

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 Sections 5-4, 5-22, 11A-2, and 11A-3 as follows:

6 (625 ILCS 45/5-4) (from Ch. 95 1/2, par. 315-4)

7 Sec. 5-4. Overloading. A. No motorboat may be loaded with
8 passengers or cargo beyond its safe carrying capacity taking
9 into consideration weather and other existing operating
10 conditions. Water skiers, tubers, parasailers, or other
11 persons towed by the motorboat shall be considered part of the
12 total number of passengers and cargo allowed by a watercraft's
13 capacity plate for the purpose of determining a motorboat's
14 carrying capacity.

15 B. Capacity plates. (1) Every vessel less than 26 feet in
16 length, designed to carry 2 or more persons and to be propelled
17 by machinery as its principal source of power or designed to be
18 propelled by oars shall, if manufactured or offered for sale in
19 this State, have affixed permanently thereto by the
20 manufacturer a capacity plate as required by this Section. As
21 used in this Section, "manufacture" means to construct or
22 assemble a vessel or alter a vessel in such manner as to change
23 its weight capacity.

1 (2) A capacity plate shall bear the following information
2 permanently marked thereon in such manner as to be clearly
3 visible and legible from the position designed or normally
4 intended to be occupied by the operator of the vessel when
5 under way:

6 a. For all vessels designed for or represented by the
7 manufacturer as being suitable for use with outboard motor:

8 1. The total weight of persons, motor, gear and other
9 articles placed aboard which the vessel is capable of carrying
10 with safety under normal conditions.

11 2. The recommended number of persons commensurate with the
12 weight capacity of the vessel and the presumed weight in pounds
13 of each such person. In no instance may such presumed weight
14 per person be less than 150 pounds.

15 3. Clear notice that the information appearing on the
16 capacity plate is applicable under normal conditions and that
17 the weight of the outboard motor and associated equipment is
18 considered to be part of total weight capacity.

19 4. The maximum horsepower of the motor the vessel is
20 designed or intended to accommodate.

21 b. For all other vessels to which this Section applies:

22 1. The total weight of persons, gear and other articles
23 placed aboard which the vessel is capable of carrying with
24 safety under normal conditions.

25 2. The recommended number of persons commensurate with the
26 weight capacity of the vessel and the presumed weight in pounds

1 of each such person. In no instance shall such presumed weight
2 per person be less than 150 pounds.

3 3. Clear notice that the information appearing on the
4 capacity plate is applicable under normal conditions.

5 (3) The information relating to maximum capacity required
6 to appear on capacity plates by Subsection B (2) of this
7 Section shall be determined in accordance with such methods and
8 formulas as shall be prescribed by rule or regulation adopted
9 by the Department. In prescribing such methods and formulas,
10 the Department shall be guided by and give due regard to the
11 necessity for uniformity in methods and formulas lawful for use
12 in determining small vessel capacity in the several states and
13 to any methods and formulas which may be recognized or
14 recommended by the United States Coast Guard or any agency
15 successor thereto.

16 (4) Any vessel to which this Section applies, not having a
17 capacity plate meeting the requirements of law affixed thereto
18 by the manufacturer thereof, may have such affixed by any other
19 person in accordance with such rules and regulations as the
20 Department may prescribe and may thereafter be offered for sale
21 in this State, but no action taken pursuant to this Section or
22 in the manner described herein, shall relieve any manufacturer
23 from liability for failure to comply with the requirements of
24 this Section.

25 (5) The information appearing on a capacity plate shall be
26 deemed to warrant that the manufacturer, or the person affixing

1 the capacity plate is permitted by Subsection B (4) of this
2 Section, as the case may be, has correctly and faithfully
3 employed a method and formula for the calculation of maximum
4 weight capacity prescribed by the Department and that the
5 information appearing on the capacity plate with respect to
6 maximum weight capacity and recommended number of persons is
7 the result of the application of such method and formula, and
8 with respect to information concerning horsepower limitations,
9 that such information is not a deliberate or negligent
10 misrepresentation.

11 (6) If any vessel required by this Section to have a
12 capacity plate affixed thereto is of such design or
13 construction as to make it impracticable or undesirable to
14 affix such plate, the manufacturer, or other person having the
15 responsibility for affixing the plate, may represent such
16 impracticability or undesirability to the Department in
17 writing. Upon determination by the Department that such
18 representation has merit and that a proper and effective
19 substitute for the capacity plate which will serve the same
20 purpose is feasible, the Department may authorize such
21 alternative compliance and such alternative compliance shall
22 thereafter be deemed compliance with the capacity plate
23 requirements of this Section.

