

1 AMENDMENT TO HOUSE BILL 1237

2 AMENDMENT NO. _____. Amend House Bill 1237 on page 1, by
3 replacing lines 4 through 6 with the following:

4 "Section 5. The Boat Registration and Safety Act is
5 amended by changing Sections 2-2, 5-16, and 5-16a and adding
6 Section 5-16a.1 as follows:

7 (625 ILCS 45/2-2) (from Ch. 95 1/2, par. 312-2)

8 Sec. 2-2. Inspection; removal; impoundment.

9 (a) Agents of the Department or other duly authorized
10 police officers may board and inspect any boat at any time
11 for the purpose of determining if this Act is being complied
12 with. If the boarding officer or agent discovers any
13 violation of this Act, he may issue a summons to the operator
14 of the boat requiring that the operator appear before the
15 circuit court for the county within which the offense was
16 committed.

17 (b) Every vessel subject to this Act, if under way and
18 upon being hailed by a designated law enforcement officer,
19 must stop immediately and lay to.

20 (c) Agents of the Department and other duly authorized
21 police officers may enforce all federal laws and regulations
22 which have been mutually agreed upon by the federal and state

1 governments and are applicable to the operation of watercraft
2 on navigable waters and federal impoundments where concurrent
3 jurisdiction exists between the federal and state
4 governments.

5 (d) Agents of the Department and other duly authorized
6 police officers may seize and impound, at the owner's or
7 operator's expense, any watercraft involved in a boating
8 accident or a violation of Section 3A-21, 5-1, 5-2, or 5-16
9 of this Act.

10 (e) If a watercraft is causing a traffic hazard because
11 of its position on a waterway or its physical appearance is
12 causing the impeding of traffic, its immediate removal from
13 the waterway by a towing service may be authorized by a law
14 enforcement agency having jurisdiction.

15 (f) Whenever a peace officer reasonably believes that a
16 person under arrest for a violation of Section 5-1, 5-2 or
17 5-16 of this Act or similar provision of a local ordinance,
18 is likely, upon release, to commit a subsequent violation of
19 Section 5-1, 5-2 or 5-16 or a similar provision of a local
20 ordinance, the arresting officer shall have the watercraft
21 which the person was operating at the time of the arrest
22 impounded for a period of not more than 12 hours after the
23 time of the arrest. The watercraft may be released by the
24 arresting law enforcement agency without impoundment, or may
25 be released prior to the end of the impoundment period,
26 however, if:

27 (1) the watercraft was not owned by the person under
28 arrest, and the lawful owner requesting release possesses
29 proof of ownership, and would not, as determined by the
30 arresting law enforcement agency: (i) indicate a lack of
31 ability to operate a watercraft in a safe manner, or (ii)
32 otherwise, by operating the watercraft, be in violation
33 of this Act; or

34 (2) the watercraft is owned by the person under

1 arrest, and the person under arrest gives permission to
2 another person to operate the watercraft, and the other
3 person would not, as determined by the arresting law
4 enforcement agency: (i) indicate a lack of ability to operate
5 a watercraft in a safe manner, or (ii) otherwise, by
6 operating the watercraft, be in violation of this Act.

7 (Source: P.A. 87-798; 88-670, eff. 12-2-94.)".