



Sen. Rachelle Crowe

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10200SB1230sam001

LRB102 05041 RAM 25387 a

1 AMENDMENT TO SENATE BILL 1230

2 AMENDMENT NO. _____. Amend Senate Bill 1230 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, 3A-1, 3A-3, 3A-4, 3A-5,
6 3A-7, 3A-8, 3A-10, 3A-11, 3A-12, 3A-14, 3A-15, 3A-16, 3A-17,
7 3A-18, 3A-19, 3A-21, 3C-4, 4-1, 4-2, 5-3, and 5-13 and the
8 heading of Article IIIA and by adding Sections 3A-0.1,
9 3A-19.1, 3A-19.2, 3A-19.3, 3A-19.4, and 3A-22 as follows:

10 (625 ILCS 45/1-2) (from Ch. 95 1/2, par. 311-2)

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

13 "Airboat" means any boat propelled by an engine producing
14 air thrust. "Airboat" does not include ground-effect vessels
15 or air-cushion vehicles (hovercraft).

16 "Competent" means capable of assisting a skier in case of

1 injury or accident.

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

10 "Department" means the Department of Natural Resources.

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

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

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

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

20 "Nonpowered watercraft" or "human-powered watercraft"
21 means watercraft primarily designed to be propelled by human
22 power collected directly from the hands or feet, through the
23 hands with oars, paddles, or poles, or through the feet with
24 pedals and a crank or treadle.

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

1 "Operator" means a person who operates or is in actual
2 physical control of a watercraft.

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

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

13 "Personal flotation device" or "PFD" means a device that
14 is approved by the Commandant, U.S. Coast Guard, under Part
15 160 of Title 46 of the Code of Federal Regulations.

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

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

24 "Sailboat" or "sailing vessel" means any vessel under
25 sail, so long as the propelling machinery, if fitted, is not
26 being used.

1 "Sea plane" means any aircraft designed to maneuver on the
2 water.

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

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

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

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

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

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

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

23 ~~"Vessel" or "Watercraft" means every description of~~
24 ~~watercraft used or capable of being used as a means of~~
25 ~~transportation on water, except a seaplane on the water, air~~
26 ~~mattress or similar device, and boats used for concession~~

1 ~~rides in artificial bodies of water designed and used~~
2 ~~exclusively for such concessions.~~

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

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

11 ~~"Sailboat" means any watercraft propelled by sail or~~
12 ~~canvas, including sailboards. For the purposes of this Act,~~
13 ~~any watercraft propelled by both sail or canvas and machinery~~
14 ~~of any sort shall be deemed a motorboat when being so~~
15 ~~propelled.~~

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

19 ~~"Dealer" means any person who engages in the business of~~
20 ~~manufacturing, selling, or dealing in, on consignment or~~
21 ~~otherwise, any number of new watercraft, or 5 or more used~~
22 ~~watercraft of any make during the year, including any~~
23 ~~off-highway vehicle dealer or snowmobile dealer or a person~~
24 ~~licensed as a new or used vehicle dealer who also sells or~~
25 ~~deals in, on consignment or otherwise, any number of~~
26 ~~watercraft as defined in this Act.~~

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

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

9 ~~"Waters of this State" means any water within the~~
10 ~~jurisdiction of this State.~~

11 ~~"Person" means an individual, partnership, firm,~~
12 ~~corporation, association, or other entity.~~

13 ~~"Operate" means to navigate or otherwise use a motorboat~~
14 ~~or vessel.~~

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

16 ~~"Competent" means capable of assisting a skier in case of~~
17 ~~injury or accident.~~

18 ~~"Personal flotation device" or "PFD" means a device that~~
19 ~~is approved by the Commandant, U.S. Coast Guard, under Part~~
20 ~~160 of Title 46 of the Code of Federal Regulations.~~

21 ~~"Recreational boat" means any vessel manufactured or used~~
22 ~~primarily for noncommercial use; or leased, rented or~~
23 ~~chartered to another for noncommercial use.~~

24 ~~"Personal watercraft" means a vessel that uses an inboard~~
25 ~~motor powering a water jet pump as its primary source of motor~~
26 ~~power and that is designed to be operated by a person sitting,~~

1 ~~standing, or kneeling on the vessel, rather than the~~
2 ~~conventional manner of sitting or standing inside the vessel,~~
3 ~~and includes vessels that are similar in appearance and~~
4 ~~operation but are powered by an outboard or propeller drive~~
5 ~~motor.~~

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

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

14 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

15 Sec. 3-7. Loss of certificate; certificate correction.
16 Should a certificate of number or registration expiration
17 decal become lost, destroyed, or mutilated beyond legibility,
18 or if the information that is required to be on the certificate
19 has changed, the owner of the watercraft shall make
20 application to the Department for the replacement of the
21 certificate or decal, giving his name, address, and the number
22 of his boat and shall at the same time pay to the Department a
23 fee of \$7 ~~\$5~~.

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

1 (625 ILCS 45/Art. IIIA heading)

2 ARTICLE IIIA. CERTIFICATE OF TITLE, MOTORBOATS AND
3 SAILBOATS OVER 21 ~~12~~ FEET IN LENGTH

4 (625 ILCS 45/3A-0.1 new)

5 Sec. 3A-0.1. Definitions. As used in this Article:

6 "Electronic" means electrical, digital, magnetic, optical,
7 or electromagnetic technology, or any other form of technology
8 that entails capabilities similar to these technologies.

9 "Electronic record" means a record generated,
10 communicated, received, or stored by electronic means for use
11 in an information system or for transmission from one
12 information system to another.

13 "Electronic signature" means a signature in electronic
14 form attached to or logically associated with an electronic
15 record.

16 "Junk watercraft" or "scrap watercraft" means a watercraft
17 that has been or is being disassembled, crushed, compressed,
18 flattened, destroyed, or otherwise reduced to a state in which
19 it no longer can be returned to an operable state, or has been
20 branded or assigned as junk or a similar designation by
21 another state or jurisdiction.

22 "Owner" means a person who holds a certificate of origin,
23 certificate of title, salvage certificate, or junking
24 certificate. However, if a watercraft is the subject of an
25 agreement for the conditional sale or lease thereof with the

1 right of purchase upon performance of the conditions stated in
2 the agreement and with an immediate right of possession vested
3 in the conditional vendee or lessee, or if a mortgagor of such
4 a watercraft is entitled to possession, then the conditional
5 vendee or lessee or mortgagor shall be deemed the owner for the
6 purpose of this Article.

7 "Record" means information that is inscribed, stored, or
8 otherwise fixed on a tangible medium or that is stored in an
9 electronic or other medium and is retrievable in perceivable
10 form.

11 "Salvage" means a watercraft that has been damaged but may
12 be put back into its original operable state after repair and
13 has not been issued a junking certificate.

14 "Salvage dealer" means an entity that sells salvage
15 watercraft on behalf of insurance companies and obtains a
16 "salvage dealer" designation through the used dealer
17 application process under Section 5-102 of the Illinois
18 Vehicle Code

19 "Signature" or "signed" means any symbol executed or
20 adopted, or any security procedure employed or adopted, using
21 electronic means or otherwise, by or on behalf of a person with
22 intent to authenticate a record.

23 (625 ILCS 45/3A-1) (from Ch. 95 1/2, par. 313A-1)

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

25 (a) Every owner of a watercraft over 21 feet in length

1 required to be numbered by this State and for which no
2 certificate of title has been issued by the Department of
3 Natural Resources shall make application to the Department of
4 Natural Resources for a certificate of title either before or
5 at the same time he next applies for issuance, transfer or
6 renewal of a certificate of number. All watercraft already
7 covered by a number in full force and effect which has been
8 awarded to it pursuant to Federal law is exempt from titling
9 requirements in this Act.

10 (b) The Department shall not issue, transfer or renew a
11 certificate of number for a watercraft over 21 feet unless a
12 certificate of title has been issued by the Department of
13 Natural Resources or an application for a certificate of title
14 has been delivered to the Department.

15 (Source: P.A. 100-469, eff. 6-1-18.)

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

17 Sec. 3A-3. Application for ~~first~~ certificate of title.

18 (a) The application for a ~~the first~~ certificate of title
19 in this State must be made by the owner to the Department of
20 Natural Resources on the form prescribed and must contain:

21 1. The name, residence and mail address of the owner;

22 1.5. If available, the email address of the owner;

23 2. A description of the watercraft so far as the
24 following data exists: Its make, model, year of
25 manufacture, manufacturer's serial number or builder's

1 hull number, length and principal material used in
2 construction;

3 3. The date of purchase by applicant, the name and
4 address of the person from whom the watercraft was
5 acquired and the names and addresses of any lienholders in
6 the order of their priority and the dates of their
7 security agreements; and

8 4. Any further information the Department of Natural
9 Resources reasonably requires to identify the watercraft
10 and to enable the Department to determine whether the
11 owner is entitled to a certificate of title and the
12 existence or nonexistence of security interests in the
13 watercraft.

14 (a-5) The Department shall designate on the prescribed
15 application form a space where the owner of a watercraft may
16 designate a beneficiary to whom ownership of the watercraft
17 shall pass in the event of the owner's death.

18 (b) If the application refers to a watercraft purchased
19 from a dealer, it must contain the name and address of any
20 lienholder holding a security interest created or reserved at
21 the time of the sale and the date of his security agreement and
22 be signed by the dealer as well as the owner, and the dealer
23 must within 15 days mail or deliver the application to the
24 Department of Natural Resources.

25 (c) If the application refers to a watercraft last
26 previously registered in another State or country, the

1 application must contain or be accompanied by:

2 1. Any certificate of title issued by the other State
3 or country; and

4 2. Any other information and documents the Department
5 of Natural Resources reasonably requires to establish
6 ownership and the existence or nonexistence of security
7 interests.

