



General Assembly

Substitute Bill No. 1220

January Session, 2001

AN ACT CONCERNING BOATING SAFETY.

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

1 Section 1. Section 15-133 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

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

5 (b) No person shall use a vessel in a manner [which] that
6 unreasonably or unnecessarily interferes with free and proper
7 navigation. Anchoring under a bridge, in a narrow channel or in a
8 congested water not designated as an anchorage area shall be deemed
9 to be such interference, except in case of emergency.

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

12 (d) No person shall operate a vessel or engage in water skiing;
13 [while under the influence of intoxicating liquor or any drug, or both.
14 For the purposes of this subsection and sections 15-140l or 15-140n, a
15 person shall be considered to be under the influence of intoxicating
16 liquor if the ratio of alcohol in the blood of such person at the time of
17 the alleged offense, as determined by methods prescribed in
18 subsection (a) of section 15-140r, is ten-hundredths of one per cent or
19 more of alcohol, by weight. No person arrested for a violation of this

20 subsection shall operate a vessel or engage in water-skiing upon the
21 waters of this state for a twenty-four-hour period after such arrest.]

22 (1) While under the influence of intoxicating liquor or any drug, or
23 both, or (2) while such person has an elevated blood alcohol content.
24 For the purposes of this section and sections 15-140l, as amended by
25 this act, and 15-140n, as amended by this act, "elevated blood alcohol
26 content" means (A) a ratio of alcohol in the blood of such person that is
27 ten-hundredths of one per cent or more of alcohol, by weight, (B) if
28 such person has been convicted of a violation of this subsection, a ratio
29 of alcohol in the blood of such person that is seven-hundredths of one
30 per cent or more of alcohol, by weight, or (C) if such person is under
31 twenty-one years of age, a ratio of alcohol in the blood of such person
32 that is two-hundredths of one per cent or more of alcohol, by weight.

33 (e) In any prosecution for a violation of subdivision (1) of subsection
34 (d) of this section, evidence respecting the amount of alcohol in the
35 defendant's blood or urine at the time of the alleged offense, as shown
36 by a chemical analysis of the defendant's blood, breath or urine,
37 otherwise admissible under subsection (d) of this section, shall be
38 admissible only at the request of the defendant.

39 [(e)] (f) No person shall operate a vessel or engage in any activity
40 contrary to the regulations [of] adopted by the commissioner.

41 [(f)] (g) No person shall moor a vessel to, obstruct, remove, damage
42 or destroy any navigation aid or any device used to mark a restricted
43 area.

44 [(g)] (h) Any person who violates the provisions of subsection (d) of
45 this section shall: [be fined not less than one hundred dollars nor more
46 than five hundred dollars. Any person who violates any of the
47 provisions of subsection (b), (c) or (f) of this section shall be fined not
48 less than twenty-five dollars nor more than two hundred dollars] (1)
49 For conviction of a first violation, (A) be fined not less than five
50 hundred dollars nor more than one thousand dollars, and (B) be (i)

51 imprisoned not more than six months, forty-eight consecutive hours of
52 which may not be suspended or reduced in any manner, or (ii)
53 imprisoned not more than six months, with the execution of such
54 sentence of imprisonment suspended entirely and a period of
55 probation imposed requiring as a condition of such probation that
56 such person perform one hundred hours of community service, as
57 defined in section 14-227e, and (C) have such person's vessel operating
58 privilege suspended for one year; (2) for conviction of a second
59 violation within ten years of a prior conviction for the same offense,
60 (A) be fined not less than one thousand dollars nor more than four
61 thousand dollars, (B) be imprisoned not more than two years, one
62 hundred twenty consecutive days of which may not be suspended or
63 reduced in any manner, and sentenced to a period of probation
64 requiring as a condition of such probation that such person perform
65 one hundred hours of community service, as defined in section 14-
66 227e, and (C) have such person's vessel operating privilege suspended
67 for three years or until the date of such person's twenty-first birthday,
68 whichever is longer; and (3) for conviction of a third and subsequent
69 violation within ten years of a prior conviction for the same offense,
70 (A) be fined not less than two thousand dollars nor more than eight
71 thousand dollars, (B) be imprisoned not more than three years, one
72 year of which may not be suspended or reduced in any manner, and
73 sentenced to a period of probation requiring as a condition of such
74 probation that such person perform one hundred hours of community
75 service, as defined in section 14-227e, and (C) have such person's
76 operating privilege permanently revoked upon such third offense. Any
77 person who violates the provisions of subsection (c), (f) or (g) of this
78 section shall be fined not less than one hundred dollars and not more
79 than five hundred dollars. Any person who violates the provisions of
80 subsection [(e)] (f) of this section shall have committed an infraction.