24 (7) The Department may by rules or regulations exempt from
25 the requirements of this Section vessels which it finds to be
26 of such unconventional design or construction that the

1 information required on capacity plates would not assist in
2 promoting safety or is not reasonably obtainable.

3 (8) The Department is authorized to issue and amend rules
4 and regulations to carry out the purposes of this Section.

5 Failure to affix a proper capacity plate shall constitute a
6 separate violation of this subsection B for each vessel with
7 respect to which such failure occurs.

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

9 (625 ILCS 45/5-22)

10 Sec. 5-22. Operation of watercraft upon the approach of an
11 authorized emergency watercraft.

12 (a) As used in this Section, "authorized emergency
13 watercraft" includes any watercraft operated by the Illinois
14 Department of Natural Resources Police, the Illinois
15 Department of State Police, a county sheriff, a local law
16 enforcement agency, a fire department, a provider of emergency
17 medical services, or the United States Coast Guard, equipped
18 with alternately flashing red, blue, red and white, red and
19 blue, or red in combination with white or blue lights, while
20 engaged in official duties. Any authorized emergency
21 watercraft must be clearly emblazoned with markings
22 identifying it as a watercraft operated by the qualifying
23 agency.

24 (b) Upon the immediate approach of an authorized emergency
25 watercraft making use of rotating or flashing visual signals

1 and lawfully making use of a visual signal, the operator of
2 every other watercraft shall yield the right-of-way and shall
3 immediately reduce the speed of the watercraft, so as not to
4 create a wake, and shall yield way to the emergency watercraft,
5 moving to the right to permit the safe passage of the emergency
6 watercraft, and shall stop and remain in that position until
7 the authorized emergency watercraft has passed, unless
8 otherwise directed by a police officer.

9 (c) Upon approaching a stationary authorized emergency
10 watercraft, when the authorized emergency watercraft is giving
11 a signal by displaying rotating or alternately flashing red,
12 blue, red and white, red and blue, or red in combination with
13 white or blue lights, a person operating an approaching
14 watercraft shall proceed with due caution at no-wake speed and
15 yield the right-of-way by moving safely away from that
16 authorized emergency watercraft, proceeding with due caution
17 at a no-wake speed with due regard to safety and water
18 conditions, maintaining no-wake speed until sufficiently away
19 from the emergency watercraft so as not to create a wake that
20 would otherwise rock or otherwise disturb the authorized
21 emergency watercraft.

22 (d) This Section shall not operate to relieve the operator
23 of an authorized emergency watercraft from the duty to operate
24 that watercraft with due regard for the safety of all persons
25 using the waterway.

26 (e) A person who violates this Section commits a business

1 offense punishable by a fine of not less than \$100 or more than
2 \$10,000. It is a factor in aggravation if the person committed
3 the offense while in violation of Section 5-16 of this Act.

4 (f) If a violation of this Section results in damage to the
5 property of another person, in addition to any other penalty
6 imposed, the person's watercraft operating privileges shall be
7 suspended for a fixed period of not less than 90 days and not
8 more than one year.

9 (g) If a violation of this Section results in injury to
10 another person, in addition to any other penalty imposed, the
11 person's watercraft operating privileges shall be suspended
12 for a fixed period of not less than 180 days and not more than 2
13 years.

14 (h) If a violation of subsection (c) of this Section
15 results in great bodily harm or permanent disability or
16 disfigurement to, or the death of, another person, in addition
17 to any other penalty imposed, the person's watercraft operating
18 privileges shall be suspended for 2 years.

19 (i) The Department of Natural Resources shall, upon
20 receiving a record of a judgment entered against a person under
21 this Section:

22 (1) suspend the person's watercraft operating
23 privileges for the mandatory period; or

24 (2) extend the period of an existing suspension by the
25 appropriate mandatory period.

26 (Source: P.A. 95-107, eff. 1-1-08.)

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

2 Sec. 11A-2. A. Any person who violates Section 3-11, 3A-3,
3 3A-13, 3A-14, or 3A-20 is guilty of a Class A misdemeanor.

4 B. Any person who violates Section 3A-21 is guilty of a
5 Class 2 felony.

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

7 (625 ILCS 45/11A-3) (from Ch. 95 1/2, par. 321A-3)

8 Sec. 11A-3. Any person who violates any of the provisions
9 of Section 5-1, 7-1, or 7-8 of this Act is guilty of a Class B
10 misdemeanor.

11 Any person who violates Section 5-2 of this Act is guilty
12 of a Class A misdemeanor, except that aggravated reckless
13 operation of a watercraft is a Class 4 felony.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.