WIG) vessel means a multimodal vessel
2 which, in its main operational mode, flies in close proximity
3 to the surface utilizing surface-effect action.

4 ~~"Vessel" or "Watercraft" means every description of~~
5 ~~watercraft used or capable of being used as a means of~~
6 ~~transportation on water, except a seaplane on the water, air~~
7 ~~mattress or similar device, and boats used for concession~~
8 ~~rides in artificial bodies of water designed and used~~
9 ~~exclusively for such concessions.~~

10 ~~"Motorboat" means any vessel propelled by machinery,~~
11 ~~whether or not such machinery is the principal source of~~
12 ~~propulsion, but does not include a vessel which has a valid~~
13 ~~marine document issued by the Bureau of Customs of the United~~
14 ~~States Government or any Federal agency successor thereto.~~

15 ~~"Non powered watercraft" means any canoe, kayak,~~
16 ~~kiteboard, paddleboard, float tube, or watercraft not~~
17 ~~propelled by sail, canvas, or machinery of any sort.~~

18 ~~"Sailboat" means any watercraft propelled by sail or~~
19 ~~canvas, including sailboards. For the purposes of this Act,~~
20 ~~any watercraft propelled by both sail or canvas and machinery~~
21 ~~of any sort shall be deemed a motorboat when being so~~
22 ~~propelled.~~

23 ~~"Airboat" means any boat (but not including airplanes or~~
24 ~~hydroplanes) propelled by machinery applying force against the~~
25 ~~air rather than the water as a means of propulsion.~~

26 ~~"Dealer" means any person who engages in the business of~~

1 ~~manufacturing, selling, or dealing in, on consignment or~~
2 ~~otherwise, any number of new watercraft, or 5 or more used~~
3 ~~watercraft of any make during the year, including any~~
4 ~~off-highway vehicle dealer or snowmobile dealer or a person~~
5 ~~licensed as a new or used vehicle dealer who also sells or~~
6 ~~deals in, on consignment or otherwise, any number of~~
7 ~~watercraft as defined in this Act.~~

8 ~~"Lifeboat" means a small boat kept on board a larger boat~~
9 ~~for use in emergency.~~

10 ~~"Owner" means a person, other than lien holder, having~~
11 ~~title to a motorboat. The term includes a person entitled to~~
12 ~~the use or possession of a motorboat subject to an interest in~~
13 ~~another person, reserved or created by agreement and securing~~
14 ~~payment of performance of an obligation, but the term excludes~~
15 ~~a lessee under a lease not intended as security.~~

16 ~~"Waters of this State" means any water within the~~
17 ~~jurisdiction of this State.~~

18 ~~"Person" means an individual, partnership, firm,~~
19 ~~corporation, association, or other entity.~~

20 ~~"Operate" means to navigate or otherwise use a motorboat~~
21 ~~or vessel.~~

22 ~~"Department" means the Department of Natural Resources.~~

23 ~~"Competent" means capable of assisting a skier in case of~~
24 ~~injury or accident.~~

25 ~~"Personal flotation device" or "PFD" means a device that~~
26 ~~is approved by the Commandant, U.S. Coast Guard, under Part~~

1 ~~160 of Title 46 of the Code of Federal Regulations.~~

2 ~~"Recreational boat" means any vessel manufactured or used~~
3 ~~primarily for noncommercial use; or leased, rented or~~
4 ~~chartered to another for noncommercial use.~~

5 ~~"Personal watercraft" means a vessel that uses an inboard~~
6 ~~motor powering a water jet pump as its primary source of motor~~
7 ~~power and that is designed to be operated by a person sitting,~~
8 ~~standing, or kneeling on the vessel, rather than the~~
9 ~~conventional manner of sitting or standing inside the vessel,~~
10 ~~and includes vessels that are similar in appearance and~~
11 ~~operation but are powered by an outboard or propeller drive~~
12 ~~motor.~~

13 ~~"Specialty prop-craft" means a vessel that is similar in~~
14 ~~appearance and operation to a personal watercraft but that is~~
15 ~~powered by an outboard or propeller driven motor.~~

16 ~~"Underway" applies to a vessel or watercraft at all times~~
17 ~~except when it is moored at a dock or anchorage area.~~

18 ~~"Use" applies to all vessels on the waters of this State,~~
19 ~~whether moored or underway.~~