81 (i) The suspension of a vessel operating privilege imposed under
82 subsection (h) of this section shall take effect immediately upon
83 expiration of any period in which an appeal of any conviction under
84 subsection (d) of this section may be taken, provided if an appeal is

85 taken, the suspension shall be stayed during the pendency of such
86 appeal. If the suspension takes effect, the defendant shall return, not
87 later than the second business day after the suspension takes effect, by
88 personal delivery or first class mail, the operating privilege
89 documentation, or any certificate issued to the defendant by the
90 commissioner as a condition of operating a vessel on the waters of the
91 state, to the Department of Environmental Protection.

92 (j) Any person who violates the provisions of subsection (b) of this
93 section shall be fined not more than two hundred dollars.

94 (k) (1) A record shall be kept by each court of original jurisdiction of
95 any conviction relating to the operation of a vessel. A summary of such
96 record, with a statement of the number of the operator's safe boating
97 certificate or certificate of personal watercraft operation and the
98 vessel's certificate of number or certificate of decal, shall, within five
99 days after such conviction, forfeiture or any other disposition or nolle,
100 be transmitted to the commissioner by such court. Each court shall
101 report each conviction under subsection (d) of this section to the
102 commissioner. The commissioner shall suspend the vessel operating
103 privilege of the person reported as convicted for the period of time
104 required by subsection (h) of this section. (2) The operating privilege of
105 a person found guilty under subsection (d) of this section who is under
106 eighteen years of age shall be suspended by the commissioner for the
107 period of time set forth in subsection (h) of this section, or until such
108 person attains the age of eighteen years, whichever period is longer.

109 Sec. 2. Section 15-140l of the general statutes is repealed and the
110 following is substituted in lieu thereof:

111 (a) A person commits the offense of reckless operation of a vessel in
112 the first degree while under the influence when, while under the
113 influence of intoxicating liquor or any drug, or both, [he] or while such
114 person has an elevated blood alcohol level content, such person
115 operates a vessel at such speed or maneuvers a vessel in such a manner
116 as to result in (1) death or serious physical injury to another person or

117 (2) damage to property in excess of [one] two thousand dollars.

118 (b) Any person guilty of reckless operation of a vessel in the first
119 degree while under the influence shall be fined not less than one
120 thousand five hundred dollars nor more than [one] five thousand
121 dollars or imprisoned not more than [one year] three years, or both.

122 Sec. 3. Section 15-140n of the general statutes is repealed and the
123 following is substituted in lieu thereof:

124 (a) A person commits the offense of reckless operation of a vessel in
125 the second degree while under the influence when, while under the
126 influence of intoxicating liquor or any drug, or both, [he] or while such
127 person has an elevated blood alcohol level content, such person
128 operates a vessel at such speed or maneuvers a vessel in such a manner
129 as to endanger the life, limb or property of another person.

130 (b) Any person guilty of reckless operation of a vessel in the second
131 degree while under the influence shall be fined not less than [two
132 hundred fifty] seven hundred dollars nor more than one thousand five
133 hundred dollars or imprisoned not more than [six] eleven months, or
134 both.

135 Sec. 4. Section 15-140o of the general statutes is repealed and the
136 following is substituted in lieu thereof:

137 (a) Any officer authorized to enforce the provisions of sections 15-
138 129, 15-133, 15-133b, 15-133c, 15-140e to 15-140u, inclusive, 15-154 and
139 15-156 who arrests an operator for a violation of [subsection]
140 subsections (d) and (e) of section 15-133 or section 15-140k, 15-140l, 15-
141 140m or 15-140n may take the vessel operated in such violation into
142 [his] such officer's custody and shall cause the same to be taken to and
143 stored in a suitable place. There shall be no liability attached to such
144 officer for any damages to such vessel while in [his] such officer's
145 custody. All charges necessarily incurred by such officer in the
146 performance of such duty shall be a lien upon such vessel. The owner
147 or keeper of any marina or other place where such vessel is stored shall

