



An Act Concerning Boating Safety.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-140f of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) The Commissioner of Environmental Protection shall formulate
4 courses in safe boating operation.

5 (b) The commissioner shall adopt regulations in accordance with the
6 provisions of chapter 54 setting forth the content of safe boating
7 operation courses. Such regulations may include provisions for
8 examinations, issuance of safe boating certificates and establishment of
9 reasonable fees for the course and examination and for issuing
10 certificates, temporary certificates, and duplicate certificates. Any fees
11 collected pursuant to such regulations shall be deposited in the boating
12 account established pursuant to section 15-155.

13 [(c) The commissioner may enter into reciprocal agreements with
14 other states having similar safe boating or certificate programs
15 acceptable to the commissioner.]

16 (c) Any person who [successfully completes a safe boating course of
17 instruction or] holds a certificate from another state [which] that has a
18 reciprocal agreement with the commissioner may operate a vessel on
19 the waters of this state.

20 Sec. 2. (NEW) No owner of a vessel with a Connecticut certificate of
21 number or certificate of decal shall knowingly allow any person to
22 operate such owner's vessel if such person (1) is a resident of or owns
23 property in this state, and (2) does not possess a Connecticut safe
24 boating certificate or certificate of personal watercraft operation,
25 except that such person may operate a vessel under the direct
26 supervision of an owner who is on board the vessel.

27 Sec. 3. Section 15-133 of the general statutes is repealed and the
28 following is substituted in lieu thereof:

29 (a) The rules prescribed by this section shall apply on all state and
30 federal waters.

31 (b) No person shall use a vessel in a manner which unreasonably or
32 unnecessarily interferes with free and proper navigation. Anchoring
33 under a bridge, in a narrow channel or in a congested water not
34 designated as an anchorage area shall be deemed to be such
35 interference, except in case of emergency.

36 (c) No person shall alter, deface or remove any capacity information
37 label affixed to any vessel.

38 (d) No person shall operate a vessel [or engage in water skiing]
39 while under the influence of intoxicating liquor or any drug [,] or both.
40 [For the purposes of this subsection and sections 15-140l or 15-140n, a
41 person shall be considered to be under the influence of intoxicating
42 liquor if the ratio of alcohol in the blood of such person at the time of
43 the alleged offense, as determined by methods prescribed in
44 subsection (a) of section 15-140r, is ten-hundredths of one per cent or
45 more of alcohol, by weight. No person arrested for a violation of this
46 subsection shall operate a vessel or engage in water-skiing upon the
47 waters of this state for a twenty-four-hour period after such arrest.] A
48 person commits the offense of operating a vessel while under the
49 influence of intoxicating liquor or any drug or both if such person
50 operates a vessel on the waters of this state (1) while under the
51 influence of intoxicating liquor or any drug or both, or (2) while such

52 person has an elevated blood alcohol content. For the purposes of this
53 section and sections 15-140l and 15-140n, "elevated blood alcohol
54 content" means (A) a ratio of alcohol in the blood of such person that is
55 ten-hundredths of one per cent or more of alcohol, by weight, (B) if
56 such person has been convicted of a violation of this subsection, a ratio
57 of alcohol in the blood of such person that is seven-hundredths of one
58 per cent or more of alcohol, by weight, or (C) if such person is under
59 twenty-one years of age, a ratio of alcohol in the blood of such person
60 that is two-hundredths of one per cent or more of alcohol, by weight.

61 (e) No person shall operate a vessel on the waters of this state while
62 such person's ability to operate such vessel or engage in water skiing is
63 impaired by the consumption of intoxicating liquor. A person shall be
64 deemed impaired when, at the time of the alleged offense, the ratio of
65 alcohol in the blood of such person was more than seven-hundredths
66 of one per cent of alcohol, by weight, but less than ten-hundredths of
67 one per cent of alcohol, by weight.

68 (f) In any prosecution for a violation of subdivision (1) of subsection
69 (d) of this section, reliable evidence respecting the amount of alcohol in
70 the defendant's blood or urine at the time of the alleged offense, as
71 shown by a chemical analysis of the defendant's blood, breath or urine,
72 otherwise admissible under section 15-140r, shall be admissible only at
73 the request of the defendant.

