

1 AN ACT in relation to vehicles.

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

4 Section 5. The Snowmobile Registration and Safety Act is
5 amended by changing Section 5-7 as follows:

6 (625 ILCS 40/5-7)

7 Sec. 5-7. Operating a snowmobile while under the
8 influence of alcohol or other drug; criminal penalties;
9 suspension of operating privileges.

10 (a) A person may not operate a snowmobile within this
11 State while:

12 1. The alcohol concentration in that person's blood
13 or breath is a concentration at which driving a motor
14 vehicle is prohibited under subdivision (1) of subsection
15 (a) of Section 11-501 of the Illinois Vehicle Code;

16 2. The person is under the influence of alcohol;

17 3. The person is under the influence of any other
18 drug or combination of drugs to a degree that renders
19 that person incapable of safely operating a snowmobile;

20 4. The person is under the combined influence of
21 alcohol and any other drug or drugs to a degree that
22 renders that person incapable of safely operating a
23 snowmobile; or

24 5. There is any amount of a drug, substance, or
25 compound in that person's blood or urine resulting from
26 the unlawful use or consumption of cannabis listed in the
27 Cannabis Control Act, or controlled substance listed in
28 the Illinois Controlled Substances Act.

29 (b) The fact that a person charged with violating this
30 Section is or has been legally entitled to use alcohol or
31 other drugs does not constitute a defense against a charge of

1 violating this Section.

2 (c) Every person convicted of violating this Section or
3 a similar provision of a local ordinance is guilty of a Class
4 A misdemeanor, except as otherwise provided in this Section.

5 (d) Every person convicted of violating this Section is
6 guilty of a Class 4 felony if:

7 1. The person has a previous conviction under this
8 Section; or

9 2. The offense results in personal injury where a
10 person other than the operator suffers great bodily harm
11 or permanent disability or disfigurement, when the
12 violation was a proximate cause of the injuries. A person
13 guilty of a Class 4 felony under this paragraph 2, if
14 sentenced to a term of imprisonment, shall be sentenced
15 to not less than one year nor more than 12 years.

16 (e) ~~(Blank) Every person convicted of violating this~~
17 ~~Section is guilty of a Class 3 felony if the offense results~~
18 ~~in the death of a person.~~

19 (f) In addition to any criminal penalties imposed, the
20 Department of Conservation shall suspend the snowmobile
21 operation privileges of a person convicted of a misdemeanor
22 under this Section for a period of one year or for a period
23 of 5 years if the person is convicted of a felony under this
24 Section.

25 (Source: P.A. 89-55, eff. 1-1-96; 90-215, eff. 1-1-98.)

26 Section 10. The Boat Registration and Safety Act is
27 amended by changing Section 5-16 as follows:

28 (625 ILCS 45/5-16)

29 Sec. 5-16. Operating a watercraft under the influence of
30 alcohol, other drug, or combination thereof.

31 (A) 1. A person shall not operate any watercraft within
32 this State while:

1 (a) The alcohol concentration in such person's
2 blood or breath is a concentration at which driving
3 a motor vehicle is prohibited under subdivision (1)
4 of subsection (a) of Section 11-501 of the Illinois
5 Vehicle Code;

6 (b) Under the influence of alcohol;

7 (c) Under the influence of any other drug or
8 combination of drugs to a degree which renders such
9 person incapable of safely operating any watercraft;

10 (d) Under the combined influence of alcohol
11 and any other drug or drugs to a degree which
12 renders such person incapable of safely operating a
13 watercraft; or

14 (e) There is any amount of a drug, substance,
15 or compound in the person's blood or urine resulting
16 from the unlawful use or consumption of cannabis as
17 defined in the Cannabis Control Act or a controlled
18 substance listed in the Illinois Controlled
19 Substances Act.

20 2. The fact that any person charged with violating
21 this Section is or has been legally entitled to use
22 alcohol, or other drugs, or any combination of both,
23 shall not constitute a defense against any charge of
24 violating this Section.

25 3. Every person convicted of violating this Section
26 shall be guilty of a Class A misdemeanor, except as
27 otherwise provided in this Section.

28 4. Every person convicted of violating this Section
29 shall be guilty of a Class 4 felony if:

30 (a) He has a previous conviction under this
31 Section; or

32 (b) The offense results in personal injury
33 where a person other than the operator suffers great
34 bodily harm or permanent disability or

1 disfigurement, when the violation was a proximate
2 cause of the injuries. A person guilty of a Class 4
3 felony under this subparagraph (b), if sentenced to
4 a term of imprisonment, shall be sentenced to a term
5 of not less than one year nor more than 12 years.

6 5. ~~(Blank) Every person convicted of violating this~~
7 ~~Section shall be guilty of a Class 3 felony if the~~
8 ~~offense results in the death of a person.~~

9 6. (a) In addition to any criminal penalties
10 imposed, the Department of Natural Resources shall
11 suspend the watercraft operation privileges of any
12 person convicted of a misdemeanor under this Section
13 for a period of one year.

14 (b) In addition to any criminal penalties
15 imposed, the Department of Natural Resources shall
16 suspend the watercraft operation privileges of any
17 person convicted of a felony under this Section for
18 a period of 3 years.

