

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) Every person convicted of violating this Section is
17 guilty of a Class 2 3 felony if the offense results in the
18 death of a person. A person guilty of a Class 2 felony under
19 this subsection (e), if sentenced to a term of imprisonment,
20 shall be sentenced to a term of not less than 3 years and not
21 more than 14 years.

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

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

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

31 (625 ILCS 45/5-16)

32 Sec. 5-16. Operating a watercraft under the influence of

1 alcohol, other drug, or combination thereof.

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

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

9 (b) Under the influence of alcohol;

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

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

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

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

28 3. Every person convicted of violating this Section
29 shall be guilty of a Class A misdemeanor, except as
30 otherwise provided in this Section.

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

33 (a) He has a previous conviction under this
34 Section; or

1 (b) The offense results in personal injury
 2 where a person other than the operator suffers great
 3 bodily harm or permanent disability or
 4 disfigurement, when the violation was a proximate
 5 cause of the injuries. A person guilty of a Class 4
 6 felony under this subparagraph (b), if sentenced to
 7 a term of imprisonment, shall be sentenced to a term
 8 of not less than one year nor more than 12 years.

9 5. Every person convicted of violating this Section
 10 shall be guilty of a Class 2 3 felony if the offense
 11 results in the death of a person. A person guilty of a
 12 Class 2 felony under this paragraph 5, if sentenced to a
 13 term of imprisonment, shall be sentenced to a term of not
 14 less than 3 years and not more than 14 years.

15 6. (a) In addition to any criminal penalties
 16 imposed, the Department of Natural Resources shall
 17 suspend the watercraft operation privileges of any
 18 person convicted of a misdemeanor under this Section
 19 for a period of one year.

20 (b) In addition to any criminal penalties
 21 imposed, the Department of Natural Resources shall
 22 suspend the watercraft operation privileges of any
 23 person convicted of a felony under this Section for
 24 a period of 3 years.

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

33 2. Any person who is dead, unconscious or who is
 34 otherwise in a condition rendering such person incapable

1 of refusal, shall be deemed not to have withdrawn the
2 consent provided above.

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

31 The clerk shall thereupon notify such person in
32 writing that the person's privilege to operate a
33 watercraft will be suspended unless, within 28 days from
34 the date of mailing of the notice, such person shall

1 request in writing a hearing thereon; if the person
2 desires a hearing, such person shall file a complaint in
3 the circuit court for and in the county in which such
4 person was arrested for such hearing. Such hearing shall
5 proceed in the court in the same manner as other civil
6 proceedings, shall cover only the issues of whether the
7 person was placed under arrest for an offense as defined
8 in this Section or a similar provision of a local
9 ordinance as evidenced by the issuance of a uniform
10 citation; whether the arresting officer had reasonable
11 grounds to believe that such person was operating a
12 watercraft while under the influence of alcohol, other
13 drug, or combination thereof; and whether such person
14 refused to submit and complete the test or tests upon the
15 request of the law enforcement officer. Whether the
16 person was informed that such person's privilege to
17 operate a watercraft would be suspended if such person
18 refused to submit to the test or tests shall not be an
19 issue.

20 If the court finds against the person on the issues
21 before the court, the clerk shall immediately notify the
22 Department of Natural Resources of the court's decision,
23 and the Department shall suspend the watercraft operation
24 privileges of the person for at least 2 years.

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

28 5. The provisions of Section 11-501.2 of the
29 Illinois Vehicle Code, as amended, concerning the
30 certification and use of chemical tests apply to the use
31 of such tests under this Section.

32 (C) Upon the trial of any civil or criminal action or
33 proceeding arising out of acts alleged to have been committed
34 by any person while operating a watercraft while under the

1 influence of alcohol, the concentration of alcohol in the
2 person's blood or breath at the time alleged as shown by
3 analysis of a person's blood, urine, breath, or other bodily
4 substance shall give rise to the presumptions specified in
5 subdivisions 1, 2, and 3 of subsection (b) of Section
6 11-501.2 of the Illinois Vehicle Code. The foregoing
7 provisions of this subsection (C) shall not be construed as
8 limiting the introduction of any other relevant evidence
9 bearing upon the question whether the person was under the
10 influence of alcohol.

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

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

22 (F) Whenever any person is convicted of a violation of
23 this Section, the court shall notify the Division of Law
24 Enforcement of the Department of Natural Resources, to
25 provide the Department with the records essential for the
26 performance of the Department's duties to monitor and enforce
27 any order of suspension or revocation concerning the
28 privilege to operate a watercraft.

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

33 (Source: P.A. 89-445, eff. 2-7-96; 90-215, eff. 1-1-98;
34 90-655, eff. 7-30-98.)