8 (d) If the application refers to a new watercraft, it must
9 be accompanied by the Manufacturer's Statement of Origin, or
10 other documents as required and acceptable by the Department
11 of Natural Resources, with such assignments as may be
12 necessary to show title in the applicant.

13 (e) An application for a certificate of title for any
14 watercraft, whether purchased in Illinois or outside Illinois,
15 and even if previously registered in another state, must be
16 accompanied by either an exemption determination from the
17 Department of Revenue showing that no tax imposed pursuant to
18 the Use Tax Act or the Watercraft Use Tax Law is owed by anyone
19 with respect to that watercraft, or a receipt from the
20 Department of Revenue showing that any tax so imposed has been
21 paid. In the absence of such a receipt for payment or
22 determination of exemption from the Department, no certificate
23 of title shall be issued to the applicant. If, after the
24 issuance of the certificate of title and display certificate
25 of title, the proof of payment of the tax or of nonliability
26 therefor is found to be invalid, the Department of Natural

1 Resources shall revoke the certificate and require that the
2 certificate of title and, when applicable, the display
3 certificate of title be returned to the Department of Natural
4 Resources.

5 (f) If the application refers to a watercraft sold at
6 public sale by a sheriff, it must be accompanied by the
7 required fee and a bill of sale issued and signed by a sheriff.
8 The bill of sale must identify the new owner's name and
9 address, the year model, make, watercraft identification
10 number, and hull number of the watercraft, the court order
11 authorizing such a sale, if applicable, and the name and
12 address of any lienholders in order of priority, if
13 applicable.

14 (g) If the application refers to a watercraft for which a
15 court of law determined the ownership, it must be accompanied
16 with a certified copy of such court order and the required fee.
17 The court order must indicate the new owner's name and
18 address, the complete description of the watercraft, if known,
19 the name and address of the lienholder, if any, and must be
20 signed and dated by the judge issuing the order.

21 (h) If the application refers to a watercraft sold at
22 public auction pursuant to the Labor and Storage Lien (Small
23 Amount) Act, it must be accompanied by an affidavit or
24 affirmation furnished by the Department of Natural Resources
25 along with the documents described in the affidavit or
26 affirmation and the required fee.

1 (Source: P.A. 91-357, eff. 7-29-99.)

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

3 Sec. 3A-4. Examination of records. The Department of
4 Natural Resources, upon receiving application for a ~~first~~
5 certificate of title, shall check the identifying description
6 of the watercraft shown in the application against the records
7 required to be maintained by Section 3A-5 of this Article and
8 against the record of stolen and converted watercraft required
9 to be maintained by Section 3A-6 of this Article.

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

11 (625 ILCS 45/3A-5) (from Ch. 95 1/2, par. 313A-5)

12 Sec. 3A-5. Certificate of title - Issuance - Records.

13 (a) The Department of Natural Resources shall file each
14 application received and, when satisfied as to its genuineness
15 and regularity, and that no tax imposed by the Use Tax Act or
16 the Watercraft Use Tax Law is owed as evidenced by the receipt
17 for payment or determination of exemption from the Department
18 of Revenue provided for in Section 3A-3 of this Article, and
19 that the applicant is entitled to the issuance of a
20 certificate of title, shall issue a certificate of title.

21 (b) The Department of Natural Resources shall maintain a
22 record of all certificates of title, junking certificates, and
23 salvage certificates issued under a distinctive title number
24 assigned to the watercraft and, in the discretion of the

1 Department, in any other method determined.

2 (Source: P.A. 93-840, eff. 7-30-04.)

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

4 Sec. 3A-7. Contents and effect.

5 (a) Each certificate of title issued by the Department of
6 Natural Resources shall contain:

7 1. The date issued;

8 2. The name and address of the owner;

9 3. The names and addresses of any lienholders, in the
10 order of priority as shown on the application or, if the
11 application is based on a certificate of title, as shown
12 on the certificate;

13 4. The title number assigned to the watercraft;

14 5. A description of the watercraft including, so far
15 as the following data exists: its make, model, year of
16 manufacture, registration number, and manufacturer's
17 serial number or, if none, the builder's hull number,
18 length, purchase date, and the principal material used in
19 construction;

20 6. Any other data the Department of Natural Resources
21 prescribes.

22 (b) The certificate of title shall contain forms for
23 assignment and warranty of title by the owner, and for
24 assignment and warranty of title by a dealer, and may contain
25 forms for applications for a certificate of title by a

1 transferee, the naming of a lienholder and the assignment or
2 release of the security interest of a lienholder.

3 (b-5) The Department shall designate on the certificate of
4 title a space where the owner of a watercraft may designate a
5 beneficiary, to whom ownership of the watercraft shall pass in
6 the event of the owner's death.

7 (c) A certificate of title issued by the Department of
8 Natural Resources is prima facie evidence of the facts
9 appearing on it.

10 (d) A certificate of title is not subject to garnishment,
11 attachment, execution or other judicial process, but this
12 subsection does not prevent a lawful levy upon the watercraft.

13 (e) Any certificate of title issued by the Department of
14 Natural Resources is subject to a lien in favor of the State of
15 Illinois for any fees or taxes required to be paid under this
16 Act and as have not been paid, as provided for in this Act.

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

18 (625 ILCS 45/3A-8) (from Ch. 95 1/2, par. 313A-8)

19 Sec. 3A-8. Presumption of tenancy. When a certificate of
20 title is made out to 2 or more persons ~~a husband and wife with~~
21 ~~the marital relationship shown on the certificate~~, it shall be
22 presumed, unless stated otherwise, that the title is held as
23 joint tenants with right of survivorship.

24 (Source: P.A. 81-1199.)

1 (625 ILCS 45/3A-10) (from Ch. 95 1/2, par. 313A-10)

2 Sec. 3A-10. Refusing certificate of title. The Department
3 of Natural Resources shall refuse issuance of a certificate of
4 title if any required fee is not paid or if the Department ~~he~~
5 has reasonable grounds to believe that:

6 (a) The applicant is not the owner of the watercraft;

7 (b) The application contains a false or fraudulent
8 statement; or

9 (c) The applicant fails to furnish required information or
10 documents or any additional information the Department of
11 Natural Resources reasonably requires;

12 (d) The applicant has not paid any fees or taxes due under
13 this Act and have not been paid upon reasonable notice and
14 demand.

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

16 (625 ILCS 45/3A-11) (from Ch. 95 1/2, par. 313A-11)

17 Sec. 3A-11. Lost, stolen or mutilated certificates.

18 (a) If a certificate of title, junking certificate, or
19 salvage certificate is lost, stolen, mutilated or destroyed or
20 becomes illegible, the first lienholder or, if none, the owner
21 or legal representative of the owner named in the certificate,
22 as shown by the records of the Department of Natural
23 Resources, shall promptly make application for and may obtain
24 a duplicate upon furnishing information satisfactory to the
25 Department of Natural Resources. The duplicate certificate ~~of~~

1 ~~title~~ shall contain the legend "This is a duplicate
2 certificate and may be subject to the rights of a person under
3 the original certificate." It shall be mailed to the first
4 lienholder named in it or, if none, to the owner.

5 (b) The Department of Natural Resources shall not issue a
6 duplicate certificate ~~of title~~ to any person within 15 days
7 after the issuance of an original certificate ~~of title~~ to such
8 person.

9 (c) A person recovering an original certificate ~~of title~~
10 for which a duplicate has been issued shall promptly surrender
11 the original certificate to the Department of Natural
12 Resources.

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

14 (625 ILCS 45/3A-12) (from Ch. 95 1/2, par. 313A-12)

15 Sec. 3A-12. Transfer.

16 (a) If an owner transfers his interest in a watercraft
17 other than by the creation of a security interest, he shall, at
18 the time of the delivery, execute an assignment and warranty
19 of title to the transferee in the space provided therefor on
20 the certificate or as the Department of Natural Resources
21 prescribes and cause the certificate and assignment to be
22 mailed or delivered to the transferee or to the Department of
23 Natural Resources.

24 (b) Except as provided in ~~Section 3A-14~~ of this Article,
25 the transferee shall, promptly and within 15 days after

1 delivery to him of the watercraft and the assigned certificate
2 of title or salvage certificate, execute the application for a
3 new certificate of title or salvage certificate in the space
4 provided therefor on the certificate or as the Department of
5 Natural Resources prescribes, and cause the certificate and
6 application to be mailed or delivered to the Department of
7 Natural Resources.

8 (c) Upon request of the owner or transferee, a lienholder
9 in possession of the certificate of title or salvage
10 certificate shall, unless the transfer was a breach of his
11 security agreement, either deliver the certificate to the
12 transferee for delivery to the Department of Natural Resources
13 or, upon receipt from the transferee of the owner's
14 assignment, the transferee's application for a new certificate
15 and the required fee, mail or deliver them to the Department of
16 Natural Resources. The delivery of the certificate does not
17 affect the rights of the lienholder under his security
18 agreement.

19 (d) If a security interest is reserved or created at the
20 time of the transfer, the certificate of title or salvage
21 certificate shall be retained by or delivered to the person
22 who becomes the lienholder, and the parties shall comply with
23 the provisions of Section 3B-3 of Article IIIB.

24 (e) Except as provided in ~~Section 3A-14~~ of this Article
25 and as between the parties, a transfer by an owner is not
26 effective until the provisions of this Section and Section

1 3A-16 of this Article have been complied with; however, an
2 owner who has delivered possession of the watercraft to the
3 transferee and has complied with the provisions of this
4 Section and Section 3A-16 of this Article requiring action by
5 him as not liable as owner for any damages thereafter
6 resulting from operation of the watercraft.

7 (f) The Department of Natural Resources may decline to
8 process any application for a transfer of an interest in a
9 watercraft if any fees or taxes due under this Act from the
10 transferor or the transferee have not been paid upon
11 reasonable notice and demand.

