



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2492

by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

625 ILCS 45/1-2

from Ch. 95 1/2, par. 311-2

625 ILCS 45/5-14.5 new

Amends the Boat Registration and Safety Act. Defines "ski flag" as a red or orange flag measuring no less than 12 inches on each side, in the shape of a square or rectangle and mounted or displayed on a motorboat in such a manner as to be visible from every direction. Provides that a ski flag shall be displayed to indicate a downed water skier, a water skier in the water preparing to ski, a water skiing line extended from the motorboat, or a ski in the water in the vicinity of the motorboat. Provides that for the purposes of ski flag requirements, "water skier" includes persons engaged in all forms of water skiing or any activity where a person is towed behind or alongside a motorboat, including, but not limited to, barefoot skiing, tubing, skiing on other contrivances, wake boarding, and parasailing. Exempts from the new provisions performers engaged in professional exhibitions and persons engaged in a regatta, vessel or water skiing race or competition, or other marine event authorized by law. Provides that a violation of the new provisions is a petty offense punishable by a fine of \$25, of which the moneys shall be deposited into the Conservation Police Operations Assistance Fund. Provides that the Department of Natural Resources shall adopt rules to implement the new provisions.

LRB098 08271 MLW 38373 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Boat Registration and Safety Act is amended
5 by changing Section 1-2 and by adding Section 5-14.5 as
6 follows:

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

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

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

16 "Motorboat" means any vessel propelled by machinery,
17 whether or not such machinery is the principal source of
18 propulsion, but does not include a vessel which has a valid
19 marine document issued by the Bureau of Customs of the United
20 States Government or any Federal agency successor thereto.

21 "Non-powered watercraft" means any canoe, kayak,
22 kiteboard, paddleboard, float tube, or watercraft not
23 propelled by sail, canvas, or machinery of any sort.

1 "Sailboat" means any watercraft propelled by sail or
2 canvas, including sailboards. For the purposes of this Act, any
3 watercraft propelled by both sail or canvas and machinery of
4 any sort shall be deemed a motorboat when being so propelled.

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

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

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

18 "Owner" means a person, other than lien holder, having
19 title to a motorboat. The term includes a person entitled to
20 the use or possession of a motorboat subject to an interest in
21 another person, reserved or created by agreement and securing
22 payment of performance of an obligation, but the term excludes
23 a lessee under a lease not intended as security.

24 "Waters of this State" means any water within the
25 jurisdiction of this State.

26 "Person" means an individual, partnership, firm,

1 corporation, association, or other entity.

2 "Operate" means to navigate or otherwise use a motorboat or
3 vessel.

4 "Department" means the Department of Natural Resources.

5 "Competent" means capable of assisting a skier in case of
6 injury or accident.

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

10 "Recreational boat" means any vessel manufactured or used
11 primarily for noncommercial use; or leased, rented or chartered
12 to another for noncommercial use.

13 "Personal watercraft" means a vessel that uses an inboard
14 motor powering a water jet pump as its primary source of motor
15 power and that is designed to be operated by a person sitting,
16 standing, or kneeling on the vessel, rather than the
17 conventional manner of sitting or standing inside the vessel,
18 and includes vessels that are similar in appearance and
19 operation but are powered by an outboard or propeller drive
20 motor.

21 "Ski flag" means a red or orange flag measuring no less
22 than 12 inches on each side, in the shape of a square or
23 rectangle and mounted or displayed on a motorboat in such a
24 manner as to be visible from every direction.

25 "Specialty prop-craft" means a vessel that is similar in
26 appearance and operation to a personal watercraft but that is

1 powered by an outboard or propeller driven motor.

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

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

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

7 (625 ILCS 45/5-14.5 new)

8 Sec. 5-14.5. Ski flag.

9 (a) The operator of a motorboat shall display a ski flag to
10 indicate any of the following conditions:

11 (1) a downed water skier;

12 (2) a water skier in the water preparing to ski;

13 (3) a water skiing line extended from the motorboat; or

14 (4) a ski in the water in the vicinity of the
15 motorboat.

16 The ski flag may not be displayed at any other time.

17 (b) As used in this Section, "water skier" refers to
18 persons engaged in all forms of water skiing or any activity
19 where a person is towed behind or alongside a motorboat,
20 including, but not limited to, barefoot skiing, tubing, skiing
21 on other contrivances, wake boarding, and parasailing.

22 (c) This Section does not apply to a performer engaged in a
23 professional exhibition or a person engaged in a regatta,
24 vessel or water skiing race or competition, or other marine
25 event authorized by law.

1 (d) A violation of this Section is a petty offense
2 punishable by a fine of \$25. Moneys collected from payments of
3 this fine shall be deposited into the Conservation Police
4 Operations Assistance Fund.

5 (e) The Department shall adopt rules to implement this
6 Section.