



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5447

by Rep. Nicholas K. Smith

#### SYNOPSIS AS INTRODUCED:

625 ILCS 45/1-2	from Ch. 95 1/2, par. 311-2
625 ILCS 45/4-1	from Ch. 95 1/2, par. 314-1
625 ILCS 45/4-2	from Ch. 95 1/2, par. 314-2
625 ILCS 45/5-3	from Ch. 95 1/2, par. 315-3
625 ILCS 45/5-13	from Ch. 95 1/2, par. 315-8

Amends the Boat Registration and Safety Act. Changes the definitions Section to put the terms in alphabetical order and changes the definitions of "motorboat" and "operate". Defines "international regulations" and "wearable U.S. Coast Guard approved personal flotation device". Makes additional changes and adds provisions in Sections concerning: personal flotation devices; navigation lights; interference with navigation; and traffic rules.

LRB101 18954 HEP 68413 b

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 1-2, 4-1, 4-2, 5-3, and 5-13 as follows:

6 (625 ILCS 45/1-2) (from Ch. 95 1/2, par. 311-2)

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

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

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

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

22 "Department" means the Department of Natural Resources.

23 "International regulations" means the International

1 Regulations for Preventing Collisions at Sea, 1972, including  
2 annexes currently in force for the United States.

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

5 "Motorboat" or "power-driven vessel" means any vessel  
6 propelled by machinery, whether or not such machinery is the  
7 principal source of propulsion, but does not include a vessel  
8 which has a valid marine document issued by the Bureau of  
9 Customs of the United States Government or any Federal agency  
10 successor thereto.

11 "Nonpowered watercraft" means any canoe, kayak, kiteboard,  
12 paddleboard, float tube, or watercraft not propelled by sail,  
13 canvas, or machinery of any sort.

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

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

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

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

1       "Personal watercraft" means a vessel that uses an inboard  
2 motor powering a water jet pump as its primary source of motor  
3 power and that is designed to be operated by a person sitting,  
4 standing, or kneeling on the vessel, rather than the  
5 conventional manner of sitting or standing inside the vessel,  
6 and includes vessels that are similar in appearance and  
7 operation but are powered by an outboard or propeller drive  
8 motor.

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

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

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

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

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

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

1 in artificial bodies of water designed and used exclusively for  
2 such concessions.

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

5 "Wearable U.S. Coast Guard approved personal flotation  
6 device", "wearable U.S. Coast Guard approved PFD", and  
7 "wearable PFD" have the meaning provided for "wearable PFD" in  
8 33 CFR 175.13.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25       (625 ILCS 45/4-1) (from Ch. 95 1/2, par. 314-1)

1           Sec. 4-1. Personal flotation devices.

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

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

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

16           D. (Blank).

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

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

24                 1. in serviceable condition;

25                 2. identified by a label bearing a description and  
26 approval number demonstrating that the device has been

1 approved by the United States Coast Guard;

2 3. of the appropriate size for the person for whom it  
3 is intended;

4 4. in the case of a wearable PFD, readily accessible  
5 aboard the watercraft;

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

8 6. out of its original packaging; and

9 7. not stowed under lock and key.

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

13 H. (Blank).

14 H-5. An approved and appropriately sized United States  
15 Coast Guard approved personal flotation device shall be worn by  
16 each person under the age of 13 while in tow.

17 I. No person may operate a watercraft under 26 feet in  
18 length unless an approved and appropriate sized United States  
19 Coast Guard personal flotation device is being properly worn by  
20 each person under the age of 13 on board the watercraft at all  
21 times in which the watercraft is underway; however, this  
22 requirement shall not apply to persons who are below decks or  
23 in totally enclosed cabin spaces. The provisions of this  
24 subsection I shall not apply to a person operating a watercraft  
25 on an individual's private property.

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

1 kayaks are exempt from the PFD, of any type, carriage  
2 requirements under this Section provided that the racing shell,  
3 racing scull, racing canoe, or racing kayak is participating in  
4 an event sanctioned by the Department as a PFD optional event.  
5 The Department may adopt rules to implement this subsection.  
6 (Source: P.A. 100-469, eff. 6-1-18; 100-863, eff. 8-14-18.)

7 (625 ILCS 45/4-2) (from Ch. 95 1/2, par. 314-2)

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

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

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

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

24 3. Class 3: 26 feet or over and less than 40 feet in  
25 length. ~~Lights under International Rules may be shown as an~~

1 ~~alternative to the above requirements.~~

2 4. Class 4: 40 feet or over and not more than 65 feet  
3 in length.

4 B. Every motorboat, in all weather from sunset to sunrise  
5 or in all weather causing reduced visibility, shall carry and  
6 exhibit the following United States Coast Guard approved lights  
7 when underway and, during such time, no other lights that may  
8 be mistaken for or interfere with those prescribed shall be  
9 exhibited: Watercraft propelled by muscular power when  
10 underway shall carry on board from sunset to sunrise, but not  
11 fixed to any part of the boat, a lantern or flashlight capable  
12 of showing a white light visible all around the horizon at a  
13 distance of 2 miles or more, and shall display such lantern in  
14 sufficient time to avoid collision with another watercraft.