148 have a lien upon the same for [his] such owner's storage charges and if
149 such vessel has been stored for a period of not less than sixty days,
150 such owner or keeper may sell the same for storage charges owed
151 thereon, provided a notice of intent to sell shall be sent to the
152 Commissioner of Environmental Protection, the Commissioner of
153 Motor Vehicles, and the owner of such vessel, if known, five days
154 before the sale of such vessel. If the owner is unknown, such sale shall
155 be advertised by such marina owner or keeper in a newspaper
156 published or having a circulation in the town where such marina or
157 other place is located three times, commencing at least five days before
158 the sale. The proceeds of such sale, after deducting the amount due
159 such marina owner or keeper and all expenses of the officer who
160 placed such vessel in storage, shall be paid to the owner of such vessel
161 or [his] such owner's legal representatives, if claimed by [him] such
162 owner or them at any time within one year from the date of such sale.
163 If such balance is not claimed within said period, it shall escheat to the
164 state.

165 (b) Any vessel [being] that is operated by a person who is arrested
166 for a violation of section 15-140n, [shall] as amended by this act, in
167 connection with such operation, or for a violation of section 15-140l, as
168 amended by this act, after being involved in a boating accident, may be
169 impounded for [twenty-four] a minimum of forty-eight hours after the
170 arrest. Any vessel involved in a boating accident that results in death,
171 serious physical injury, a missing person or property damage in excess
172 of one thousand dollars may be seized for the collection of evidence
173 and held until the investigation of the boating accident or court
174 proceedings are concluded. The trailer utilized by the operator to
175 transport the vessel may also be impounded to facilitate transport and
176 handling of the vessel.

177 Sec. 5. Section 15-140q of the general statutes is repealed and the
178 following is substituted in lieu thereof:

179 (a) Any person who operates a vessel or engages in water skiing in
180 this state shall be deemed to have consented to a chemical analysis of

181 such person's blood, breath or urine, and if such person is a minor,
182 such person's parent or parents or guardian shall also be deemed to
183 have given their consent.

184 [(a)] (b) If any such person, having been placed under arrest for;
185 [violating] (1) Violating subsection (b) of section 53-206d; [, or for] (2)
186 operating a vessel upon the waters of this state while under the
187 influence of intoxicating liquor or any drug, or both; [,] (3) water skiing
188 upon the waters of this state while under the influence of intoxicating
189 liquor or any drug or both; (4) operating a vessel upon the waters of
190 this state or water skiing upon the waters of this state while such
191 person has an elevated blood alcohol content, or while such person's
192 ability to operate such vessel or engage in water skiing is impaired by
193 the consumption of intoxicating liquor and thereafter, after being
194 apprised of [his] such person's constitutional rights, having been
195 requested to submit to a blood, breath or urine test at the option of the
196 [police] peace officer, having been afforded a reasonable opportunity
197 to telephone an attorney prior to the performance of such test and
198 having been informed that such person's vessel operating privilege or
199 the certificate issued by the commissioner as a condition of operating a
200 vessel shall be suspended in accordance with the provisions of this
201 section if such person refuses to submit to such test or if such person
202 submits to such test and the results of such test indicate that such
203 person has an elevated blood alcohol content and that evidence of any
204 such refusal shall be admissible in accordance with subsection (d) of
205 section 15-140r, as amended by this act, and may be used against [him]
206 such person in any criminal prosecution, refuses to submit to the
207 designated test, the test shall not be given; provided, if [the] such
208 person refuses or is unable to submit to a blood test, the [police] peace
209 officer shall designate the breath or urine test as the test to be taken.
210 The peace officer shall make a notation upon the records of the police
211 department that such officer informed such person that such person's
212 operating privilege or certificate issued by the commissioner as a
213 condition of operating a vessel would be suspended if such person
214 refused to submit to such test or if such person submitted to such test

215 and the results of such test indicated that such person has an elevated
216 blood alcohol content.

