



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1339

Introduced 2/9/2005, by Rep. Patrick J Verschoore

SYNOPSIS AS INTRODUCED:

625 ILCS 40/5-7	
625 ILCS 40/10-3	
625 ILCS 45/5-16	
625 ILCS 45/6-1	from Ch. 95 1/2, par. 316-1
625 ILCS 45/11A-5	from Ch. 95 1/2, par. 321A-5

Amends the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act. Provides that a person who has not been previously convicted of or assigned supervision for operating a snowmobile or watercraft under the influence of alcohol, drugs, or intoxicating compounds (OUI), and has not had his or her operating privileges suspended under the applicable provision, is a first offender regarding the applicable provision. Provides that a forfeiture of bail to secure a court appearance or a failure to appear for trial is equivalent to a conviction. Provides that a person may not operate a snowmobile or watercraft while his or her privilege to do so has been revoked in this State, by another State, or by a province of Canada. Provides that the Department of Natural Resources shall suspend for one year the watercraft operating privileges of any person convicted of misdemeanor of OUI under a local ordinance or federal law and for three years the privileges of anyone convicted of felony OUI or reckless homicide. Requires the operator of a vessel to report an accident involving any injury requiring treatment beyond first aid (rather than any injury resulting in the victim's incapacitation for a period of 72 hours). Requires reporting of a watercraft accident resulting in \$2,000 or more in property damage or complete loss of a vessel (rather than reporting of any accident resulting in \$500 or more in property damage).

LRB094 05374 DRH 35419 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Snowmobile Registration and Safety Act is
5 amended by changing Sections 5-7 and 10-3 as follows:

6 (625 ILCS 40/5-7)

7 Sec. 5-7. Operating a snowmobile while under the influence
8 of alcohol or other drug or drugs, intoxicating compound or
9 compounds, or a combination of them; criminal penalties;
10 suspension of operating privileges.

11 (a) A person may not operate or be in actual physical
12 control of a snowmobile within this State while:

13 1. The alcohol concentration in that person's blood or
14 breath is a concentration at which driving a motor vehicle
15 is prohibited under subdivision (1) of subsection (a) of
16 Section 11-501 of the Illinois Vehicle Code;

17 2. The person is under the influence of alcohol;

18 3. The person is under the influence of any other drug
19 or combination of drugs to a degree that renders that
20 person incapable of safely operating a snowmobile;

21 3.1. The person is under the influence of any
22 intoxicating compound or combination of intoxicating
23 compounds to a degree that renders the person incapable of
24 safely operating a snowmobile;

25 4. The person is under the combined influence of
26 alcohol and any other drug or drugs or intoxicating
27 compound or compounds to a degree that renders that person
28 incapable of safely operating a snowmobile; or

29 5. There is any amount of a drug, substance, or
30 compound in that person's breath, blood, or urine resulting
31 from the unlawful use or consumption of cannabis listed in
32 the Cannabis Control Act, controlled substance listed in

1 the Illinois Controlled Substances Act, or intoxicating
2 compound listed in the use of Intoxicating Compounds Act.

3 (b) The fact that a person charged with violating this
4 Section is or has been legally entitled to use alcohol, other
5 drug or drugs, any intoxicating compound or compounds, or any
6 combination of them does not constitute a defense against a
7 charge of violating this Section.

8 (c) Every person convicted of violating this Section or a
9 similar provision of a local ordinance is guilty of a Class A
10 misdemeanor, except as otherwise provided in this Section.

11 (c-1) As used in this Section, "first time offender" means
12 any person who has not had a previous conviction or been
13 assigned supervision for violating this Section or a similar
14 provision of a local ordinance, or any person who has not had a
15 suspension imposed under subsection (e) of Section 5-7.1.

16 (c-2) For purposes of this Section, the following are
17 equivalent to a conviction:

18 (1) a forfeiture of bail or collateral deposited to
19 secure a defendant's appearance in court when forfeiture
20 has not been vacated; or

21 (2) the failure of a defendant to appear for trial.

