

AN ACT concerning government.

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

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

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

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

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

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

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

"Department" means the Department of Natural Resources.

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

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

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

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

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

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

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

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

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

not intended as security.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The owner, operator, or other legally entitled person shall be responsible to the towing service for the payment of applicable removal, towing, storage, and processing charges and collection costs associated with a watercraft towed or held under order or authorization of a law enforcement agency. If a watercraft towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or

governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If the applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. Such payment shall not exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

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

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

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

Sec. 4-1. Personal flotation devices.

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

B. No person may operate a personal watercraft or

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

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

D. (Blank).

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

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

1. in serviceable condition;
2. identified by a label bearing a description and approval number demonstrating that the device has been approved by the United States Coast Guard;
3. of the appropriate size for the person for whom it is intended;
4. in the case of a wearable PFD, readily accessible aboard the watercraft;

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

6. out of its original packaging; and

7. not stowed under lock and key.

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

H. (Blank).

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

I. No person may operate any ~~a~~ watercraft ~~under 26 feet in length~~ unless an approved and appropriately ~~appropriate~~ sized wearable U.S. United States Coast Guard approved personal flotation device is being properly worn by each person under the age of 13 on the deck of a watercraft or in an open watercraft ~~board the watercraft~~ at all times in which the watercraft is underway; however, this requirement shall not apply to persons who are enclosed in a cabin or below the top deck on a watercraft, on an anchored watercraft that is a platform for swimming or diving, or aboard a charter "passenger for hire" watercraft with a licensed captain. ~~below decks or in totally enclosed cabin spaces. The provisions of this subsection I shall not apply to a person operating a watercraft on an individual's private property.~~

J. Racing shells, rowing sculls, racing canoes, and racing

kayaks are exempt from the PFD, of any type, carriage requirements under this Section provided that the racing shell, racing scull, racing canoe, or racing kayak is participating in an event sanctioned by the Department as a PFD optional event. The Department may adopt rules to implement this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A bright white light in the fore part of the watercraft as near the stern as practicable, so constructed as to show the unbroken light over an arc of the horizon of 20 points (225 degrees) of the

compass, so fixed as to throw the light 10 points (112.5 degrees) on each side of the watercraft, namely, from right ahead to 2 points (22.5 degrees) abaft the beam on either side;

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

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

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

degrees) white light aft.

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

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

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

~~Watercraft propelled by muscular power when underway shall carry on board from sunset to sunrise, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of 2 miles or more, and shall display such lantern in sufficient time to avoid collision with another watercraft.~~

C. Nonpowered watercraft shall carry, ready at hand, a lantern or flashlight showing a white light that shall be exhibited in sufficient time to avert collision. Manually propelled watercraft used on the waters of this State where power-driven vessels are prohibited are exempt from the provisions of this Section. Every vessel 39 feet or more in

~~length shall carry and display when underway such additional or alternate lights as shall be required by the U. S. Coast Guard for watercraft of equivalent length and type.~~

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

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

F. (Blank). ~~Vessels at anchor between the hours of sunset and sunrise, except those in a "Special Anchorage Area", shall~~

~~display such anchor lights as shall be required by the U. S. Coast Guard for watercraft of equivalent length and type.~~

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

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

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

Sec. 5-3. Interference with navigation.

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

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

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

this Act.

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

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

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

Sec. 5-13. Traffic rules.

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

A-5. Head-on situation.

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

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

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

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

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

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

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

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

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

(2) If a vessel operator is in doubt as to whether he or she is overtaking another vessel, the operator shall assume he or she is overtaking the other vessel and shall

act accordingly.

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

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

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

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

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

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

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

No response from the overtaken vessel shall be interpreted as an indication of danger and is the same as if 5 short blasts from the horn were sounded. In the absence of an audible signal or horn, a light signal

device using the appropriate number of rapid bursts of light may be used.

D. Sailing vessels.

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

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

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

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

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

Public Act 102-0595

HB2499 Enrolled

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the other vessel.

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