217 (c) If the person arrested refuses to submit to such test or analysis or
218 submits to such test or analysis, commenced within two hours of the
219 time of operation, and the results of such test or analysis indicate that
220 at the time of the alleged offense such person had an elevated blood
221 alcohol content, the peace officer, acting on behalf of the Commissioner
222 of Environmental Protection, shall immediately revoke the operating
223 privilege of such person for a twenty-four-hour period and shall issue
224 a temporary operating privilege form to such person valid for the
225 period commencing twenty-four hours after issuance and ending
226 thirty-five days after the date such person received notice of such
227 person's arrest by the peace officer. The peace officer shall prepare a
228 written report of the incident and shall mail the report together with a
229 copy of the completed temporary operating privilege form, any
230 certificate taken into possession and a copy of the results of any
231 chemical test or analysis, to the Department of Environmental
232 Protection within three business days. The report shall be made on a
233 form approved by the commissioner and shall be subscribed and
234 sworn to under penalty of false statement as provided in section 53a-
235 157b by the peace officer before whom such refusal was made or who
236 administered or caused to be administered such test or analysis. If the
237 person arrested refused to submit to such test or analysis, the report
238 shall be endorsed by a third person who witnessed such refusal. The
239 report shall set forth the grounds for the officer's belief that there was
240 probable cause to arrest such person for operating such vessel or
241 engaging in water skiing while under the influence of intoxicating
242 liquor or any drug, or both, or while such person has an elevated blood
243 alcohol content, or while the ability of such person to operate such
244 vessel or engage in water skiing was impaired by the consumption of
245 intoxicating liquor, and shall state that such person refused to submit
246 to such test or analysis when requested by such peace officer or that
247 such person submitted to such test or analysis, commenced within two
248 hours of the time of operation, and the results of such test or analysis

249 indicated that such person at the time of the alleged offense had an
250 elevated blood alcohol content.

251 (d) If the person arrested submits to a blood or urine test at the
252 request of the peace officer, and the specimen requires laboratory
253 analysis in order to obtain the test results, and if the test results
254 indicate that such person has an elevated blood alcohol content, the
255 peace officer, immediately upon receipt of the test results, shall notify
256 and submit to the commissioner the written report required pursuant
257 to subsection (c) of this section.

258 (e) Upon receipt of such report, the commissioner shall suspend any
259 certificate issued by said commissioner that is required to operate a
260 vessel or the operating privilege of such person effective as of a date
261 certain, such date shall be no later than thirty-five days after the date
262 such person received notice of such person's arrest by the peace officer.
263 Any person whose certificate or operating privilege is suspended in
264 accordance with this subsection shall be entitled to a hearing before the
265 commissioner to be held prior to the effective date of the suspension.
266 The commissioner shall send a suspension notice to such person
267 informing such person that the certificate or operating privilege is
268 suspended and shall specify the date of such suspension and that such
269 person is entitled to a hearing prior to the effective date of the
270 suspension and may schedule such hearing by contacting the
271 Department of Environmental Protection not later than seven days
272 after the date of mailing of such suspension notice.

273 (f) If such person does not contact the department to schedule a
274 hearing, the commissioner shall affirm the suspension contained in the
275 suspension notice for the appropriate period specified in subsection (i)
276 of this section.

277 (g) If such person contacts the department to schedule a hearing, the
278 department shall assign a date, time and place for the hearing, which
279 date shall be prior to the effective date of the suspension. At the
280 request of such person or hearing officer and upon a showing of good

281 cause, the commissioner may grant one continuance for a period not to
282 exceed ten days. If a continuance is granted, the commissioner shall
283 extend the validity of the temporary operating privilege issued
284 pursuant to subsection (b) of this section for a period not to exceed the
285 period of such continuance. The hearing shall be limited to a
286 determination of the following issues: (1) Whether the peace officer
287 had probable cause to arrest the person for operating the vessel or
288 engaging in water skiing while under the influence of intoxicating
289 liquor or drug, or both, or while such person has an elevated blood
290 alcohol content, or while the ability of such person to operate such
291 vessel or engage in water skiing was impaired by the consumption of
292 intoxicating liquor; (2) whether such person was placed under arrest;
293 (3) whether such person (A) refused to submit to such test or analysis,
294 or (B) submitted to such test or analysis, commenced within two hours
295 of the time of operation, and the results of such test or analysis
296 indicated that at the time of the alleged offense that such person had
297 an elevated blood alcohol content; and (4) whether such person was
298 operating the vessel or engaging in water skiing. In the hearing, the
299 results of the test or analysis shall be sufficient to indicate the ratio of
300 alcohol in the blood of such person at the time of operation, except that
301 if the results of an additional test, administered pursuant to section 15-
302 140r, as amended by this act, indicate that the ratio of alcohol in the
303 blood of such person is twelve-hundredths of one per cent or less of
304 alcohol, by weight, and is higher than the results of the first test,
305 evidence shall be presented that demonstrates that the test results and
306 analysis thereof accurately indicate the blood alcohol content at the
307 time of operation. The fees of any witness summoned to appear at the
308 hearing shall be the same as provided in section 52-260.