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

21 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

22 Sec. 3-7. Loss of certificate; certificate correction.
23 Should a certificate of number or registration expiration
24 decal become lost, destroyed, or mutilated beyond legibility,
25 or if information required by the Department to be included on

1 the certificate has changed, the owner of the watercraft shall
2 make application to the Department for the replacement of the
3 certificate or decal or for a corrected certificate or decal,
4 giving his name, address, and the number of his boat and shall
5 at the ~~same~~ time of application pay to the Department a fee of
6 \$5.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (625 ILCS 45/3C-4) (from Ch. 95 1/2, par. 313C-4)

9 Sec. 3C-4. Police tows; reports; release of watercraft;
10 payment ~~Reports on towed watercraft.~~

11 (a) When a watercraft is authorized to be towed away as
12 provided in Section 3C-2 or 3C-3, the authorization, any hold
13 order, and any release shall be in writing, or confirmed in
14 writing, with a copy given to the towing service.

15 (b) When a watercraft is authorized to be towed away as
16 provided in Section 3C-2, the police headquarters or office of
17 the law enforcement officer authorizing the towing shall keep
18 and maintain a record of the watercraft towed, listing the
19 color, manufacturer's trade name, manufacturer's series name,
20 hull type, hull material, hull identification number, and
21 registration number displayed on the watercraft. The record
22 shall also include the date and hour of tow, location towed
23 from, location towed to, and reason for towing and the name of
24 the officer authorizing the tow.

25 (c) The owner, operator, or other legally entitled person

1 shall be responsible to the towing service for the payment of
2 applicable removal, towing, storage, and processing charges
3 and collection costs associated with a watercraft towed or
4 held under order or authorization of a law enforcement agency.

5 If a watercraft towed or held under order or authorization of a
6 law enforcement agency is seized by the ordering or
7 authorizing agency or any other law enforcement or
8 governmental agency and sold, any unpaid removal, towing,
9 storage, and processing charges and collection costs shall be
10 paid to the towing service from the proceeds of the sale. If
11 the applicable law provides that the proceeds are to be paid
12 into the treasury of the appropriate civil jurisdiction, then
13 any unpaid removal, towing, storage, and processing charges
14 and collection costs shall be paid to the towing service from
15 the treasury of the civil jurisdiction. Such payment shall not
16 exceed the amount of proceeds from the sale, with the balance
17 to be paid by the owner, operator, or other legally entitled
18 person.

19 (d) Upon the delivery of a written release order to the
20 towing service, a watercraft subject to a hold order shall be
21 released to the owner, operator, or other legally entitled
22 person upon proof of ownership or other entitlement and upon
23 payment of applicable removal, towing, storage, and processing
24 charges and collection costs.

25 (Source: P.A. 84-646.)

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

2 Sec. 4-1. Personal flotation devices.

3 A. No person may operate a watercraft unless at least one
4 wearable U.S. Coast Guard approved personal flotation device
5 for each person PFD is on board, so placed as to be readily
6 available for each person.

7 B. No person may operate a personal watercraft or
8 specialty prop-craft unless each person aboard is wearing a
9 wearable U.S. Coast Guard approved personal flotation device
10 ~~PFD approved by the United States Coast Guard~~. No person on
11 board a personal watercraft shall use an inflatable PFD in
12 order to meet the PFD requirements of subsection A of this
13 Section.

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

18 D. (Blank).

19 E. When assisting a person on water skis, aquaplane or
20 similar device, there must be one wearable U.S. ~~United States~~
21 Coast Guard approved PFD on board the watercraft for each
22 person being assisted or towed or worn by the person being
23 assisted or towed.

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

26 1. in serviceable condition;

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

4 3. of the appropriate size for the person for whom it
5 is intended;

6 4. in the case of a wearable PFD, readily accessible
7 aboard the watercraft;

8 5. in the case of a throwable PFD, immediately
9 available for use;

10 6. out of its original packaging; and

11 7. not stowed under lock and key.

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

15 H. (Blank).

16 H-5. An approved and appropriately sized wearable U.S.
17 Coast Guard approved personal flotation device shall be worn
18 by each person under the age of 13 while in tow.

