



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5165

Introduced 2/10/2026, by Rep. Lawrence "Larry" Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the River Access Modernization Act. Affirms the public's right to use navigable and recreationally suitable waters for canoeing, boating, kayaking, and angling, subject to protection of private property rights and environmental values. Provides that the public right of use does not include crossing private uplands or exiting onto private land without permission. Establishes landowner liability protections. Prohibits littering and alteration of flora and fauna. Grants rulemaking authority to the Department of Natural Resources to designate public access points, resolve conflicts, promote safety and conservation education, and maintain a listing of navigable waterways. Defines "navigable water" and "public recreational use".

LRB104 20238 BDA 33689 b

1 AN ACT concerning conservation.

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

4 Section 1. Short title. This Act may be cited as the River  
5 Access Modernization Act.

6 Section 5. Findings; purpose.

7 (a) The General Assembly finds that:

8 (1) Illinois' navigable and public waterways are held  
9 in trust by the State for the benefit and enjoyment of its  
10 people.

11 (2) Public access to and lawful recreational use of  
12 these waters promoting outdoor recreation, limited to  
13 boating, canoeing, paddling, kayaking, and angling, is in  
14 the public interest.

15 (3) Clarification of public rights and private  
16 property boundaries along rivers and streams is desirable  
17 to reduce conflict, preserve habitat, and protect both  
18 public and private interests.

19 (b) It is the purpose of this Act to affirm the public's  
20 right to use navigable and recreationally suitable waters of  
21 this State for activities, including boating, canoeing,  
22 paddling, kayaking, and angling, consistent with reasonable  
23 protection of private property rights and environmental

1 values.

2 Section 10. Definitions. In this Act:

3 "Navigable water" means any waterway that, in its natural  
4 or improved condition, is capable of being used by the public  
5 for canoeing, boating, paddling, and angling, whether or not  
6 it is capable of commercial navigation. "Navigable water" does  
7 not include any pond or lake contained entirely on private  
8 property, regardless of whether the pond or lake has a single  
9 private owner or multiple private owners. "Navigable water"  
10 does not include posted wildlife refuges, security or safety  
11 zones, sensitive environmental areas, or areas designated by  
12 the Department of Natural Resources as closed areas.  
13 "Navigable water" includes only the main flowage of named  
14 creeks, streams, rivers, and lakes that are identified by name  
15 on the most recent map published by the United States  
16 Geological Survey. "Navigable water" does not include unnamed  
17 branches of creeks, streams, rivers, and lakes.

18 "Public recreational use" includes only boating, canoeing,  
19 paddling, kayaking, and angling, contingent upon compliance  
20 with all other State and federal laws during such use.

21 Section 15. Public right of use.

22 (a) All navigable waters within the State are declared  
23 public only for the purpose of boating, canoeing, paddling,  
24 kayaking, and angling and are held in trust by the State for

1 the benefit of the people.

2 (b) Members of the public may use such waters and their  
3 beds for boating, canoeing, paddling, kayaking, and angling,  
4 subject to this Act and other applicable laws not in conflict  
5 with this Act.

6 (c) The public right of use does not extend to crossing  
7 private uplands to reach a waterway, nor exiting a public  
8 waterway onto private land at any time for any reason, without  
9 express permission or lawful public access. For the purposes  
10 of this Section, levees, dikes, dams, water control devices,  
11 and other man-made structures shall be considered private  
12 property and may not be crossed without the permission of the  
13 owner, regardless of whether notice is posted.

14 Section 20. Liability and landowner protections.

15 (a) A landowner adjacent to or who holds title to the bed  
16 of a waterway owes no duty of care to persons entering upon the  
17 waterway under this Act, except for willful or wanton  
18 misconduct.

19 (b) A landowner who allows public use of waters adjoining  
20 the property or who holds title to the bed of a waterway shall  
21 not be liable for injuries or property damage resulting from  
22 such use, except in cases of gross negligence or intentional  
23 harm.

24 Section 25. Property owner rights.

1 (a) Nothing in this Act shall limit the ability of a  
2 landowner to lawfully restrict entry upon shoreline or upland  
3 property.

4 (b) Islands that are private property are not public and  
5 the public shall have no right of entry or use unless expressly  
6 permitted by the landowner.

7 Section 30. Property integrity.

8 (a) No person acting under this Act shall collect, injure,  
9 remove, or deface any animate or inanimate object, except for  
10 properly licensed persons under permits or licenses issued by  
11 the Department of Natural Resources.

12 (b) No person acting under this Act shall litter or alter  
13 the flora and fauna of the waterway or adjacent shorelines or  
14 islands.

15 Section 35. Rulemaking authority. The Department of  
16 Natural Resources shall adopt rules to:

17 (1) allow for the designation of public access points  
18 and maintain signage for navigable and recreational  
19 waters;

20 (2) provide for conflict resolution between landowners  
21 and recreational users;

22 (3) promote stewardship, safety, and conservation  
23 education related to river use;

24 (4) prepare a listing by county and name of waterway

1           of all waterways that are declared navigable and open to  
2           the public under this Act; and  
3           (5) implement and administer this Act.