309 (h) If, after such hearing, the commissioner finds on any one of said
310 issues in the negative, the commissioner shall reinstate such certificate
311 or operating privilege. If, after such hearing, the commissioner does
312 not find on any one of said issues in the negative or if such person fails
313 to appear at such hearing, the commissioner shall affirm the
314 suspension contained in the suspension notice for the appropriate

315 period specified in subsection (i) of this section. The commissioner
316 shall render a decision at the conclusion of such hearing or send a
317 notice of the decision by certified mail to such person not later than
318 thirty-five days from the date of notice of such person's arrest by the
319 peace officer or, if a continuance is granted, not later than forty-five
320 days from the date such person received notice of such person's arrest
321 by the peace officer. The notice of such decision sent by certified mail
322 to the address of such person as shown by the records of the
323 commissioner shall be sufficient notice to such person that such
324 person's certificate or operating privilege is reinstated or suspended.
325 Unless a continuance of the hearing is granted pursuant to subsection
326 (g) of this section, if the commissioner fails to render a decision within
327 thirty-five days from the date such person received notice of such
328 person's arrest by the peace officer, the commissioner shall reinstate
329 such person's certificate or operating privilege, provided
330 notwithstanding such reinstatement, the commissioner may render a
331 decision not later than two days thereafter suspending such certificate
332 or operating privilege.

333 (i) The commissioner shall suspend the operator's certificate or
334 operating privilege, and revoke the temporary operating privilege
335 issued pursuant to subsection (c) of this section, of a person who does
336 not contact the department to schedule a hearing under subsection (e)
337 of this section, who fails to appear at such hearing, or against whom,
338 after a hearing, the commissioner holds pursuant to subsection (g) of
339 this section. Such suspension shall be as of the effective date contained
340 in the suspension notice or the date the commissioner renders a
341 decision, whichever is later, for a period of: (1) (A) Except as provided
342 in subparagraph (B) of this subdivision, ninety days if such person
343 submitted to a test or analysis and the results of such test or analysis
344 indicated that at the time of the alleged offense that such person had
345 an elevated blood alcohol content, or (B) one hundred twenty days if
346 such person submitted to a test or analysis and the results of such test
347 or analysis indicated that the ratio of alcohol in the blood of such
348 person was sixteen-hundredths of one per cent or more of alcohol, by

349 weight, or (C) six months if such person refused to submit to such test
350 or analysis; (2) if such person has previously had such person's
351 privilege suspended under this section, (A) except as provided in
352 subparagraph (B) of this subdivision, nine months if such person
353 submitted to a test or analysis and the results of such test or analysis
354 indicated that at the time of the alleged offense that such person had
355 an elevated blood alcohol content, (B) ten months if such person
356 submitted to a test or analysis and the results of such test or analysis
357 indicated that the ratio of alcohol in the blood of such person was
358 sixteen-hundredths of one per cent or more of alcohol, by weight, and
359 (C) one year if such person refused to submit to such test or analysis,
360 and (3) if such person has two or more times previously had such
361 person's certificate or operating privilege suspended under this
362 section, (A) except as provided in subparagraph (B) of this subdivision,
363 two years if such person submitted to a test or analysis and the results
364 of such test or analysis indicated that at the time of the alleged offense
365 that such person had an elevated blood alcohol content, (B) two and
366 one-half years if such person submitted to a test or analysis and the
367 results of such test or analysis indicated that the ratio of alcohol in the
368 blood of such person was sixteen-hundredths of one per cent or more
369 of alcohol, by weight, and (C) three years if such person refused to
370 submit to such test or analysis.