19 I. No person may operate any ~~a~~ watercraft ~~under 26 feet in~~
20 ~~length~~ unless an approved and appropriately ~~appropriate~~ sized
21 wearable U.S. United States Coast Guard approved personal
22 flotation device is being properly worn by each person under
23 the age of 13 on the deck of a watercraft or in an open
24 watercraft ~~board the watercraft~~ at all times in which the
25 watercraft is underway; however, this requirement shall not
26 apply to persons who are enclosed in a cabin or below the top

1 deck on a watercraft, on an anchored watercraft that is a
2 platform for swimming or diving, or aboard a charter
3 "passenger for hire" watercraft with a licensed captain. below
4 ~~decks or in totally enclosed cabin spaces. The provisions of~~
5 ~~this subsection I shall not apply to a person operating a~~
6 ~~watercraft 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
10 shell, racing scull, racing canoe, or racing kayak is
11 participating in an event sanctioned by the Department as a
12 PFD optional event. The Department may adopt rules to
13 implement this subsection.

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

15 (625 ILCS 45/4-2) (from Ch. 95 1/2, par. 314-2)

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

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

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

1 2. Class 2: 16 feet or over and less than 26 feet in
2 length. ~~A combination light in the forepart of the boat~~
3 ~~lower than the white light after, showing green to~~
4 ~~starboard and red to port, so fixed as to throw a light~~
5 ~~from dead ahead to 2 points abaft the beam on their~~
6 ~~respective sides and visible for a distance of not less~~
7 ~~than 1 mile.~~

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

11 4. Class 4: 40 feet or over and less than 65 feet in
12 length.

13 B. Every motorboat, underway from sunset to sunrise or
14 underway in weather causing reduced visibility, shall carry
15 and exhibit the following United States Coast Guard approved
16 lights when underway and, during such time, shall not use any
17 other lights that may be mistaken for or interfere with those
18 prescribed as follows:

19 1. A Class 1 or Class 2 motorboat shall carry the
20 following lights:

21 (a) A bright white light aft to show all around the
22 horizon; and

23 (b) A combined light in the fore part of the
24 watercraft and lower than the white light aft, showing
25 green to starboard and red to port, so fixed as to
26 throw the light from right ahead to 2 points (22.5

1 degrees) abaft the beam on their respective sides.

2 2. A Class 3 or Class 4 motorboat shall carry the
3 following lights:

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

12 (b) A bright white light aft, mounted higher than
13 the white light forward, to show all around the
14 horizon; and

15 (c) On the starboard side, a green light so
16 constructed as to show an unbroken light over an arc of
17 the horizon of 10 points (112.5 degrees) of the
18 compass, so fixed as to throw the light from right
19 ahead to 2 points (22.5 degrees) abaft the beam on the
20 starboard side. On the port side, a red light so
21 constructed as to show an unbroken light over an arc of
22 the horizon of 10 points (112.5 degrees) of the
23 compass, so fixed as to throw the light from right
24 ahead to 2 points (22.5 degrees) abaft the beam on the
25 port side. The side lights shall be fitted with
26 inboard screens so set as to prevent these lights from

1 being seen across the bow.

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

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

16 5. If propelled by sail and machinery, a motorboat
17 shall carry the lights required by this Section for a
18 motorboat propelled by machinery only.

19 6. All other watercraft over 65 feet in length and
20 those propelled solely by wind effect on the sail shall
21 display lights prescribed by federal regulations.

22 ~~Watercraft propelled by muscular power when underway shall~~
23 ~~carry on board from sunset to sunrise, but not fixed to any~~
24 ~~part of the boat, a lantern or flashlight capable of showing a~~
25 ~~white light visible all around the horizon at a distance of 2~~
26 ~~miles or more, and shall display such lantern in sufficient~~

1 ~~time to avoid collision with another watercraft.~~

2 C. Nonpowered watercraft shall carry, ready at hand, a
3 lantern or flashlight showing a white light that shall be
4 exhibited in sufficient time to avert collision. Manually
5 propelled watercraft used on the waters of this State where
6 power-driven vessels are prohibited are exempt from the
7 provisions of this Section. Every vessel 39 feet or more in
8 length shall carry and display when underway such additional
9 or alternate lights as shall be required by the U. S. Coast
10 Guard for watercraft of equivalent length and type.

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

23 E. All watercraft, when anchored, other than in a special
24 anchorage area as defined in 33 CFR 109.10, shall, from sunset
25 to sunrise, carry and display a steady white light visible all
26 around the horizon for a distance of no less than 2 miles.