22 (d) Every person convicted of violating this Section is
23 guilty of a Class 4 felony if:

24 1. The person has a previous conviction under this
25 Section;

26 2. The offense results in personal injury where a
27 person other than the operator suffers great bodily harm or
28 permanent disability or disfigurement, when the violation
29 was a proximate cause of the injuries. A person guilty of a
30 Class 4 felony under this paragraph 2, if sentenced to a
31 term of imprisonment, shall be sentenced to not less than
32 one year nor more than 12 years; or

33 3. The offense occurred during a period in which the
34 person's privileges to operate a snowmobile are revoked or
35 suspended, and the revocation or suspension was for a
36 violation of this Section or was imposed under Section

1 5-7.1.

2 (e) Every person convicted of violating this Section is
3 guilty of a Class 2 felony if the offense results in the death
4 of a person. A person guilty of a Class 2 felony under this
5 subsection (e), if sentenced to a term of imprisonment, shall
6 be sentenced to a term of not less than 3 years and not more
7 than 14 years.

8 (e-1) Every person convicted of violating this Section or a
9 similar provision of a local ordinance who had a child under
10 the age of 16 on board the snowmobile at the time of offense
11 shall be subject to a mandatory minimum fine of \$500 and shall
12 be subject to a mandatory minimum of 5 days of community
13 service in a program benefiting children. The assignment under
14 this subsection shall not be subject to suspension nor shall
15 the person be eligible for probation in order to reduce the
16 assignment.

17 (e-2) Every person found guilty of violating this Section,
18 whose operation of a snowmobile while in violation of this
19 Section proximately caused any incident resulting in an
20 appropriate emergency response, shall be liable for the expense
21 of an emergency response as provided under Section 5-5-3 of the
22 Unified Code of Corrections.

23 (e-3) In addition to any other penalties and liabilities, a
24 person who is found guilty of violating this Section, including
25 any person placed on court supervision, shall be fined \$100,
26 payable to the circuit clerk, who shall distribute the money to
27 the law enforcement agency that made the arrest. In the event
28 that more than one agency is responsible for the arrest, the
29 \$100 shall be shared equally. Any moneys received by a law
30 enforcement agency under this subsection (e-3) shall be used to
31 purchase law enforcement equipment or to provide law
32 enforcement training that will assist in the prevention of
33 alcohol related criminal violence throughout the State. Law
34 enforcement equipment shall include, but is not limited to,
35 in-car video cameras, radar and laser speed detection devices,
36 and alcohol breath testers.

1 (f) In addition to any criminal penalties imposed, the
2 Department of Natural Resources shall suspend the snowmobile
3 operation privileges of a person convicted or found guilty of a
4 misdemeanor under this Section for a period of one year, except
5 that first-time offenders ~~receiving supervision~~ are exempt
6 from this mandatory one year suspension.

7 (g) In addition to any criminal penalties imposed, the
8 Department of Natural Resources shall suspend for a period of 5
9 years the snowmobile operation privileges of any person
10 convicted or found guilty of a felony under this Section.

11 (Source: P.A. 92-615, eff. 1-1-03; 93-156, eff. 1-1-04.)

12 (625 ILCS 40/10-3)

13 Sec. 10-3. Unlawful operation of a snowmobile. A person may
14 not operate a snowmobile during any period when his or her
15 privilege to operate a snowmobile is suspended or revoked in
16 this State, by another state, by a federal agency, or by a
17 province of Canada. A person who operates a snowmobile during
18 the period when he or she is denied the privilege to operate a
19 snowmobile is guilty of a Class A misdemeanor.

20 (Source: P.A. 89-55, eff. 1-1-96.)