371 (j) Notwithstanding the provisions of subsections (b) to (i),
372 inclusive, of this section, any peace officer who obtains the results of a
373 chemical analysis of a blood sample taken from an operator of a vessel
374 involved in an accident who suffered or allegedly suffered physical
375 injury in such accident shall notify the commissioner and submit to the
376 commissioner a written report if such results indicate that at the time
377 of the alleged offense such person had an elevated blood alcohol
378 content, and if such person was arrested for violation of subsection (d)
379 of section 15-133 and sections 15-140l and 15-140n in connection with
380 such accident. The report shall be made on a form approved by the
381 commissioner containing such information as the commissioner
382 prescribes and shall be subscribed and sworn under penalty of false

383 statement, as provided in section 53a-157b, by the peace officer. The
384 commissioner shall, after notice and an opportunity for hearing, which
385 shall be conducted in accordance with chapter 54, suspend the
386 operating privilege of such person for a period of up to ninety days, or,
387 if such person has previously had such person's operating privilege
388 suspended under this section, for a period up to one year. Each
389 hearing conducted under this section shall be limited to a
390 determination of the following issues: (1) Whether the peace officer
391 had probable cause to arrest the person for operating a vessel or
392 engaging in water skiing while under the influence of intoxicating
393 liquor or drug, or both, or while such person has an elevated blood
394 alcohol content, or while the person's ability to operate the vessel or to
395 engage in water skiing was impaired by the consumption of
396 intoxicating liquor; (2) whether such person was placed under arrest;
397 (3) whether such person was operating the vessel or engaged in water
398 skiing; (4) whether the results of the analysis of the blood of such
399 person indicate that such person had an elevated blood alcohol
400 content; and (5) whether the blood sample was obtained in accordance
401 with conditions for admissibility as set forth in subsection (b) of
402 section 15-140r, as amended by this act. If, after such hearing, the
403 commissioner finds on any one of the said issues in the negative, the
404 commissioner shall not impose a suspension. The fees of any witness
405 summoned to appear at the hearing shall be the same as provided by
406 the general statutes for witnesses in criminal cases.

407 (k) The provisions of this section shall apply with the same effect to
408 the refusal by any person to submit to an additional chemical test as
409 provided in subdivision (5) of subsection (a) of section 15-140r, as
410 amended by this act.

411 [(b)] (l) The provisions of this section shall not apply to any person
412 whose physical condition is such that, according to competent medical
413 advice, such test would be inadvisable.

414 [(c)] (m) The state shall pay the reasonable charges of any physician
415 who, at the request of a municipal police department, takes a blood

416 sample for purposes of a test under the provisions of this section.

417 (n) For the purposes of this section, "elevated blood alcohol content"
418 means: (1) A ratio of alcohol in the blood of such person that is ten-
419 hundredths of one per cent or more of alcohol, by weight, (2) if such
420 person has been convicted of a violation of subsection (e) of section 15-
421 133, a ratio of alcohol in the blood of such person that is seven-
422 hundredths of one per cent or more of alcohol, by weight, or (3) if such
423 person is under twenty-one years of age, a ratio of alcohol in the blood
424 of such person that is two-hundredths of one per cent or more of
425 alcohol, by weight.

426 (o) The commissioner may adopt regulations, in accordance with
427 chapter 54, to implement the provisions of this section.

428 Sec. 6. Section 15-140r of the general statutes is repealed and the
429 following is substituted in lieu thereof:

430 [(a) In any criminal prosecution [violation of section 15-140l or
431 15-140n, subsection (a) of section 15-133 or]

432 (a) Except as provided in subsection (d) of this section, in any
433 criminal prosecution for the violation of: (1) Subsection (d) of section
434 15-133; (2) sections 15-140l and 15-140n; and (3) subsection (b) of
435 section 53-206d, evidence respecting the amount of alcohol or drug in
436 the defendant's blood or urine at the time of the alleged offense, as
437 shown by a chemical analysis of the defendant's breath, blood or urine
438 shall be admissible and competent provided: [(1)] (A) The defendant
439 was afforded a reasonable opportunity to telephone an attorney prior
440 to the performance of the test and consented to the taking of the test
441 upon which such analysis is made; [(2)] (B) a true copy of the report of
442 the test result was mailed to or personally delivered to the defendant
443 within twenty-four hours or by the end of the next regular business
444 day, after such result was known, whichever is later; [(3)] (C) the test
445 was performed by or at the direction of a law enforcement officer
446 according to methods and with equipment approved by the
447 Department of Public Health and was performed [by a person certified