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

13 (625 ILCS 45/3A-14) (from Ch. 95 1/2, par. 313A-14)

14 Sec. 3A-14. Transfer to or from dealer - Records.

15 (a) If a dealer buys a watercraft and holds it for resale
16 and procures the certificate of title or salvage certificate
17 from the owner or the lienholder within 10 days after delivery
18 to him of the watercraft, he need not send the certificate to
19 the Department of Natural Resources but, upon transferring the
20 watercraft to another person other than by the creation of a
21 security interest, shall promptly and within 15 days execute
22 the assignment and warranty of title by a dealer, showing the
23 names and addresses of the transferee and of any lienholder
24 holding a security interest created or reserved at the time of
25 the resale and the date of his security agreement, in the

1 spaces provided therefor on the certificate or as the
2 Department of Natural Resources prescribes, and mail or
3 deliver the certificate to the Department with the
4 transferee's application for a new certificate.

5 (b) Every dealer shall maintain for 3 years a record in the
6 form the Department of Natural Resources prescribes of every
7 watercraft bought, sold or exchanged by him, or received by
8 him for sale or exchange, which shall be open to inspection by
9 a representative of the Department of Natural Resources or
10 peace officer during reasonable business hours.

11 (c) The Department of Natural Resources may decline to
12 process any application for a transfer of an interest in a
13 watercraft if any fees or taxes due under this Act from the
14 transferor or the transferee have not been paid upon
15 reasonable notice and demand.

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

17 (625 ILCS 45/3A-15) (from Ch. 95 1/2, par. 313A-15)

18 Sec. 3A-15. Transfer by operation of law.

19 (a) If the interest of an owner in a watercraft passes to
20 another other than by voluntary transfer, the transferee
21 shall, except as provided in subsection (b), promptly mail or
22 deliver within 15 days to the Department of Natural Resources
23 the last certificate of title or salvage certificate, if
24 available, proof of the transfer, and his or her application
25 for a new certificate in the form the Department prescribes.

1 It shall be unlawful for any person having possession of a
2 certificate of title or salvage certificate for a watercraft
3 by reason of his or her having a lien or encumbrance on such
4 watercraft, to fail or refuse to deliver such certificate to
5 the owner, upon the satisfaction or discharge of the lien or
6 encumbrance, indicated upon such certificate of title or
7 salvage certificate.

8 (b) If the interest of an owner in a watercraft passes to
9 another under the provisions of the Small Estates provisions
10 of the Probate Act of 1975, as amended, the transferee shall
11 promptly mail or deliver to the Department of Natural
12 Resources, within 120 days, the last certificate of title or
13 salvage certificate, if available, the documentation required
14 under the provisions of the Probate Act of 1975, as amended,
15 and an application for certificate of title or salvage
16 certificate. The transfer may be to the transferee or to the
17 nominee of the transferee.

18 (c) If the interest of an owner in a watercraft passes to
19 another under other provisions of the Probate Act of 1975, as
20 amended, and the transfer is made by an executor,
21 administrator, or guardian for a person with a disability,
22 such transferee shall promptly mail or deliver to the
23 Department of Natural Resources, the last certificate of title
24 or salvage certificate, if available, and a certified copy of
25 the letters testamentary, letters of administration or letters
26 of guardianship, as the case may be, and an application for a

1 certificate of title or salvage certificate. Such application
2 shall be made before the estate is closed. The transfer may be
3 to the transferee or to the nominee of the transferee.

4 (d) If the interest of an owner in joint tenancy passes to
5 the other joint tenant with survivorship rights as provided by
6 law, the transferee shall promptly mail or deliver to the
7 Department of Natural Resources, the last certificate of title
8 or salvage certificate, if available, proof of death of the
9 one joint tenant and survivorship of the surviving joint
10 tenant, and an application for certificate of title or salvage
11 certificate. Such application shall be made within 120 days
12 after the death of the joint tenant. The transfer may be to the
13 transferee or to the nominee of the transferee.

14 (d-5) If the interest of an owner passes to the owner's
15 spouse or if the spouse otherwise acquires ownership of the
16 watercraft, then the transferee shall promptly mail or deliver
17 to the Department of Natural Resources proof of (i) the
18 owner's death; (ii) the transfer or acquisition of ownership;
19 and (iii) proof of the marital relationship between the owner
20 and the transferee, along with the last certificate of title
21 or salvage certificate, if available, and an application for a
22 certificate of title or salvage certificate along with the
23 appropriate fees and taxes, if applicable. The application
24 shall be made within 180 days after the death of the owner.

25 (d-10) The Department of Natural Resources shall transfer
26 a decedent's certificate of title or salvage certificate to

1 any legatee, representative, or heir of the decedent who
2 submits to the Department a death certificate and an affidavit
3 by an attorney at law on the letterhead stationery of the
4 attorney at law stating the facts of the transfer.

5 (e) If the interest of the owner is terminated or the
6 watercraft is sold under a security agreement by a lienholder
7 named in the certificate of title or salvage certificate, the
8 transferee shall promptly mail or deliver within 15 days to
9 the Department of Natural Resources the last certificate of
10 title or salvage certificate, his or her application for a new
11 certificate in the form the Department prescribes, and an
12 affidavit made by or on behalf of the lienholder that the
13 watercraft was repossessed and that the interest of the owner
14 was lawfully terminated or sold pursuant to the terms of the
15 security agreement. In all cases wherein a lienholder has
16 found it necessary to repossess a watercraft and desires to
17 obtain a certificate of title or salvage certificate for such
18 watercraft in the name of such lienholder, the Department of
19 Natural Resources shall not issue a certificate of title or
20 salvage certificate to such lienholder unless the person from
21 whom such watercraft has been repossessed, is shown to be the
22 last registered owner of such watercraft and such lienholder
23 establishes to the satisfaction of the Department that he or
24 she is entitled to such certificate of title or salvage
25 certificate.

26 (f) A person holding a certificate of title or salvage

1 certificate whose interest in the watercraft has been
2 extinguished or transferred other than by voluntary transfer
3 shall mail or deliver the certificate within 15 days upon
4 request of the Department of Natural Resources. The delivery
5 of the certificate pursuant to the request of the Department
6 of Natural Resources does not affect the rights of the person
7 surrendering the certificate, and the action of the Department
8 in issuing a new certificate of title or salvage certificate
9 as provided herein is not conclusive upon the rights of an
10 owner or lienholder named in the old certificate.

11 (g) The Department of Natural Resources may decline to
12 process any application for a transfer of an interest
13 hereunder if any fees or taxes due under this Act from the
14 transferor or the transferee have not been paid upon
15 reasonable notice and demand.

16 (h) The Department of Natural Resources shall not be held
17 civilly or criminally liable to any person because any
18 purported transferor may not have had the power or authority
19 to make a transfer of any interest in any watercraft or because
20 a certificate of title, junking certificate, or salvage
21 certificate issued in error is subsequently used to commit a
22 fraudulent act.

23 (i) In all cases in which a lienholder has repossessed a
24 watercraft by other than judicial process and holds it for
25 resale under a security agreement, and the owner of record has
26 executed an assignment of the existing certificate of title or

1 salvage certificate after default, the lienholder may proceed
2 to sell or otherwise dispose of the watercraft as authorized
3 under the Uniform Commercial Code. Upon selling the watercraft
4 to another person, the lienholder need not send the
5 certificate of title or salvage certificate to the Department
6 of Natural Resources, but shall promptly and within 20 days
7 mail or deliver to the purchaser as transferee the existing
8 certificate of title or salvage certificate for the
9 repossessed watercraft, reflecting the release of the
10 lienholder's security interest in the watercraft. The
11 application for a certificate of title made by the purchaser
12 shall comply with subsection (a) of Section 3A-3 or subsection
13 (a) of Section 3A-22 and be accompanied by the existing
14 certificate of title or salvage certificate for the
15 repossessed watercraft. The lienholder shall execute the
16 assignment and warranty of title showing the name and address
17 of the purchaser in the spaces provided therefor on the
18 certificate of title or salvage certificate or as the
19 Department of Natural Resources prescribes. The lienholder
20 shall complete the assignment of title in the certificate of
21 title or salvage certificate to reflect the transfer of the
22 watercraft to the lienholder and also a reassignment to
23 reflect the transfer from the lienholder to the purchaser. For
24 this purpose, the lienholder is specifically authorized to
25 complete and execute the space reserved in the certificate of
26 title or salvage certificate for a dealer reassignment,

1 notwithstanding that the lienholder is not a licensed dealer.
2 Nothing in this subsection shall be construed to mean that the
3 lienholder is taking title to the repossessed watercraft for
4 purposes of liability for retailer occupation, watercraft use,
5 or other tax with respect to the proceeds from the
6 repossession sale. Delivery of the existing certificate of
7 title or salvage certificate to the purchaser shall be deemed
8 disclosure to the purchaser of the owner of the watercraft.

9 (j) Subject to subsection (o), in all cases in which a
10 lienholder has repossessed a watercraft by other than judicial
11 process and holds it for resale under a security agreement,
12 and the owner of record has not executed an assignment of the
13 existing certificate of title or salvage certificate:

14 (1) Prior to sale, the lienholder shall deliver or
15 mail to the owner at the owner's last known address and to
16 any other lienholder of record a notice of redemption
17 setting forth the following information:

18 (i) the name of the owner of record and in bold
19 type at or near the top of the notice a statement that
20 the owner's watercraft was repossessed on a specified
21 date for failure to make payments on the loan (or other
22 reason);

23 (ii) a description of the watercraft subject to
24 the lien sufficient to identify it;

25 (iii) the right of the owner to redeem the
26 watercraft;

1 (iv) the lienholder's intent to sell or otherwise
2 dispose of the watercraft after the expiration of 21
3 days from the date of mailing or delivery of the
4 notice; and

5 (v) the name, address, and telephone number of the
6 lienholder from whom information may be obtained
7 concerning the amount due to redeem the watercraft and
8 from whom the watercraft may be redeemed under Section
9 9-623 of the Uniform Commercial Code.

