



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3888

Introduced 11/28/2011, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

625 ILCS 45/5-23 new

Amends the Boat Registration and Safety Act. Provides that no person may place or operate a vehicle, seaplane, watercraft, or other object of any kind in waters of this State if it has any aquatic plants or aquatic animals attached to the exterior of the vehicle, seaplane, watercraft, or other object. Provides that no person may take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway with aquatic plants or aquatic animals attached to the exterior of the seaplane, vehicle, watercraft, or other object. Provides exceptions. Provides that a person must comply with instructions given by a law enforcement officer who has reason to believe that the person is in violation of the new provisions. Provides that the Department of Natural Resources shall produce and make copies available of a notice containing a summary of the new provisions and that owners of boat access sites must post and maintain a copy of the notice.

LRB097 13620 HEP 58156 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 adding Section 5-23 as follows:

6 (625 ILCS 45/5-23 new)

7 Sec. 5-23. Transportation of aquatic plants and animals;
8 placement of objects in navigable waters.

9 (a) No person may place or operate a vehicle, seaplane,
10 watercraft, or other object of any kind in waters of this State
11 if it has any aquatic plants or aquatic animals attached to the
12 exterior of the vehicle, seaplane, watercraft, or other object.
13 This Section does not require a person to remove aquatic plants
14 or aquatic animals from a vehicle, seaplane, watercraft, or
15 other object during the period of time when the vehicle,
16 seaplane, watercraft, or other object is being operated in the
17 same navigable body of water in which the aquatic plants or
18 aquatic animals became attached.

19 (b) No person may take off with a seaplane, or transport or
20 operate a vehicle, watercraft, or other object of any kind on a
21 highway with aquatic plants or aquatic animals attached to the
22 exterior of the seaplane, vehicle, watercraft, or other object.

23 (c) A law enforcement officer who has reason to believe

1 that a person is in violation of this Section may order the
2 person to:

3 (i) remove aquatic plants or aquatic animals from a
4 vehicle, seaplane, watercraft, or other object of any kind
5 before placing it in a navigable water;

6 (ii) remove aquatic plants or aquatic animals from a
7 seaplane before taking off with the seaplane;

8 (iii) remove from, or not place in, a navigable water,
9 a vehicle, seaplane, watercraft, or other object of any
10 kind; or

11 (iv) not take off with a seaplane, or transport or
12 operate a vehicle, watercraft, or other object of any kind
13 on a highway.

14 (d) No person may refuse to obey the order of a law
15 enforcement officer acting under subsection (c) of this
16 Section.

17 (e) This Section does not prohibit a person from:

18 (i) transporting or operating a vehicle, seaplane,
19 watercraft, or other object of any kind with duckweed that
20 is incidentally attached to the exterior of the vehicle,
21 seaplane, watercraft, or other object; or

22 (ii) transporting or operating commercial aquatic
23 plant harvesting equipment that has aquatic plants or
24 animals attached to the exterior of the equipment, if the
25 equipment is owned or operated by a local governmental
26 unit, is being transported or operated for the purpose of

1 cleaning the equipment to remove aquatic plants or animals,
2 and is being transported to or operated at a suitable
3 location away from any body of water.

4 (f) The Department shall prepare a notice that contains a
5 summary of the provisions under this Section and shall make
6 copies of the notice available to persons required to post the
7 notice under subsection (g) of this Section.

8 (g) Each owner of a public boat access site shall post and
9 maintain the notice described in subsection (f) of this
10 Section. For purposes of this Section, a "public boat access
11 site" means a site that provides access to a navigable water
12 for boats and that is open to the general public for free or
13 for a charge or that is open only to certain groups of persons
14 for a charge.