19 (B) 1. Any person who operates any watercraft upon the
20 waters of this State shall be deemed to have given
21 consent to a chemical test or tests of blood, breath or
22 urine for the purpose of determining the alcohol, other
23 drug, or combination thereof content of such person's
24 blood if arrested for any offense of subsection (A)
25 above. The test or tests shall be administered at the
26 direction of the arresting officer.

27 2. Any person who is dead, unconscious or who is
28 otherwise in a condition rendering such person incapable
29 of refusal, shall be deemed not to have withdrawn the
30 consent provided above.

31 3. A person requested to submit to a test as
32 provided above shall be verbally advised by the law
33 enforcement officer requesting the test that a refusal to
34 submit to the test will result in suspension of such

1 person's privilege to operate a watercraft. Following
2 this warning, if a person under arrest refuses upon the
3 request of a law enforcement officer to submit to a test
4 designated by the officer, none shall be given, but the
5 law enforcement officer shall file with the clerk of the
6 circuit court for the county in which the arrest was
7 made, a sworn statement naming the person refusing to
8 take and complete the test or tests requested under the
9 provisions of this Section. Such sworn statement shall
10 identify the arrested person, such person's current
11 residence address and shall specify that a refusal by
12 such person to take the test or tests was made. Such
13 sworn statement shall include a statement that the
14 arresting officer had reasonable cause to believe the
15 person was operating the watercraft within this State
16 while under the influence of alcohol, other drug, or
17 combination thereof and that such test or tests were made
18 as an incident to and following the lawful arrest for an
19 offense as defined in this Section or a similar provision
20 of a local ordinance, and that the person after being
21 arrested for an offense arising out of acts alleged to
22 have been committed while so operating a watercraft
23 refused to submit to and complete a test or tests as
24 requested by the law enforcement officer.

25 The clerk shall thereupon notify such person in
26 writing that the person's privilege to operate a
27 watercraft will be suspended unless, within 28 days from
28 the date of mailing of the notice, such person shall
29 request in writing a hearing thereon; if the person
30 desires a hearing, such person shall file a complaint in
31 the circuit court for and in the county in which such
32 person was arrested for such hearing. Such hearing shall
33 proceed in the court in the same manner as other civil
34 proceedings, shall cover only the issues of whether the

1 person was placed under arrest for an offense as defined
2 in this Section or a similar provision of a local
3 ordinance as evidenced by the issuance of a uniform
4 citation; whether the arresting officer had reasonable
5 grounds to believe that such person was operating a
6 watercraft while under the influence of alcohol, other
7 drug, or combination thereof; and whether such person
8 refused to submit and complete the test or tests upon the
9 request of the law enforcement officer. Whether the
10 person was informed that such person's privilege to
11 operate a watercraft would be suspended if such person
12 refused to submit to the test or tests shall not be an
13 issue.

14 If the court finds against the person on the issues
15 before the court, the clerk shall immediately notify the
16 Department of Natural Resources of the court's decision,
17 and the Department shall suspend the watercraft operation
18 privileges of the person for at least 2 years.

19 4. A person must submit to each test offered by the
20 law enforcement officer in order to comply with the
21 implied consent provisions of this Section.

22 5. The provisions of Section 11-501.2 of the
23 Illinois Vehicle Code, as amended, concerning the
24 certification and use of chemical tests apply to the use
25 of such tests under this Section.

26 (C) Upon the trial of any civil or criminal action or
27 proceeding arising out of acts alleged to have been committed
28 by any person while operating a watercraft while under the
29 influence of alcohol, the concentration of alcohol in the
30 person's blood or breath at the time alleged as shown by
31 analysis of a person's blood, urine, breath, or other bodily
32 substance shall give rise to the presumptions specified in
33 subdivisions 1, 2, and 3 of subsection (b) of Section
34 11-501.2 of the Illinois Vehicle Code. The foregoing

1 provisions of this subsection (C) shall not be construed as
2 limiting the introduction of any other relevant evidence
3 bearing upon the question whether the person was under the
4 influence of alcohol.

5 (D) If a person under arrest refuses to submit to a
6 chemical test under the provisions of this Section, evidence
7 of refusal shall be admissible in any civil or criminal
8 action or proceeding arising out of acts alleged to have been
9 committed while the person under the influence of alcohol, or
10 other drugs, or combination of both was operating a
11 watercraft.

12 (E) The owner of any watercraft or any person given
13 supervisory authority over a watercraft, may not knowingly
14 permit a watercraft to be operated by any person under the
15 influence of alcohol, other drug, or combination thereof.

16 (F) Whenever any person is convicted of a violation of
17 this Section, the court shall notify the Division of Law
18 Enforcement of the Department of Natural Resources, to
19 provide the Department with the records essential for the
20 performance of the Department's duties to monitor and enforce
21 any order of suspension or revocation concerning the
22 privilege to operate a watercraft.

23 (G) No person who has been arrested and charged for
24 violating paragraph 1 of subsection (A) of this Section shall
25 operate any watercraft within this State for a period of 6
26 hours after such arrest.

27 (Source: P.A. 89-445, eff. 2-7-96; 90-215, eff. 1-1-98;
28 90-655, eff. 7-30-98.)