15 (1) A Class 1 or Class 2 motorboat shall carry the  
16 following lights:

17 (a) A bright white light aft to show all around the  
18 horizon.

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

24 (2) A Class 3 or Class 4 motorboat shall carry the  
25 following lights:

26 (a) A bright white light in the fore part of the

1 watercraft as near the stem as practicable, so  
2 constructed as to show the unbroken light over an arc  
3 of the horizon of 20 points (225 degrees) of the  
4 compass, so fixed as to throw the light 10 points  
5 (112.5 degrees) on each side of the watercraft, namely,  
6 from right ahead to 2 points (22.5 degrees) abaft the  
7 beam on either side.

8 (b) A bright white light aft, mounted higher than  
9 the white light forward, to show all around the  
10 horizon.

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

24 (3) A Class 1 or Class 2 Motorboat propelled by sail  
25 alone shall exhibit the combined light prescribed by  
26 paragraph (1) and a 12-point (135 degrees) white light aft.

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

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

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

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

18       C. Manually propelled watercraft shall carry, ready at  
19       hand, a lantern or flashlight showing a white light that shall  
20       be exhibited in sufficient time to avert collision. Manually  
21       propelled watercraft used on the waters of this State where  
22       power-driven vessels are prohibited are exempt from the  
23       provisions of this Section. ~~Every vessel 39 feet or more in~~  
24       ~~length shall carry and display when underway such additional or~~  
25       ~~alternate lights as shall be required by the U. S. Coast Guard~~  
26       ~~for watercraft of equivalent length and type.~~

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

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

22           F. (Blank). ~~Vessels at anchor between the hours of sunset~~  
23 ~~and sunrise, except those in a "Special Anchorage Area", shall~~  
24 ~~display such anchor lights as shall be required by the U. S.~~  
25 ~~Coast Guard for watercraft of equivalent length and type.~~

26           G. (Blank). ~~Watercraft operated manually or by motor which~~

1 ~~are located on bodies of water where motors of over 7 1/2~~  
2 ~~horsepower are prohibited must be equipped during the hours~~  
3 ~~between sunset and sunrise with a lantern or flashlight which~~  
4 ~~is capable of showing a beam for 2 miles, anything in this~~  
5 ~~Section to the contrary notwithstanding.~~

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

7 (625 ILCS 45/5-3) (from Ch. 95 1/2, par. 315-3)

8 Sec. 5-3. Interference with navigation.

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

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

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

24 (d) A vessel shall avoid anchoring in a narrow channel,  
25 under bridges, or in heavily traveled channels or canals, if

1 unreasonable under the prevailing circumstances.

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

3 (625 ILCS 45/5-13) (from Ch. 95 1/2, par. 315-8)

4 Sec. 5-13. Traffic rules.

5 A. The area straight ahead of a vessel to the point that is  
6 22.5 degrees beyond the middle of the vessel on the starboard  
7 side of the watercraft shall be designated the danger zone. An  
8 operator of a watercraft shall yield the right-of-way to any  
9 other watercraft occupying or entering into the danger zone  
10 that may result in collision. ~~Passing. When 2 boats are~~  
11 ~~approaching each other "head on" or nearly so (so as to involve~~  
12 ~~risk of collision), each boat must bear to the right and pass~~  
13 ~~the other boat on its left side.~~

14 A-5. Head-on situation.

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

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

23 (3) A power-driven vessel operating in narrow channels and  
24 proceeding downstream shall have the right-of-way over a vessel  
25 proceeding upstream. The vessel proceeding upstream shall

1 yield as necessary to permit safe passing.

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

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

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

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

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

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

21 (2) If a vessel operator is in doubt as to whether he or  
22 she is overtaking another vessel, the operator shall assume  
23 that is the case and act accordingly.

24 (3) Any subsequent alteration of the bearing between the 2  
25 vessels shall not make the overtaking vessel a crossing vessel  
26 within the meaning of this Section or relieve the overtaking

1 operator of the duty of keeping clear of the overtaken vessel  
2 until finally past and clear.

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

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

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

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

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

16 (b) sound 5 short blasts from the horn to indicate  
17 danger or do not pass.

18 No response from the overtaken vessel shall be interpreted  
19 as an indication of danger and the same as if 5 short blasts  
20 from the horn were sounded.

21 In the absence of an audible signal or horn, a light signal  
22 device using the appropriate number of rapid bursts of light  
23 may be used.

24 D. Sailing vessels.

25 (1) The operator of a power-driven vessel shall yield the  
26 right-of-way to any nonpowered or sailing vessel unless the

1 nonpowered vessel is overtaking the power-driven vessel or  
2 ~~Sailboats and Rowboats. When a motorboat is approaching a boat~~  
3 ~~propelled solely by sails or oars, the motorboat must yield the~~  
4 ~~right of way to the sailboat or rowboat except,~~ when a large  
5 craft is navigating in a confined channel, the large craft has  
6 the right-of-way ~~right of way~~ over a boat propelled solely by  
7 oars or sails.

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

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

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

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

22 (3) As used in this subsection, "windward side" means the  
23 side opposite to that on which the mainsail is carried or, in  
24 the case of a square-rigged vessel, the side opposite to that  
25 on which the largest fore-and-aft sail is carried.

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