10 At the lienholder's option, the information required
11 to be set forth in this notice of redemption may be made a
12 part of or accompany the notification of sale or other
13 disposition required under Section 9-611 of the Uniform
14 Commercial Code, but none of the information required by
15 this notice shall be construed to impose any requirement
16 under Article 9 of the Uniform Commercial Code.

17 (2) Upon selling the watercraft to another person, the
18 lienholder need not send the certificate of title or
19 salvage certificate to the Department of Natural
20 Resources, but shall promptly and within 20 days mail or
21 deliver the following to the purchaser as transferee:

22 (i) the existing certificate of title or salvage
23 certificate for the repossessed watercraft, reflecting
24 the release of the lienholder's security interest in
25 the watercraft; and

26 (ii) an affidavit of repossession, made by or on

1 behalf of the lienholder, that provides the following
2 information: that the watercraft was repossessed, a
3 description of the watercraft sufficient to identify
4 it, whether the watercraft has been damaged in excess
5 of 33 1/3% of its fair market value as required under
6 subdivision (b)(3) of Section 3A-19, that the owner
7 and any other lienholder of record were given the
8 notice required in paragraph (1), that the interest of
9 the owner was lawfully terminated or sold pursuant to
10 the terms of the security agreement, and the
11 purchaser's name and address.

12 If the watercraft is damaged in excess of 33 1/3% of
13 its fair market value, the lienholder shall apply for a
14 salvage certificate or junking certificate under Section
15 3A-19.

16 (3) The application for a certificate of title or
17 salvage certificate made by the purchaser shall comply
18 with subsection (a) of Section 3A-3 or subsection (a) of
19 Section 3A-22 and be accompanied by the affidavit of
20 repossession furnished by the lienholder and the existing
21 certificate of title or salvage certificate for the
22 repossessed watercraft. The lienholder shall execute the
23 assignment and warranty of title showing the name and
24 address of the purchaser in the spaces provided therefor
25 on the certificate of title or salvage certificate or as
26 the Department of Natural Resources prescribes. The

1 lienholder shall complete the assignment of title in the
2 certificate of title or salvage certificate to reflect the
3 transfer of the watercraft to the lienholder and also a
4 reassignment to reflect the transfer from the lienholder
5 to the purchaser. For this purpose, the lienholder is
6 specifically authorized to execute the assignment on
7 behalf of the owner as seller if the owner has not done so
8 and to complete and execute the space reserved in the
9 certificate of title for a dealer reassignment,
10 notwithstanding that the lienholder is not a licensed
11 dealer. Nothing herein shall be construed to mean that the
12 lienholder is taking title to the repossessed watercraft
13 for purposes of liability for retailer occupation,
14 watercraft use, or other tax with respect to the proceeds
15 from the repossession sale. Delivery of the existing
16 certificate of title or salvage certificate to the
17 purchaser shall be deemed disclosure to the purchaser of
18 the owner of the watercraft. If the lienholder does not
19 hold the certificate of title or salvage certificate for
20 the repossessed watercraft, the lienholder shall apply for
21 and may obtain a new certificate of title or salvage
22 certificate in the name of the lienholder upon furnishing
23 information satisfactory to the Department of Natural
24 Resources. Upon receiving the new certificate of title or
25 salvage certificate, the lienholder may proceed with the
26 sale described in this paragraph, except that, upon

1 selling the watercraft, the lienholder shall promptly and
2 within 20 days mail or deliver to the purchaser the new
3 certificate of title or salvage certificate reflecting the
4 assignment and transfer of title to the purchaser.

5 (k)(1) Subject to subsection (o), if, at the time of
6 repossession by a lienholder that is seeking to transfer title
7 pursuant to subsection (j), the owner has paid an amount equal
8 to 30% or more of the deferred payment price or total of
9 payments due, the owner may, within 21 days of the date of
10 repossession, reinstate the contract or loan agreement and
11 recover the watercraft from the lienholder by tendering in a
12 lump sum:

13 (i) the total of all unpaid amounts, including any
14 unpaid delinquency or deferral charges due at the date of
15 reinstatement, without acceleration;

16 (ii) performance necessary to cure any default other
17 than nonpayment of the amounts due; and

18 (iii) all reasonable costs and fees incurred by the
19 lienholder in retaking, holding, and preparing the
20 watercraft for disposition and in arranging for the sale
21 of the watercraft.

22 Reasonable costs and fees incurred by the lienholder
23 include, without limitation, repossession and storage expenses
24 and, if authorized by the contract or loan agreement,
25 reasonable attorney's fees and collection agency charges.

26 (2) Tender of payment and performance pursuant to this

1 limited right of reinstatement restores to the owner his or
2 her rights under the contract or loan agreement as though no
3 default had occurred. The owner has the right to reinstate the
4 contract or loan agreement and recover the watercraft from the
5 lienholder only once under this subsection. The lienholder
6 may, in the lienholder's sole discretion, extend the period
7 during which the owner may reinstate the contract or loan
8 agreement and recover the watercraft beyond the 21 days
9 allowed under this subsection, and the extension shall not
10 subject the lienholder to liability to the owner under the
11 laws of this State.

12 (3) The lienholder shall deliver or mail to the owner at
13 the owner's last known address, within 3 business days of the
14 date of repossession, written notice of the owner's right to
15 reinstate the contract or loan agreement and recover the
16 watercraft pursuant to the limited right of reinstatement
17 described in this subsection. At the lienholder's option, the
18 information required to be set forth in this notice of
19 reinstatement may be made part of or accompany the notice of
20 redemption required in subdivision (j)(1) of this Section and
21 the notification of sale or other disposition required under
22 Section 9-611 of the Uniform Commercial Code, but none of the
23 information required by this notice of reinstatement shall be
24 construed to impose any requirement under Article 9 of the
25 Uniform Commercial Code.

26 (4) The reinstatement period, if applicable, and the

1 redemption period described in subdivision (j)(1) of this
2 Section, shall run concurrently if the information required to
3 be set forth in the notice of reinstatement is part of or
4 accompanies the notice of redemption. In any event, the 21-day
5 redemption period described in subdivision (j)(1) of this
6 Section shall commence on the date of mailing or delivery to
7 the owner of the information required to be set forth in the
8 notice of redemption, and the 21-day reinstatement period
9 described in this subsection, if applicable, shall commence on
10 the date of mailing or delivery to the owner of the information
11 required to be set forth in the notice of reinstatement.

12 (5) The Department of Natural Resources shall not
13 determine the merits of an owner's claim of right to
14 reinstatement, nor consider any allegations or assertions
15 regarding the validity or invalidity of a lienholder's claim
16 to the watercraft or an owner's asserted right to
17 reinstatement. If a lienholder is subject to licensing and
18 regulatory supervision by the State of Illinois, the
19 lienholder shall be subject to all of the powers and authority
20 of the lienholder's primary State regulator to enforce
21 compliance with the procedures set forth in this subsection.

22 (1) In all cases in which a lienholder has repossessed a
23 watercraft by judicial process and holds it for resale under a
24 security agreement, order for replevin, or other court order
25 establishing the lienholder's right to possession of the
26 watercraft, the lienholder may proceed to sell or otherwise

1 dispose of the watercraft as authorized under the Uniform
2 Commercial Code or the court order. Upon selling the
3 watercraft to another person, the lienholder need not send the
4 certificate of title or salvage certificate to the Department
5 of Natural Resources, but shall promptly and within 20 days
6 mail or deliver to the purchaser as transferee:

7 (i) the existing certificate of title or salvage
8 certificate for the repossessed watercraft reflecting the
9 release of the lienholder's security interest in the
10 watercraft;

11 (ii) a certified copy of the court order; and

12 (iii) a bill of sale identifying the new owner's name
13 and address and the year, make, model, and hull
14 identification number.

15 The application for a certificate of title made by the
16 purchaser shall comply with subsection (a) of Section 3A-3,
17 the application for a salvage certificate made by the
18 purchaser shall comply with subsection (a) of Section 3A-22,
19 and be accompanied by the certified copy of the court order
20 furnished by the lienholder and the existing certificate of
21 title or salvage certificate for the repossessed watercraft.
22 The lienholder shall execute the assignment and warranty of
23 title showing the name and address of the purchaser in the
24 spaces provided therefor on the certificate of title, salvage
25 certificate, or as the Department of Natural Resources
26 prescribes. The lienholder shall complete the assignment of

1 title in the certificate of title or salvage certificate to
2 reflect the transfer of the watercraft to the lienholder and
3 also a reassignment to reflect the transfer from the
4 lienholder to the purchaser. For this purpose, the lienholder
5 is specifically authorized to execute the assignment on behalf
6 of the owner as seller if the owner has not done so and to
7 complete and execute the space reserved in the certificate of
8 title or salvage certificate for a dealer reassignment,
9 notwithstanding that the lienholder is not a licensed dealer.
10 Nothing in this subsection shall be construed to mean that the
11 lienholder is taking title to the repossessed watercraft for
12 purposes of liability for retailer occupation, watercraft use,
13 or other taxes with respect to the proceeds from the
14 repossession sale. Delivery of the existing certificate of
15 title or salvage certificate to the purchaser shall be deemed
16 disclosure to the purchaser of the owner of the watercraft. If
17 the lienholder does not hold the certificate of title or
18 salvage certificate for the repossessed watercraft, the
19 lienholder shall apply for and may obtain a new certificate of
20 title or salvage certificate in the name of the lienholder
21 upon furnishing information satisfactory to the Department of
22 Natural Resources. Upon receiving the new certificate of title
23 or salvage certificate, the lienholder may proceed with the
24 sale described in this subsection, except that upon selling
25 the watercraft, the lienholder shall promptly and within 20
26 days mail or deliver to the purchaser the new certificate of

1 title or salvage certificate reflecting the assignment and
2 transfer of title to the purchaser.