21 Section 10. The Boat Registration and Safety Act is amended
22 by changing Sections 5-16, 6-1, and 11A-5 as follows:

23 (625 ILCS 45/5-16)

24 Sec. 5-16. Operating a watercraft under the influence of
25 alcohol, other drug or drugs, intoxicating compound or
26 compounds, or combination thereof.

27 (A) 1. A person shall not operate or be in actual physical
28 control of any watercraft within this State while:

29 (a) The alcohol concentration in such person's
30 blood or breath is a concentration at which driving a
31 motor vehicle is prohibited under subdivision (1) of
32 subsection (a) of Section 11-501 of the Illinois
33 Vehicle Code;

1 (b) Under the influence of alcohol;

2 (c) Under the influence of any other drug or
3 combination of drugs to a degree which renders such
4 person incapable of safely operating any watercraft;

5 (c-1) Under the influence of any intoxicating
6 compound or combination of intoxicating compounds to a
7 degree that renders the person incapable of safely
8 operating any watercraft;

9 (d) Under the combined influence of alcohol and any
10 other drug or drugs to a degree which renders such
11 person incapable of safely operating a watercraft; or

12 (e) There is any amount of a drug, substance, or
13 compound in the person's blood or urine resulting from
14 the unlawful use or consumption of cannabis listed in
15 the Cannabis Control Act, a controlled substance
16 listed in the Illinois Controlled Substances Act, or an
17 intoxicating compound listed in the Use of
18 Intoxicating Compounds Act.

19 2. The fact that any person charged with violating this
20 Section is or has been legally entitled to use alcohol,
21 other drug or drugs, any intoxicating compound or
22 compounds, or any combination of them, shall not constitute
23 a defense against any charge of violating this Section.

24 3. Every person convicted of violating this Section
25 shall be guilty of a Class A misdemeanor, except as
26 otherwise provided in this Section.

27 4. Every person convicted of violating this Section
28 shall be guilty of a Class 4 felony if:

29 (a) He has a previous conviction under this
30 Section;

31 (b) The offense results in personal injury where a
32 person other than the operator suffers great bodily
33 harm or permanent disability or disfigurement, when
34 the violation was a proximate cause of the injuries. A
35 person guilty of a Class 4 felony under this
36 subparagraph (b), if sentenced to a term of

1 imprisonment, shall be sentenced to a term of not less
2 than one year nor more than 12 years; or

3 (c) The offense occurred during a period in which
4 his or her privileges to operate a watercraft are
5 revoked or suspended, and the revocation or suspension
6 was for a violation of this Section or was imposed
7 under subsection (B).

8 5. Every person convicted of violating this Section
9 shall be guilty of a Class 2 felony if the offense results
10 in the death of a person. A person guilty of a Class 2
11 felony under this paragraph 5, if sentenced to a term of
12 imprisonment, shall be sentenced to a term of not less than
13 3 years and not more than 14 years.

14 5.1. A person convicted of violating this Section or a
15 similar provision of a local ordinance who had a child
16 under the age of 16 aboard the watercraft at the time of
17 offense is subject to a mandatory minimum fine of \$500 and
18 to a mandatory minimum of 5 days of community service in a
19 program benefiting children. The assignment under this
20 paragraph 5.1 is not subject to suspension and the person
21 is not eligible for probation in order to reduce the
22 assignment.

23 5.2. A person found guilty of violating this Section,
24 if his or her operation of a watercraft while in violation
25 of this Section proximately caused any incident resulting
26 in an appropriate emergency response, is liable for the
27 expense of an emergency response as provided under Section
28 5-5-3 of the Unified Code of Corrections.

29 5.3. In addition to any other penalties and
30 liabilities, a person who is found guilty of violating this
31 Section, including any person placed on court supervision,
32 shall be fined \$100, payable to the circuit clerk, who
33 shall distribute the money to the law enforcement agency
34 that made the arrest. In the event that more than one
35 agency is responsible for the arrest, the \$100 shall be
36 shared equally. Any moneys received by a law enforcement

1 agency under this paragraph 5.3 shall be used to purchase
2 law enforcement equipment or to provide law enforcement
3 training that will assist in the prevention of alcohol
4 related criminal violence throughout the State. Law
5 enforcement equipment shall include, but is not limited to,
6 in-car video cameras, radar and laser speed detection
7 devices, and alcohol breath testers.