74 [(e)] (g) No person shall operate a vessel or engage in any activity
75 contrary to the regulations of the commissioner.

76 [(f)] (h) No person shall moor a vessel to, obstruct, remove, damage
77 or destroy any navigation aid or any device used to mark a restricted
78 area.

79 [(g)] (i) Any person who violates the provisions of subsection (d) of
80 this section shall: [be fined not less than one hundred dollars nor more
81 than five hundred dollars. Any person who violates any of the
82 provisions of subsection (b), (c) or (f) of this section shall be fined not
83 less than twenty-five dollars nor more than two hundred dollars.] (1)

84 For conviction of a first violation, (A) be fined not less than five
85 hundred dollars nor more than one thousand dollars, and (B) be (i)
86 imprisoned not more than six months, forty-eight consecutive hours of
87 which may not be suspended or reduced in any manner, or (ii)
88 imprisoned not more than six months, with the execution of such
89 sentence of imprisonment suspended entirely and a period of
90 probation imposed requiring as a condition of such probation that
91 such person perform one hundred hours of community service, as
92 defined in section 14-227e, and (C) have such person's vessel operating
93 privilege suspended for one year; (2) for conviction of a second
94 violation within ten years after a prior conviction for the same offense,
95 (A) be fined not less than one thousand dollars nor more than four
96 thousand dollars, (B) be imprisoned not more than two years, one
97 hundred twenty consecutive days of which may not be suspended or
98 reduced in any manner, and sentenced to a period of probation
99 requiring as a condition of such probation that such person perform
100 one hundred hours of community service, as defined in section 14-
101 227e, and (C) have such person's vessel operating privilege suspended
102 for three years or until the date of such person's twenty-first birthday,
103 whichever is longer; and (3) for conviction of a third and subsequent
104 violation within ten years after a prior conviction for the same offense,
105 (A) be fined not less than two thousand dollars nor more than eight
106 thousand dollars, (B) be imprisoned not more than three years, one
107 year of which may not be suspended or reduced in any manner, and
108 sentenced to a period of probation requiring as a condition of such
109 probation that such person perform one hundred hours of community
110 service, as defined in section 14-227e, and (C) have such person's vessel
111 operating privilege permanently revoked upon such third offense. Any
112 person who violates the provisions of subsection (e) of this section
113 shall be fined not less than one hundred dollars and not more than five
114 hundred dollars. Any person who violates the provisions of subsection
115 [(e)] (g) of this section shall have committed an infraction.

116 (j) The suspension of a vessel operating privilege imposed under
117 subsection (i) of this section shall take effect immediately upon

118 expiration of any period in which an appeal of any conviction under
119 subsection (d) of this section may be taken, provided if an appeal is
120 taken, the suspension shall be stayed during the pendency of such
121 appeal. If the suspension takes effect, the defendant shall return, not
122 later than the second business day after the suspension takes effect, by
123 personal delivery or first class mail, the operating privilege
124 documentation, or any certificate issued to the defendant by the
125 commissioner as a condition of operating a vessel on the waters of the
126 state, to the Commissioner of Environmental Protection.

127 (k) Any person who violates the provisions of subsection (b) of this
128 section shall be fined not more than two hundred dollars.

129 (l) (1) A record shall be kept by each court of original jurisdiction of
130 any violation of the laws relating to the operation of a vessel. A
131 summary of such record, with a statement of the number of the
132 operator's safe boating certificate or certificate of personal watercraft
133 operation and the vessel's certificate of number or certificate of decal,
134 shall, within five days after such conviction, forfeiture or any other
135 disposition or nolle, be transmitted to the commissioner by such court.
136 Each court shall report each conviction under subsection (d) of this
137 section to the Commissioner of Environmental Protection and the
138 Commissioner of Public Safety. The Commissioner of Environmental
139 Protection shall suspend the vessel operating privilege of the person
140 reported as convicted for the period of time required by subsection (i)
141 of this section.

142 (2) The operating privilege of a person found guilty under
143 subsection (d) of this section who is under eighteen years of age shall
144 be suspended by the commissioner for the period of time set forth in
145 subsection (i) of this section, or until such person attains the age of
146 eighteen years, whichever period is longer.

ENV Committee Vote: Yea 23 Nay 0 JFS