3 (m) The Department of Natural Resources shall not issue a
4 certificate of title or salvage certificate to a purchaser
5 under subsection (i), (j), or (l) unless the person from whom
6 the watercraft has been repossessed by the lienholder is shown
7 to be the last registered owner of the watercraft. The
8 Department of Natural Resources may provide by rule for the
9 standards to be followed by a lienholder in assigning and
10 transferring certificates of title or salvage certificates
11 with respect to repossessed watercraft.

12 (n) If applying for a salvage certificate or a junking
13 certificate, the lienholder shall make an application within
14 20 days to the Department of Natural Resources for a salvage
15 certificate or a junking certificate as set forth in this Act.
16 The Department of Natural Resources shall not issue a salvage
17 certificate or a junking certificate to such a lienholder
18 unless the person from whom such a watercraft has been
19 repossessed is shown to be the last registered owner of the
20 watercraft and the lienholder establishes to the satisfaction
21 of the Department of Natural Resources that the lienholder is
22 entitled to a salvage certificate or junking certificate. The
23 Department of Natural Resources may provide by rule for the
24 standards to be followed by a lienholder in order to obtain a
25 salvage certificate or junking certificate for a repossessed
26 watercraft.

1 (o) If the repossessed watercraft is the subject of a
2 bankruptcy proceeding or discharge:

3 (1) the lienholder may proceed to sell or otherwise
4 dispose of the watercraft as authorized by the Bankruptcy
5 Code and the Uniform Commercial Code;

6 (2) the notice of redemption and notice of
7 reinstatement otherwise required to be sent by the
8 lienholder to the owner of record or other lienholder of
9 record under this Section are not required to be delivered
10 or mailed;

11 (3) the requirement to delay disposition of the
12 watercraft for 21 days under subsection (j) or (k) does
13 not apply;

14 (4) the affidavit of repossession that is required
15 under subdivision (j)(3) shall contain a notation of
16 "bankruptcy" where the affidavit requires the date of the
17 mailing or delivery of the notice of redemption;

18 (5) the right of redemption, the right to assert a
19 defense to the transfer of title, and reinstatement rights
20 under this Section do not apply; and

21 (6) references to judicial process and court orders in
22 subsection (l) of this Section do not include bankruptcy
23 proceedings or orders.

24 The notation of "bankruptcy" under paragraph (4) means the
25 lienholder makes no sworn representations regarding the
26 mailing or delivery of the notice of redemption or affidavit

1 of defense or the lienholder's compliance with the
 2 requirements that otherwise apply to the notices listed in
 3 this subsection, and makes no sworn representation that the
 4 lienholder assumes liability or costs for any litigation that
 5 may arise from the issuance of a certificate of title based on
 6 the excluded representations.

7 (Source: P.A. 99-143, eff. 7-27-15.)

8 (625 ILCS 45/3A-16) (from Ch. 95 1/2, par. 313A-16)

9 Sec. 3A-16. Fees. Fees shall be paid according to the
 10 following schedule:

11	Certificate of title, <u>salvage</u>	
12	<u>certificate, or junking certificate</u>	\$10
13	Duplicate certificate of title, <u>salvage</u>	
14	<u>certificate, or junking certificate</u>	7
15	Corrected certificate of title, <u>salvage</u>	
16	<u>certificate, or junking certificate</u>	7
17	Search	7

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

19 (625 ILCS 45/3A-17) (from Ch. 95 1/2, par. 313A-17)

20 Sec. 3A-17. Transfer of watercraft. A transferor of a
 21 watercraft other than a dealer transferring a new watercraft,
 22 shall deliver to the transferee at the time of delivery of
 23 possession of the watercraft the properly assigned certificate
 24 of title, salvage certificate, or junking certificate.

1 (Source: P.A. 85-149.)

2 (625 ILCS 45/3A-18) (from Ch. 95 1/2, par. 313A-18)

3 Sec. 3A-18. Transfer or surrender of certificate of title.

4 (a) Except as provided in this Act, the ~~The~~ Department of
5 Natural Resources, upon receipt of a properly assigned
6 certificate of title, with an application for a new
7 certificate of title, the required fee and any other documents
8 required by law, shall issue a new certificate of title in the
9 name of the transferee as owner and mail it to the first
10 lienholder named in it or, if none, to the owner.

11 (b) Except as provided in this Act, the ~~The~~ Department of
12 Natural Resources, upon receipt of an application for a new
13 certificate of title by a transferee other than by voluntary
14 transfer, with proof of the transfer, the required fee and any
15 other documents required by law, shall issue a new certificate
16 of title in the name of the transferee as owner. If the
17 outstanding certificate of title is not delivered to him, the
18 Department shall make demand therefor from the holder thereof.

19 (b-5) The Department of Natural Resources, upon receipt of
20 an application for a certificate of title and the required
21 fee, may issue a certificate of title to a bona fide purchaser
22 of a watercraft from a dealer if the dealer files for
23 bankruptcy or is otherwise no longer operating as a dealer and
24 does not properly transfer the title application to the bona
25 fide purchaser prior to the licensed dealer's business

1 closure.

2 (c) The Department of Natural Resources shall file and
3 retain for 4 years every surrendered Illinois certificate of
4 title, the file to be maintained so as to permit the tracing of
5 title of the watercraft designated therein.

6 (d) Except as otherwise provided in this Act, the
7 Department of Natural Resources, upon the receipt of an
8 application for a corrected certificate of title, corrected
9 junking certificate, or corrected salvage certificate with the
10 original title or certificate, the required fee, and any other
11 required documents shall issue a corrected certificate of
12 title, junking certificate, or salvage certificate in the name
13 of the owner and mail it to the first lienholder named in it
14 or, if none, to the owner or owner's designee.

15 (e) Except as otherwise provided in this Act, the
16 Department of Natural Resources, upon the receipt of a
17 certified copy of a court order awarding ownership to an
18 applicant along with an application for a certificate of title
19 and the required fee, shall issue a certificate of title to the
20 applicant.

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

22 (625 ILCS 45/3A-19) (from Ch. 95 1/2, par. 313A-19)

23 Sec. 3A-19. Salvage and junking certificates; when
24 required ~~Scrapping, junking or destroying a watercraft.~~

25 (a) The owner of a watercraft for which a certificate of

1 title has been obtained pursuant to Section 3A-1 shall also
2 comply with this Section.

3 (b) Except as provided in Section 3A-21 of this Code, a
4 person who possesses a junk watercraft shall cause the
5 certificate of title, salvage certificate, certificate of
6 purchase, or a similarly acceptable out-of-state document of
7 ownership to be surrendered within 15 days to the Department
8 of Natural Resources, along with an application for a junking
9 certificate, whereupon the Department of Natural Resources
10 shall issue to such a person a junking certificate, which
11 shall authorize the holder thereof to possess, transport, or,
12 by an endorsement, transfer ownership in the junked
13 watercraft, and a certificate of title shall not again be
14 issued for such watercraft. A person who possesses a junk
15 watercraft and a certificate of title, salvage certificate,
16 certificate of purchase, or a similarly acceptable
17 out-of-state document of ownership for such a junk watercraft,
18 may transport the junk watercraft to a business that disposes
19 of junk watercraft prior to applying for or obtaining a
20 junking certificate, by executing a uniform invoice. The
21 transferor shall furnish a copy of the uniform invoice to the
22 transferee at the time of transfer. In any case, the
23 transferor shall apply for a junking certificate in
24 conformance with Section 3A-19. The following information
25 shall be contained on a uniform invoice:

26 (1) the business name and address of the person

1 disposing of the junk watercraft;

2 (2) the name and address of the person acquiring the
3 junk watercraft, and if that person is a scrap dealer as
4 defined in the Illinois Vehicle Code, the Illinois or
5 out-of-state dealer license number of that dealer;

6 (3) the date of the disposition of the junk
7 watercraft;

8 (4) the year, make, model, registration number, color,
9 and description of each junk watercraft disposed of by the
10 person;

11 (5) the manufacturer's hull identification number for
12 each junk watercraft disposed of by the person;

13 (6) the printed name and legible signature of the
14 person or agent disposing of the junk watercraft; and

15 (7) the printed name and legible signature of the
16 person accepting delivery of the junk watercraft.

17 The Department of Natural Resources shall create a form
18 for uniform invoices that reflects those watercraft for which
19 junking certificates have been or will be applied or issued. A
20 uniform invoice may be issued to any person and shall
21 constitute evidence of ownership of the watercraft listed upon
22 it. A watercraft that is listed on a uniform invoice may be
23 transferred only to a person licensed under Section 5-301 of
24 the Illinois Vehicle Code as a scrap processor. A uniform
25 invoice shall allow the transportation of watercraft listed on
26 the uniform invoice to a scrap processor prior to receiving

1 the junking certificate from the Department of Natural
2 Resources.