8 6. (a) In addition to any criminal penalties imposed,
9 the Department of Natural Resources shall suspend the
10 watercraft operation privileges of any person
11 convicted or found guilty of a misdemeanor under this
12 Section, a similar provision of a local ordinance, or
13 Title 46 of the U.S. Code of Federal Regulations for a
14 period of one year, except that a first time offender
15 is exempt from this mandatory one year suspension.

16 As used in this subdivision (A)6(a), "first time
17 offender" means any person who has not had a previous
18 conviction or been assigned supervision for violating
19 this Section, a similar provision of a local ordinance
20 or, Title 46 of the U.S. Code of Federal Regulations,
21 or any person who has not had a suspension imposed
22 under subdivision (B)3.1 of Section 5-16.

23 (b) In addition to any criminal penalties imposed,
24 the Department of Natural Resources shall suspend the
25 watercraft operation privileges of any person
26 convicted of a felony under this Section, a similar
27 provision of a local ordinance, or Title 46 of the U.S.
28 Code of Federal Regulations for a period of 3 years.

29 (B) 1. Any person who operates or is in actual physical
30 control of any watercraft upon the waters of this State
31 shall be deemed to have given consent to a chemical test or
32 tests of blood, breath or urine for the purpose of
33 determining the content of alcohol, other drug or drugs,
34 intoxicating compound or compounds, or combination thereof
35 in the person's blood if arrested for any offense of
36 subsection (A) above. The chemical test or tests shall be

1 administered at the direction of the arresting officer. The
2 law enforcement agency employing the officer shall
3 designate which of the tests shall be administered. A urine
4 test may be administered even after a blood or breath test
5 or both has been administered.

6 1.1. For the purposes of this Section, an Illinois Law
7 Enforcement officer of this State who is investigating the
8 person for any offense defined in Section 5-16 may travel
9 into an adjoining state, where the person has been
10 transported for medical care to complete an investigation,
11 and may request that the person submit to the test or tests
12 set forth in this Section. The requirements of this Section
13 that the person be arrested are inapplicable, but the
14 officer shall issue the person a uniform citation for an
15 offense as defined in Section 5-16 or a similar provision
16 of a local ordinance prior to requesting that the person
17 submit to the test or tests. The issuance of the uniform
18 citation shall not constitute an arrest, but shall be for
19 the purpose of notifying the person that he or she is
20 subject to the provisions of this Section and of the
21 officer's belief in the existence of probable cause to
22 arrest. Upon returning to this State, the officer shall
23 file the uniform citation with the circuit clerk of the
24 county where the offense was committed and shall seek the
25 issuance of an arrest warrant or a summons for the person.

26 1.2. Notwithstanding any ability to refuse under this
27 Act to submit to these tests or any ability to revoke the
28 implied consent to these tests, if a law enforcement
29 officer has probable cause to believe that a watercraft
30 operated by or under actual physical control of a person
31 under the influence of alcohol, other drug or drugs,
32 intoxicating compound or compounds, or any combination of
33 them has caused the death of or personal injury to another,
34 that person shall submit, upon the request of a law
35 enforcement officer, to a chemical test or tests of his or
36 her blood, breath, or urine for the purpose of determining

1 the alcohol content or the presence of any other drug,
2 intoxicating compound, or combination of them. For the
3 purposes of this Section, a personal injury includes severe
4 bleeding wounds, distorted extremities, and injuries that
5 require the injured party to be carried from the scene for
6 immediate professional attention in either a doctor's
7 office or a medical facility.