1 ~~Dinghies, tenders and other watercraft, whose principal~~
2 ~~function is as an auxiliary to other larger watercraft, when~~
3 ~~so operating need carry only a flashlight visible to other~~
4 ~~craft in the area, anything in this section to the contrary~~
5 ~~notwithstanding.~~

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

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

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

17 (625 ILCS 45/5-3) (from Ch. 95 1/2, par. 315-3)

18 Sec. 5-3. Interference with navigation.

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

25 (b) A vessel engaged in fishing shall not impede the

1 passage of any other vessel navigating within a narrow channel
2 or canal.

3 (c) A vessel nearing a bend or an area of a narrow channel
4 or canal where other vessels may be obscured by an intervening
5 obstruction shall navigate with alertness and caution and
6 shall sound the appropriate audible signal as required by the
7 Inland Rules as written by the United States Coast Guard and
8 this Act.

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

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

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

14 Sec. 5-13. Traffic rules.

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

24 A-5. Head-on situation.

25 (1) If 2 power-driven vessels are meeting head-on or

1 nearly head-on courses so as to involve risk of collision,
2 each shall alter course to starboard so that each shall
3 pass on the port side of the other.

4 (2) A vessel proceeding along the course of a narrow
5 channel or canal shall keep as near to the outer limit of
6 the channel or canal that lies on the starboard side as is
7 safe and practicable.

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

12 B. Crossing. As used in this Section, "crossing" means 2
13 or more watercraft traveling in directions that would have the
14 path of travel of the watercraft intersect each other. ~~When~~
15 ~~boats approach each other obliquely or at right angles, the~~
16 ~~boat approaching on the right side has the right of way.~~

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

21 (2) A power-driven vessel crossing a river shall keep
22 out of the way of a power-driven vessel ascending or
23 descending the river.

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

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

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

5 (2) If a vessel operator is in doubt as to whether he
6 or she is overtaking another vessel, the operator shall
7 assume he or she is overtaking the other vessel and shall
8 act accordingly.

9 (3) Any subsequent alteration of the bearing between
10 the 2 vessels shall not make the overtaking vessel a
11 crossing vessel within the meaning of this Section or
12 relieve the overtaking operator of the duty to keep clear
13 of the overtaken vessel until finally past and clear.

14 (4) When overtaking in a narrow channel or canal, the
15 operator of a power-driven vessel intending to overtake
16 another power-driven vessel shall proceed to pass safety
17 only after indicating his or her intention by sounding the
18 horn as follows:

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

22 (b) 2 short blasts from the horn signify a request
23 to pass on the overtaken vessel's port side.

24 (5) The operator of the power-driven vessel being
25 overtaken shall:

26 (a) acknowledge the request by sounding the same

1 signal; or

2 (b) sound 5 short blasts from the horn to indicate
3 danger or to warn the overtaking vessel not to pass.

4 No response from the overtaken vessel shall be
5 interpreted as an indication of danger and is the same as
6 if 5 short blasts from the horn were sounded. In the
7 absence of an audible signal or horn, a light signal
8 device using the appropriate number of rapid bursts of
9 light may be used.

10 D. Sailing vessels.

11 (1) The operator of a power-driven vessel shall yield
12 the right-of-way to any nonpowered or sailing vessel
13 unless the nonpowered vessel is overtaking the
14 power-driven vessel or ~~Sailboats and Rowboats.~~ When a
15 motorboat is approaching a boat propelled solely by sails
16 or oars, the motorboat must yield the right of way to the
17 sailboat or rowboat except, when a large craft is
18 navigating in a confined channel, the large craft has the
19 right-of-way ~~right of way~~ over a boat propelled solely by
20 oars or sails.

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

24 (a) If each has the wind on a different side, the
25 vessel that has the wind on the port side shall give
26 way to the other vessel.

1 (b) If both have the wind on the same side, the
2 vessel that is to windward shall give way to the vessel
3 that is to leeward.

4 (c) If a vessel with the wind on the port side sees
5 a vessel to windward and cannot determine with
6 certainty whether the other vessel has the wind on the
7 port or starboard side, the vessel shall give way to
8 the other vessel.

9 (Source: P.A. 82-783.)"