3 (c) Unless, at the option of an insurance company,
4 self-insured company, or owner of a watercraft, the owner has
5 obtained a junking certificate for the watercraft, an
6 application for a salvage certificate shall be submitted to
7 the Department of Natural Resources in any of the following
8 situations:

9 (1) When an insurance company makes a payment of
10 damages on a total loss claim for a watercraft, the
11 insurance company shall be deemed to be the owner of such a
12 watercraft and the watercraft shall be considered to be
13 salvage, except that ownership of (i) a watercraft that
14 has incurred only hail damage that does not affect the
15 operational safety of the watercraft; or (ii) any
16 watercraft 9 model years of age or older may, by agreement
17 between the registered owner and the insurance company, be
18 retained by the registered owner of such a watercraft. The
19 insurance company shall promptly deliver or mail within 20
20 days the certificate of title along with proper
21 application and fee to the Department of Natural
22 Resources, and a salvage certificate shall be issued in
23 the name of the insurance company. Notwithstanding the
24 foregoing, an insurer making payment of damages on a total
25 loss claim for the theft of a watercraft shall not be
26 required to apply for a salvage certificate unless the

1 watercraft is recovered and has incurred damage that
2 initially would have caused the watercraft to be declared
3 a total loss by the insurer.

4 (2) When a watercraft of a self-insured company is to
5 be sold in this State and has sustained damage by
6 collision, fire, theft, corrosion, or other means so that
7 the self-insured company determines the watercraft to be a
8 total loss, or if the cost of repairing the damage,
9 including labor, would be greater than 70% of the fair
10 market value of the watercraft without that damage, the
11 watercraft shall be considered salvage. The self-insured
12 company shall promptly deliver the certificate of title
13 along with proper application and fee to the Department of
14 Natural Resources, and a salvage certificate shall be
15 issued in the name of the self-insured company. A
16 self-insured company making payment of damages on a total
17 loss claim for the theft of a watercraft may exchange the
18 salvage certificate for a certificate of title if the
19 watercraft is recovered without damage. In such a
20 situation, the self-insured shall fill out and sign a form
21 prescribed by the Department of Natural Resources that
22 contains an affirmation under penalty of perjury that the
23 watercraft was recovered without damage and the Department
24 of Natural Resources, by rule, may require photographs to
25 be submitted.

26 (3) When an owner of a watercraft that is not covered

1 by an insurance policy and the watercraft is to be sold in
2 this State and has sustained damage by collision, fire,
3 theft, corrosion, or other means so that the owner
4 determines the watercraft to be a total loss, or if the
5 cost of repairing the damage, including labor, would be
6 greater than 70% of the fair market value of the
7 watercraft without that damage, the watercraft shall be
8 considered salvage. Within 15 days, the owner shall
9 deliver the certificate of title along with proper
10 application and fee to the Department of Natural
11 Resources, and a salvage certificate shall be issued in
12 the name of the owner.

13 (4) When the ownership of a watercraft has been
14 transferred to any person through a certificate of
15 purchase from acquisition of the watercraft at an auction
16 or other dispositions as set forth in Sections 3C-8 and
17 3C-9, the watercraft shall be deemed salvage or junk at
18 the option of the purchaser. The person acquiring such a
19 watercraft in such a manner shall promptly deliver or
20 mail, within 15 days after the acquisition of the
21 watercraft, the certificate of purchase and the proper
22 application and fee to the Department of Natural
23 Resources, and a salvage certificate or junking
24 certificate shall be issued in the name of that person.
25 The salvage certificate or junking certificate issued by
26 the Department of Natural Resources under this Section

1 shall be free of any lien that existed against the
2 watercraft prior to the time the watercraft was acquired
3 by the applicant under this Act.

4 (5) A watercraft that has been repossessed by a
5 lienholder shall be considered to be salvage only when the
6 repossessed watercraft, on the date of repossession by the
7 lienholder, has sustained damage by collision, fire,
8 theft, corrosion, or other means so that the cost of
9 repairing such damage, including labor, would be greater
10 than 33 1/3% of its fair market value without the damage.
11 If the lienholder determines that such a watercraft is
12 damaged in excess of 33 1/3% of the fair market value, the
13 lienholder, before sale, transfer or assignment of the
14 watercraft, shall apply for a salvage certificate and
15 shall submit with the application the proper fee and
16 evidence of possession. If the facts required to be shown
17 in subsection (i) of Section 3A-15 are satisfied, the
18 Department of Natural Resources shall issue a salvage
19 certificate in the name of the lienholder making the
20 application. In any case in which the watercraft
21 repossessed is not damaged in excess of 33 1/3% of its fair
22 market value, the lienholder shall comply with the
23 requirements of subsections (i), (j), and (l) of Section
24 3A-15, except that the affidavit of repossession made by
25 or on behalf of the lienholder shall also contain an
26 affirmation under penalty of perjury that the watercraft

1 on the date of sale is not damaged in excess of 33 1/3% of
2 its fair market value. If the facts required to be shown in
3 subsection (i) of Section 3A-15 are satisfied, the
4 Department of Natural Resources shall issue a certificate
5 of title as set forth in Section 3A-18 of this Act. The
6 Department of Natural Resources, by rule, may require
7 photographs to be submitted.

8 (6) When a new or used watercraft dealer, or
9 remittance agent, has submitted an application for title
10 to a watercraft that he or she knows or reasonably should
11 know to have sustained damages in excess of 33 1/3% of the
12 watercraft's fair market value without that damage;
13 however, any application for a salvage certificate for a
14 watercraft recovered from theft and acquired from an
15 insurance company shall be made as required by paragraph
16 (1).

17 (d) Any person who without authority acquires, sells,
18 exchanges, gives away, transfers, or destroys, or offers to
19 acquire, sell, exchange, give away, transfer, or destroy the
20 certificate of title to any watercraft that is a junk or
21 salvage watercraft shall be guilty of a Class 4 felony for the
22 first offense and a Class 2 felony for a subsequent offense.

23 (e) Except as provided under subsection (b), any person
24 who knowingly fails to surrender to the Department of Natural
25 Resources a certificate of title, salvage certificate,
26 certificate of purchase, or similarly acceptable out-of-state

1 document of ownership as required under this Section is guilty
2 of a Class A misdemeanor for a first offense and a Class 4
3 felony for a subsequent offense.

4 (e) A junk watercraft may not be operated upon the
5 waterways within this State. A violation of this subsection is
6 a Class A misdemeanor.

7 ~~An owner who scraps, junks or destroys a watercraft, or a~~
8 ~~person who purchases a watercraft as scrap or as a watercraft~~
9 ~~to be junked or destroyed shall immediately cause the~~
10 ~~certificate of title to be mailed or delivered to the~~
11 ~~Department of Natural Resources, and a certificate of title~~
12 ~~shall not again be issued for such watercraft. Upon receipt of~~
13 ~~the certificate of title, the Department shall cancel the~~
14 ~~certificate.~~

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

16 (625 ILCS 45/3A-19.1 new)

17 Sec. 3A-19.1. Salvage certificate; contents and effect.

18 (a) Each salvage certificate issued by the Department of
19 Natural Resources shall contain:

20 (1) the date issued;

21 (2) the name and address of the owner;

22 (3) the names and addresses of any lienholders, in the
23 order of priority as shown on the application or, if the
24 application is based on a certificate of title, as shown
25 on the certificate;

1 (4) the title number that was previously assigned to
2 the watercraft and the salvage certificate number;

3 (5) a description of the watercraft, including, so far
4 as the following data exists: its make, model, year of
5 manufacture, registration number, manufacturer's serial
6 number or, if none, the builder's hull number, length, the
7 most recent purchase date, and the principal material used
8 in construction;

9 (6) any other data the Department of Natural Resources
10 prescribes.

11 The certificate must include a mark and color that clearly
12 identifies the certificate as a salvage certificate.

13 (b) The salvage certificate shall contain forms for
14 assignment and warranty of title by the owner and for
15 assignment and warranty of title by a dealer and may contain
16 forms for applications for a salvage certificate by a
17 transferee, the naming of a lienholder, and the assignment or
18 release of the security interest of a lienholder.

19 (c) The Department shall designate on a salvage
20 certificate a space where the owner of a watercraft may
21 designate a beneficiary to whom ownership of the watercraft
22 shall pass in the event of the owner's death.

23 (d) A salvage certificate issued by the Department of
24 Natural Resources is prima facie evidence of the facts
25 appearing on it.

26 (e) A salvage certificate is not subject to garnishment,

1 attachment, execution, or other judicial process, but this
2 subsection does not prevent a lawful levy upon the watercraft.

3 (f) Any salvage certificate issued by the Department of
4 Natural Resources is subject to a lien in favor of the State of
5 Illinois for any fees or taxes required to be paid under this
6 Act and as have not been paid, as provided for in this Act.

7 (g) A watercraft that has been issued a salvage
8 certificate may be operated upon the waters of this State.

9 (625 ILCS 45/3A-19.2 new)

10 Sec. 3A-19.2. Junk watercraft notification. Beginning
11 January 1, 2021, a person licensed as a scrap processor
12 pursuant to Section 5-301 of the Illinois Vehicle Code who
13 acquires a watercraft with a properly assigned certificate of
14 title, a salvage certificate, a junking certificate, a
15 certificate of purchase, or a similarly acceptable
16 out-of-state document of ownership shall within 15 days of
17 acquiring such document, submit it to the Department of
18 Natural Resources along with a junk watercraft notification,
19 the form and manner for which shall be as prescribed by
20 Department of Natural Resources rule or regulation. A scrap
21 processor who acquires the above-named documents of ownership
22 shall not be required to apply for or obtain a junking
23 certificate. The information contained on a junk watercraft
24 notification shall be duly recorded by the Department of
25 Natural Resources upon the receipt of such notification. The

1 Department of Natural Resources shall not again issue a
2 certificate of title or salvage certificate for any watercraft
3 listed on a junk watercraft notification.