8 2. Any person who is dead, unconscious or who is
9 otherwise in a condition rendering such person incapable of
10 refusal, shall be deemed not to have withdrawn the consent
11 provided above, and the test may be administered.

12 3. A person requested to submit to a chemical test as
13 provided above shall be verbally advised by the law
14 enforcement officer requesting the test that a refusal to
15 submit to the test will result in suspension of such
16 person's privilege to operate a watercraft for a minimum of
17 2 years. Following this warning, if a person under arrest
18 refuses upon the request of a law enforcement officer to
19 submit to a test designated by the officer, no test shall
20 be given, but the law enforcement officer shall file with
21 the clerk of the circuit court for the county in which the
22 arrest was made, and with the Department of Natural
23 Resources, a sworn statement naming the person refusing to
24 take and complete the chemical test or tests requested
25 under the provisions of this Section. Such sworn statement
26 shall identify the arrested person, such person's current
27 residence address and shall specify that a refusal by such
28 person to take the chemical test or tests was made. Such
29 sworn statement shall include a statement that the
30 arresting officer had reasonable cause to believe the
31 person was operating or was in actual physical control of
32 the watercraft within this State while under the influence
33 of alcohol, other drug or drugs, intoxicating compound or
34 compounds, or combination thereof and that such chemical
35 test or tests were made as an incident to and following the
36 lawful arrest for an offense as defined in this Section or

1 a similar provision of a local ordinance, and that the
2 person after being arrested for an offense arising out of
3 acts alleged to have been committed while so operating a
4 watercraft refused to submit to and complete a chemical
5 test or tests as requested by the law enforcement officer.

6 3.1. The law enforcement officer submitting the sworn
7 statement as provided in paragraph 3 of this subsection (B)
8 shall serve immediate written notice upon the person
9 refusing the chemical test or tests that the person's
10 privilege to operate a watercraft within this State will be
11 suspended for a period of 2 years unless, within 28 days
12 from the date of the notice, the person requests in writing
13 a hearing on the suspension.

14 If the person desires a hearing, such person shall file
15 a complaint in the circuit court for and in the county in
16 which such person was arrested for such hearing. Such
17 hearing shall proceed in the court in the same manner as
18 other civil proceedings, shall cover only the issues of
19 whether the person was placed under arrest for an offense
20 as defined in this Section or a similar provision of a
21 local ordinance as evidenced by the issuance of a uniform
22 citation; whether the arresting officer had reasonable
23 grounds to believe that such person was operating a
24 watercraft while under the influence of alcohol, other drug
25 or drugs, intoxicating compound or compounds, or
26 combination thereof; and whether such person refused to
27 submit and complete the chemical test or tests upon the
28 request of the law enforcement officer. Whether the person
29 was informed that such person's privilege to operate a
30 watercraft would be suspended if such person refused to
31 submit to the chemical test or tests shall not be an issue.

32 If the person fails to request in writing a hearing
33 within 28 days from the date of notice, or if a hearing is
34 held and the court finds against the person on the issues
35 before the court, the clerk shall immediately notify the
36 Department of Natural Resources, and the Department shall

1 suspend the watercraft operation privileges of the person
2 for at least 2 years.

3 3.2. If the person submits to a test that discloses an
4 alcohol concentration of 0.08 or more, or any amount of a
5 drug, substance or intoxicating compound in the person's
6 breath, blood, or urine resulting from the unlawful use of
7 cannabis listed in the Cannabis Control Act, a controlled
8 substance listed in the Illinois Controlled Substances
9 Act, or an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, the law enforcement officer
11 shall immediately submit a sworn report to the circuit
12 clerk of venue and the Department of Natural Resources,
13 certifying that the test or tests were requested under
14 paragraph 1 of this subsection (B) and the person submitted
15 to testing that disclosed an alcohol concentration of 0.08
16 or more.