4 (625 ILCS 45/3A-19.3 new)

5 Sec. 3A-19.3. Junking or salvage certificates; insurance
6 company; salvage dealer.

7 (a) Notwithstanding any other provision of law to the
8 contrary, an insurance company or salvage dealer, after
9 completing a record search for any owner of a watercraft, may
10 obtain free of any lien a junking certificate or salvage
11 certificate in the insurance company's name by submitting an
12 application for a junking certificate or salvage certificate
13 to the Department of Natural Resources. The application shall
14 include, but is not limited to, proof of full payment, in whole
15 or in part, to the watercraft owner or, if applicable, any
16 lienholder of record and proof of notice to the watercraft
17 owner and any lienholder via certified mail or other proof of
18 service that a transfer of title shall occur no earlier than 30
19 days after the date the notice is sent. Upon approval of the
20 application, the Department shall issue to the insurance
21 company a junking certificate or salvage certificate free of
22 any lien in the insurance company's name. This subsection
23 applies only to a watercraft titled in this State that has been
24 through an insurance claims process and the owner of the
25 watercraft or lienholder, if applicable, has received

1 compensation in exchange for relinquishing the ownership
2 rights of the watercraft to an insurance company licensed
3 under the Illinois Insurance Code and the insurance company is
4 unable to obtain an endorsed certificate of title within 30
5 days of payment to the owner or lienholder.

6 (b) Notwithstanding any other provision of law to the
7 contrary, a salvage dealer, as defined in the Illinois Vehicle
8 Code, after completing a record search for any owner of a
9 watercraft, may obtain free of any lien a junking certificate
10 or salvage certificate in his or her name by submitting an
11 application for a junking certificate or a salvage certificate
12 to the Department of Natural Resources that includes, but is
13 not limited to, proof of notice via certified mail or other
14 proof of service to the watercraft owner or any lienholder
15 that a transfer of title shall occur no earlier than 30 days
16 after the date the notice is sent. The notice shall inform the
17 watercraft owner or lienholder that upon payment of any
18 applicable charges, the watercraft may be removed from the
19 salvage dealer's facility. Upon approval of the application,
20 the Department shall issue to the salvage dealer a junking
21 certificate or salvage certificate free of any lien in the
22 salvage dealer's name. This subsection applies only to a
23 watercraft titled in this State and in possession of a salvage
24 dealer by request of an insurance company licensed under the
25 Illinois Insurance Code or nonprofit organization under the
26 Internal Revenue Code to take possession of the watercraft

1 subject to an insurance claim or charity donation and the
2 insurance company denies coverage of the watercraft or the
3 insurance company or nonprofit organization does not take
4 ownership of the watercraft within 45 days of possession by
5 the salvage dealer.

6 (c) A watercraft owner or lienholder may send notice of a
7 dispute of the transfer of title under this Section within 30
8 days after the required notice is sent by the insurance
9 company or salvage dealer. If a dispute between a watercraft
10 owner or lienholder and an insurance company or salvage dealer
11 cannot be resolved within 45 days after the required notice to
12 the watercraft owner or lienholder is sent, the watercraft
13 owner or lienholder, within 90 days after sending notice of
14 dispute, shall petition a court of competent jurisdiction for
15 an order to determine ownership of the watercraft and shall
16 notify the Department of Natural Resources of the filing of
17 the petition. If a watercraft owner or lienholder does not
18 file a petition within the 90-day period, the title to the
19 watercraft shall be issued to the insurance company or salvage
20 dealer under this Section.

21 (d) Any person who without authority acquires, sells,
22 exchanges, gives away, transfers, or destroys, or offers to
23 acquire, sell, exchange, give away, transfer, or destroy, the
24 certificate of title to any watercraft that is a junk or
25 salvage watercraft shall be guilty of a Class 3 felony.

26 (e) Any person who knowingly fails to surrender to the

1 Department of Natural Resources a certificate of title,
2 salvage certificate, or certificate of purchase is guilty of a
3 Class A misdemeanor for a first offense and a Class 4 felony
4 for a second and subsequent offense.

5 (f) A junk watercraft may not be operated upon the
6 waterways within this State. A violation of this subsection is
7 a Class A misdemeanor.

8 (g) The Department of Natural Resources may adopt rules to
9 implement this Section.

10 (625 ILCS 45/3A-19.4 new)

11 Sec. 3A-19.4. Application for salvage certificate or
12 junking certificate; contents.

13 (a) An application for a salvage certificate or junking
14 certificate shall be made upon the forms prescribed by the
15 Department of Natural Resources and contain:

16 (1) the name and address of the owner;

17 (2) a description of the watercraft, including, so far
18 as the following data exists: its make, model year, hull
19 identification number, hull material, boat type, whether
20 new or used, and current or expired registration number;

21 (3) the date of purchase by applicant; and

22 (4) any further information reasonably required by the
23 Department of Natural Resources.

24 (b) A salvage certificate or junking certificate may be
25 assigned to anyone.

1 (625 ILCS 45/3A-21) (from Ch. 95 1/2, par. 313A-21)
2 Sec. 3A-21. Offenses relating to titling; felonies.
3 Violation of any of the following provisions shall constitute
4 a Class 2 felony:

5 (a) No person shall alter, forge or counterfeit any
6 certificate of title or a manufacturer's or importer's
7 certificate to a watercraft.

8 (b) No person shall alter or falsify any assignment of a
9 certificate of title, or an assignment or cancellation of a
10 security interest on a certificate of title to a watercraft.

11 (c) No person shall hold or use a certificate of title to a
12 watercraft nor hold or use any assignment or cancellation of a
13 security interest on a certificate of title to a watercraft,
14 knowing it to have been altered, forged, counterfeited or
15 falsified.

16 (d) No person shall use a false or fictitious name or
17 address, or make any material false statement, or conceal any
18 material fact, in an application for a certificate of title,
19 or in a bill of sale or sworn statement of ownership.

20 (e) No person shall procure or attempt to procure a
21 certificate of title to a watercraft, or pass or attempt to
22 pass a certificate of title or any assignment thereof to a
23 watercraft, knowing or having reason to believe that such
24 watercraft has been stolen.

25 (f) No person shall have possession of, buy, receive, sell

1 or offer to sell, or otherwise dispose of a watercraft on which
2 the manufacturer's or assigned serial number of the watercraft
3 has been destroyed, removed, covered, altered, or defaced,
4 knowing of such destruction, removal, covering, alteration or
5 defacement of such manufacturer's or assigned serial number.

6 (g) No person shall destroy, remove, cover, alter or
7 deface the manufacturer's or assigned serial number on any
8 watercraft.

9 (h) No person, firm, or corporation may knowingly possess,
10 buy, sell, exchange, or give away, or offer to buy, sell,
11 exchange, or give away, the certificate of title to any junk or
12 salvage watercraft in violation of this Article, or may fail
13 to surrender the certificate of title to the Department of
14 Natural Resources as required under this Section and Section
15 3A-15. No person shall possess, buy, sell, exchange or give
16 away, or offer to buy, sell, exchange, or give away the
17 certificate of title to any watercraft which is a junk or
18 salvage.

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

20 (625 ILCS 45/3A-22 new)

21 Sec. 3A-22. Rules. The Department may adopt rules to
22 implement this Article.

23 (625 ILCS 45/3C-4) (from Ch. 95 1/2, par. 313C-4)

24 Sec. 3C-4. Towed ~~Reports on towed~~ watercraft.

1 (a) When a watercraft is authorized to be towed away as
2 provided in Section 3C-2, the police headquarters or office of
3 the law enforcement officer authorizing the towing shall keep
4 and maintain a record of the watercraft towed, listing the
5 color, manufacturer's trade name, manufacturer's series name,
6 hull type, hull material, hull identification number, and
7 registration number displayed on the watercraft. The record
8 shall also include the date and hour of tow, location towed
9 from, location towed to, and reason for towing and the name of
10 the officer authorizing the tow.

11 (b) When a watercraft is authorized to be towed, the
12 authorization, any hold order, and any release shall be in
13 writing, or confirmed in writing, with a copy given to the
14 towing service.

15 (c) The owner, operator, or other legally entitled person
16 shall be responsible to the towing service for the payment of
17 applicable removal, towing, storage, and processing charges
18 and collection costs associated with a watercraft towed or
19 held under order or authorization of a law enforcement agency.
20 If a watercraft towed or held under order or authorization of a
21 law enforcement agency is seized by the ordering or
22 authorizing agency or any other law enforcement or
23 governmental agency and sold, any unpaid removal, towing,
24 storage, and processing charges and collection costs shall be
25 paid to the towing service from the proceeds of the sale. If
26 the applicable law provides that the proceeds are to be paid

1 into the treasury of the appropriate civil jurisdiction, then
2 any unpaid removal, towing, storage, and processing charges
3 and collection costs shall be paid to the towing service from
4 the treasury of the civil jurisdiction. That payment shall
5 not, however, exceed the amount of proceeds from the sale,
6 with the balance to be paid by the owner, operator, or other
7 legally entitled person.

8 (d) Upon the delivery of a written release order to the
9 towing service, a watercraft subject to a hold order shall be
10 released to the owner, operator, or other legally entitled
11 person upon proof of ownership or other entitlement and upon
12 payment of applicable removal, towing, storage, and processing
13 charges and collection costs.

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

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

16 Sec. 4-1. Personal flotation devices.

17 A. No person may operate a watercraft unless at least one
18 wearable U.S. Coast Guard approved personal flotation device
19 for each person ~~PPD~~ is on board, so placed as to be readily
20 available for each person.

21 B. No person may operate a personal watercraft or
22 specialty prop-craft unless each person aboard is wearing a
23 wearable U.S. Coast Guard approved personal flotation device
24 ~~PPD approved by the United States Coast Guard~~. No person on
25 board a personal watercraft shall use an inflatable PFD in

1 order to meet the PFD requirements of subsection A of this
2 Section.

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

7 D. (Blank).

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

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

15 1. in serviceable condition;

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

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

21 4. in the case of a wearable PFD, readily accessible
22 aboard the watercraft;

23 5. in the case of a throwable PFD, immediately
24 available for use;

25 6. out of its original packaging; and

26 7. not stowed under lock and key.