17 In cases where the blood alcohol concentration of 0.08
18 or greater or any amount of drug, substance or compound
19 resulting from the unlawful use of cannabis, a controlled
20 substance or an intoxicating compound is established by a
21 subsequent analysis of blood or urine collected at the time
22 of arrest, the arresting officer or arresting agency shall
23 immediately submit a sworn report to the circuit clerk of
24 venue and the Department of Natural Resources upon receipt
25 of the test results.

26 4. A person must submit to each chemical test offered
27 by the law enforcement officer in order to comply with the
28 implied consent provisions of this Section.

29 5. The provisions of Section 11-501.2 of the Illinois
30 Vehicle Code, as amended, concerning the certification and
31 use of chemical tests apply to the use of such tests under
32 this Section.

33 (C) Upon the trial of any civil or criminal action or
34 proceeding arising out of acts alleged to have been committed
35 by any person while operating a watercraft while under the
36 influence of alcohol, the concentration of alcohol in the

1 person's blood or breath at the time alleged as shown by
2 analysis of a person's blood, urine, breath, or other bodily
3 substance shall give rise to the presumptions specified in
4 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
5 of the Illinois Vehicle Code. The foregoing provisions of this
6 subsection (C) shall not be construed as limiting the
7 introduction of any other relevant evidence bearing upon the
8 question whether the person was under the influence of alcohol.

9 (D) If a person under arrest refuses to submit to a
10 chemical test under the provisions of this Section, evidence of
11 refusal shall be admissible in any civil or criminal action or
12 proceeding arising out of acts alleged to have been committed
13 while the person under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or combination of
15 them was operating a watercraft.

16 (E) The owner of any watercraft or any person given
17 supervisory authority over a watercraft, may not knowingly
18 permit a watercraft to be operated by any person under the
19 influence of alcohol, other drug or drugs, intoxicating
20 compound or compounds, or combination thereof.

21 (F) Whenever any person is convicted or found guilty of a
22 violation of this Section, including any person placed on court
23 supervision, the court shall notify the Office of Law
24 Enforcement of the Department of Natural Resources, to provide
25 the Department with the records essential for the performance
26 of the Department's duties to monitor and enforce any order of
27 suspension or revocation concerning the privilege to operate a
28 watercraft.

29 (G) No person who has been arrested and charged for
30 violating paragraph 1 of subsection (A) of this Section shall
31 operate any watercraft within this State for a period of 24
32 hours after such arrest.

33 (Source: P.A. 92-615, eff. 1-1-03; 93-156, eff. 1-1-04.)

34 (625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

35 Sec. 6-1. Collisions, accidents, and casualties; reports.

1 A. The operator of a vessel involved in a collision,
2 accident, or other casualty, so far as he can without serious
3 danger to his own vessel, crew, passengers and guests, if any,
4 shall render to other persons affected by the collision,
5 accident, or other casualty assistance as may be practicable
6 and as may be necessary in order to save them from or minimize
7 any danger caused by the collision, accident, or other
8 casualty, and also shall give his name, address, and
9 identification of his vessel to any person injured and to the
10 owner of any property damaged in the collision, accident, or
11 other casualty.

12 If the collision, accident, or other casualty has resulted
13 in the death of or personal injury to any person, failure to
14 comply with this subsection A is a Class A misdemeanor.

15 A-1. Any person who has failed to stop or to comply with
16 the requirements of subsection A must, as soon as possible but
17 in no case later than one hour after the collision, accident,
18 or other casualty, or, if hospitalized and incapacitated from
19 reporting at any time during that period, as soon as possible
20 but in no case later than one hour after being discharged from
21 the hospital, report the date, place, and approximate time of
22 the collision, accident, or other casualty, the watercraft
23 operator's name and address, the identification number of the
24 watercraft, if any, and the names of all other occupants of the
25 watercraft, at a police station or sheriff's office near the
26 location where the collision, accident, or other casualty
27 occurred. A report made as required under this subsection A-1
28 may not be used, directly or indirectly, as a basis for the
29 prosecution of any violation of subsection A.