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

4 H. (Blank).

5 H-5. An approved and appropriately sized United States
6 Coast Guard approved personal flotation device shall be worn
7 by each person under the age of 13 while in tow.

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

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

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

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

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

6 1. Class 1: Less than 16 feet in length. ~~A bright,~~
7 ~~white light after to show all around the horizon, visible~~
8 ~~for a distance of 2 miles. The word "visible" as used~~
9 ~~herein means visible on a dark night with clear~~
10 ~~atmosphere.~~

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

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

21 4. Class 4: 40 feet or over and not more than 65 feet
22 in length.

23 B. Every motorboat, in all weather from sunset to sunrise
24 or in all weather causing reduced visibility, shall carry and
25 exhibit the following United States Coast Guard approved
26 lights when underway and, during such time, no other lights

1 that may be mistaken for or interfere with those prescribed
2 shall be exhibited: ~~Watercraft propelled by muscular power~~
3 ~~when underway shall carry on board from sunset to sunrise, but~~
4 ~~not fixed to any part of the boat, a lantern or flashlight~~
5 ~~capable of showing a white light visible all around the~~
6 ~~horizon at a distance of 2 miles or more, and shall display~~
7 ~~such lantern in sufficient time to avoid collision with~~
8 ~~another watercraft.~~

9 (1) A Class 1 or Class 2 motorboat shall carry the
10 following lights:

11 (a) A bright white light aft to show all around the
12 horizon.

13 (b) A combined light in the fore part of the
14 watercraft and lower than the white light aft, showing
15 green to starboard and red to port, so fixed as to
16 throw the light from right ahead to 2 points (22.5
17 degrees) abaft the beam on their respective sides.

18 (2) A Class 3 or Class 4 motorboat shall carry the
19 following lights:

20 (a) A bright white light in the fore part of the
21 watercraft as near the stern as practicable, so
22 constructed as to show the unbroken light over an arc
23 of the horizon of 20 points (225 degrees) of the
24 compass, so fixed as to throw the light 10 points
25 (112.5 degrees) on each side of the watercraft,
26 namely, from right ahead to 2 points (22.5 degrees)

1 abaft the beam on either side.

2 (b) A bright white light aft, mounted higher than
3 the white light forward, to show all around the
4 horizon.

5 (c) On the starboard side, a green light so
6 constructed as to show an unbroken light over an arc of
7 the horizon of 10 points (112.5 degrees) of the
8 compass, so fixed as to throw the light from right
9 ahead to 2 points (22.5 degrees) abaft the beam on the
10 starboard side. On the port side, a red light so
11 constructed as to show an unbroken light over an arc of
12 the horizon of 10 points (112.5 degrees) of the
13 compass, so fixed as to throw the light from right
14 ahead to 2 points (22.5 degrees) abaft the beam on the
15 port side. The side lights shall be fitted with
16 inboard screens so set as to prevent these lights from
17 being seen across the bow.

18 (3) A Class 1 or Class 2 Motorboat propelled by sail
19 alone shall exhibit the combined light prescribed by
20 paragraph (1) and a 12-point (135 degrees) white light
21 aft. A Class 3 or Class 4 Motorboat, when so propelled,
22 shall exhibit the colored side lights, suitably screened
23 as prescribed by paragraph (2) and a 12-point (135
24 degrees) white light aft.

25 (4) Every white light prescribed by this Section shall
26 be of such character as to be visible at a distance of at

1 least 2 miles. Every colored light prescribed by this
2 Section shall be of such character as to be visible at a
3 distance of at least one mile. As used in this subsection
4 "visible", when applied to lights, means visible on a dark
5 night with clear atmosphere.

6 (5) If propelled by sail and machinery, a motorboat
7 shall carry the lights required by this Section for a
8 motorboat propelled by machinery only.

9 (6) All other watercraft over 65 feet in length and
10 those propelled solely by wind effect on the sail shall
11 display lights prescribed by federal regulations.

12 C. Manually propelled watercraft shall carry, ready at
13 hand, a lantern or flashlight showing a white light that shall
14 be exhibited in sufficient time to avert collision. Manually
15 propelled watercraft used on the waters of this State where
16 power-driven vessels are prohibited are exempt from the
17 provisions of this Section. ~~Every vessel 39 feet or more in~~
18 ~~length shall carry and display when underway such additional~~
19 ~~or alternate lights as shall be required by the U. S. Coast~~
20 ~~Guard for watercraft of equivalent length and type.~~

21 D. Any watercraft may carry and exhibit the lights
22 required by the international regulations in lieu of the
23 lights required by subsection B of this Section. ~~Sailboats~~
24 ~~equipped with motors and being propelled partly or solely by~~
25 ~~such motors shall carry and display the same lights required~~
26 ~~for motorboats of the same class. Sailboats being propelled~~

1 ~~entirely by sail between sunset and sunrise shall have lighted~~
2 ~~the combination running light, and a white light visible aft~~
3 ~~only. Sailboats 26 feet or more in length, equipped with~~
4 ~~motors but being propelled entirely by sail between sunset and~~
5 ~~sunrise, shall have lighted the colored side lights suitably~~
6 ~~screened, but not the white lights prescribed for motorboats.~~

7 E. All watercraft, when anchored, other than in a special
8 anchorage area as defined in 33 CFR 109.10, shall, from sunset
9 to sunrise, carry and display a steady white light visible all
10 around the horizon for a distance of no less than 2 miles.
11 ~~Dinghies, tenders and other watercraft, whose principal~~
12 ~~function is as an auxiliary to other larger watercraft, when~~
13 ~~so operating need carry only a flashlight visible to other~~
14 ~~craft in the area, anything in this section to the contrary~~
15 ~~notwithstanding.~~

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

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

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

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

2 Sec. 5-3. Interference with navigation.

3 (a) No person shall operate any watercraft in a manner
4 which unreasonably or unnecessarily interferes with other
5 watercraft or with the free and proper navigation of the
6 waterways of the State. ~~Anchoring under bridges or in heavily~~
7 ~~traveled channels constitutes such interference if~~
8 ~~unreasonable under the prevailing circumstances.~~

9 (b) A vessel engaged in fishing shall not impede the
10 passage of any other vessel navigating within a narrow channel
11 or canal.

12 (c) A vessel nearing a bend or an area of a narrow channel
13 or canal where other vessels may be obscured by an intervening
14 obstruction shall navigate with alertness and caution and
15 shall sound the appropriate audible signal as required by the
16 Inland and International Navigation Rules as written by the
17 United States Coast Guard and this Act.

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

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

22 (625 ILCS 45/5-13) (from Ch. 95 1/2, par. 315-8)

23 Sec. 5-13. Traffic rules.

24 A. The area straight ahead of a vessel to the point that is

1 22.5 degrees beyond the middle of the vessel on the starboard
2 side of the watercraft shall be designated the danger zone. An
3 operator of a watercraft shall yield the right-of-way to any
4 other watercraft occupying or entering into the danger zone
5 that may result in collision. ~~Passing. When 2 boats are~~
6 ~~approaching each other "head on" or nearly so (so as to involve~~
7 ~~risk of collision), each boat must bear to the right and pass~~
8 ~~the other boat on its left side.~~

9 A-5. Head-on situation.

10 (1) If 2 power-driven vessels are meeting head-on or
11 nearly head-on courses so as to involve risk of collision,
12 each shall alter course to starboard so that each shall pass on
13 the port side of the other.

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

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

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

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

5 (2) A power-driven vessel crossing a river shall keep out
6 of the way of a power-driven vessel ascending or descending
7 the river.

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

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

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

15 (2) If a vessel operator is in doubt as to whether he or
16 she is overtaking another vessel, the operator shall assume
17 that is the case and act accordingly.

18 (3) Any subsequent alteration of the bearing between the 2
19 vessels shall not make the overtaking vessel a crossing vessel
20 within the meaning of this Section or relieve the overtaking
21 operator of the duty of keeping clear of the overtaken vessel
22 until finally past and clear.

23 (4) In a narrow channel or canal when overtaking, the
24 operator of a power-driven vessel intending to overtake
25 another power-driven vessel shall proceed to pass safety only
26 after indicating his or her intention by sounding the horn as

1 follows:

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

4 (b) 2 short blasts from the horn signifies a request
5 to pass on the overtaken vessel's port side.

6 (5) The operator of the power-driven vessel being
7 overtaken shall:

8 (a) acknowledge the request by sounding the same
9 signal; or

10 (b) sound 5 short blasts from the horn to indicate
11 danger or do not pass.

12 No response from the overtaken vessel shall be interpreted
13 as an indication of danger and the same as if 5 short blasts
14 from the horn were sounded.

15 In the absence of an audible signal or horn, a light signal
16 device using the appropriate number of rapid bursts of light
17 may be used.

18 D. Sailing vessels.

19 (1) The operator of a power-driven vessel shall yield the
20 right-of-way to any nonpowered or sailing vessel unless the
21 nonpowered vessel is overtaking the power-driven vessel or
22 ~~Sailboats and Rowboats. When a motorboat is approaching a boat~~
23 ~~propelled solely by sails or oars, the motorboat must yield~~
24 ~~the right of way to the sailboat or rowboat except,~~ when a
25 large craft is navigating in a confined channel, the large
26 craft has the right-of-way ~~right-of-way~~ over a boat propelled

1 solely by oars or sails.

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

5 (a) If each has the wind on a different side, the
6 vessel that has the wind on the port side shall give way to
7 the other vessel.

8 (b) If both have the wind on the same side, the vessel
9 that is to windward shall give way to the vessel that is to
10 leeward.

11 (c) If a vessel with the wind on the port side sees a
12 vessel to windward and cannot determine with certainty
13 whether the other vessel has the wind on the port or
14 starboard side, the vessel shall give way to the other
15 vessel.

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."