30 As used in this Section, personal injury means any injury
31 requiring treatment beyond first aid.

32 Any person failing to comply with this subsection A-1 is
33 guilty of a Class 4 felony if the collision, accident, or other
34 casualty does not result in the death of any person. Any person
35 failing to comply with this subsection A-1 when the collision,
36 accident, or other casualty results in the death of any person

1 is guilty of a Class 2 felony, for which the person, if
2 sentenced to a term of imprisonment, shall be sentenced to a
3 term of not less than 3 years and not more than 14 years.

4 B. In the case of collision, accident, or other casualty
5 involving a vessel, the operator, if the collision, accident,
6 or other casualty results in death or injury to a person or
7 damage to property in excess of \$2000, or there is a complete
8 loss of the vessel ~~\$500~~, shall file with the Department a full
9 description of the collision, accident, or other casualty,
10 including information as the Department may by regulation
11 require. Reports of the accidents must be filed with the
12 Department on a Department Accident Report form within 5 days.

13 C. Reports of accidents resulting in personal injury, where
14 a person sustains an injury requiring medical attention beyond
15 first aid ~~is incapacitated for a period exceeding 72 hours,~~
16 must be filed with the Department on a Department Accident
17 Report form within 5 days. Accidents that result in loss of
18 life shall be reported to the Department on a Department form
19 within 48 hours.

20 D. All required accident reports and supplemental reports
21 are without prejudice to the individual reporting, and are for
22 the confidential use of the Department, except that the
23 Department may disclose the identity of a person involved in an
24 accident when the identity is not otherwise known or when the
25 person denies his presence at the accident. No report to the
26 Department may be used as evidence in any trial, civil or
27 criminal, arising out of an accident, except that the
28 Department must furnish upon demand of any person who has or
29 claims to have made a report or upon demand of any court a
30 certificate showing that a specified accident report has or has
31 not been made to the Department solely to prove a compliance or
32 a failure to comply with the requirements that a report be made
33 to the Department.

34 E. (1) Every coroner or medical examiner shall on or before
35 the 10th day of each month report in writing to the
36 Department the circumstances surrounding the death of any

1 person that has occurred as the result of a boating
2 accident within the examiner's jurisdiction during the
3 preceding calendar month.

4 (2) Within 6 hours after a death resulting from a
5 boating accident, but in any case not more than 12 hours
6 after the occurrence of the boating accident, a blood
7 specimen of at least 10 cc shall be withdrawn from the body
8 of the decedent by the coroner or medical examiner or by a
9 qualified person at the direction of the physician. All
10 morticians shall obtain a release from the coroner or
11 medical examiner prior to proceeding with embalming any
12 body coming under the scope of this Section. The blood so
13 drawn shall be forwarded to a laboratory approved by the
14 Department of State Police for analysis of the alcoholic
15 content of the blood specimen. The coroner or medical
16 examiner causing the blood to be withdrawn shall be
17 notified of the results of each analysis made and shall
18 forward the results of each analysis to the Department. The
19 Department shall keep a record of all examinations to be
20 used for statistical purposes only. The cumulative results
21 of the examinations, without identifying the individuals
22 involved, shall be disseminated and made public by the
23 Department.

24 (Source: P.A. 93-782, eff. 1-1-05.)

25 (625 ILCS 45/11A-5) (from Ch. 95 1/2, par. 321A-5)

26 Sec. 11A-5. A person may not operate a watercraft during
27 any period when his or her privilege to operate a watercraft is
28 suspended or revoked in this State, by another state, by a
29 federal agency, or by a province of Canada. Any person who
30 operates any watercraft during the period when he is denied the
31 privilege to so operate is guilty of a Class A misdemeanor for
32 a first offense and a Class 4 felony for a second or subsequent
33 offense.

34 (Source: P.A. 93-782, eff. 1-1-05.)