448 or recertified for such purpose by said department or recertified by
449 persons certified as instructors by the Commissioner of Public Health.
450 If a blood test is taken, it shall be on a blood sample taken by a person
451 licensed to practice medicine and surgery in this state, a qualified
452 laboratory technician, an emergency medical technician II or a
453 registered nurse] in accordance with the regulations adopted under
454 subsection (b) of this section; [(4)] (D) the device used for such test was
455 checked for accuracy [at the beginning of each workday and no later
456 than the end of each workday by a person certified by the Department
457 of Public Health] in accordance with the regulations adopted under
458 subsection (b) of this section; [(5)] (E) an additional chemical test of the
459 same type was performed [and the device was checked for accuracy by
460 a person certified or recertified by the Department of Public Health,] at
461 least thirty minutes after the initial test was performed or, if requested
462 by the peace officer for reasonable cause, an additional chemical test of
463 a different type was performed to detect the presence of a drug or
464 drugs other than or in addition to alcohol, provided the results of the
465 initial test shall not be inadmissible under this subsection if reasonable
466 efforts were made to have such additional test performed in
467 accordance with the conditions set forth in this subsection and such
468 additional test was not performed or was not performed within a
469 reasonable time, or the results of such additional test are not
470 admissible for failure to meet a condition set forth in this subsection;
471 and [(6)] (F) evidence is presented [which demonstrates that the test
472 results and the analysis thereof accurately reflect] that the test was
473 commenced within two hours of operation of the vessel. In any
474 prosecution under this section it shall be a rebuttable presumption that
475 the results of such chemical analysis establish the ratio of alcohol in the
476 blood of the defendant at the time of the alleged offense, except that if
477 the results of the additional test indicate that the ratio of alcohol in the
478 blood of such defendant is twelve-hundredths of one per cent or less of
479 alcohol, by weight, and is higher than the results of the first test,
480 evidence shall be presented that demonstrates that the test results and
481 the analysis thereof accurately indicate the blood alcohol content at the
482 time of the alleged offense.

483 (b) The Commissioner of Public Health shall ascertain the reliability
484 of each method and type of device offered for chemical testing and
485 analysis purposes of blood, of breath and of urine and certify those
486 methods and types which [he] said commissioner finds suitable for use
487 in testing and analysis of blood, [testing] breath and [testing] urine,
488 respectively in this state. [He] The Commissioner of Public Safety, after
489 consultation with the Commissioner of Public Health, shall adopt
490 regulations governing the conduct of chemical tests, the operation and
491 use of chemical test devices and the training [,] and certification [and
492 annual recertification of operators of such devices as he] of operators
493 of such devices and the drawing or obtaining of blood, breath or urine
494 samples as said commissioner finds necessary to protect the health and
495 safety of persons who submit to chemical tests and to insure
496 reasonable accuracy in testing results. Such regulations shall not
497 require recertification of a peace officer solely because such officer
498 terminates such officer's employment with the law enforcement
499 agency for which certification was originally issued and commences
500 employment with another such agency.

501 (c) If a person is charged with a violation of subsection (d) of section
502 15-133 the charge may not be reduced, nolle or dismissed unless the
503 prosecuting authority states in open court [his] such prosecutor's
504 reasons for the reduction, nolle or dismissal.

505 (d) In any criminal prosecution for a violation of subsection (d) of
506 section 15-133 or section 15-140l or 15-140n, evidence that the
507 defendant refused to submit to a blood, breath or urine test requested
508 in accordance with section 15-140q shall be admissible provided the
509 requirements of subsection (a) of said section have been satisfied. If a
510 case involving a violation of subsection (d) of section 15-133 or section
511 15-140l or 15-140n is tried to a jury, the court shall instruct the jury as
512 to any inference that may or may not be drawn from the defendant's
513 refusal to submit to a blood, breath or urine test.

514 Sec. 7. Section 15-154 of the general statutes is repealed and the
515 following is substituted in lieu thereof:

516 (a) Any harbor master, deputy harbor master, conservation officer,
517 special conservation officer or state police officer and any municipal
518 police officer, any special police officer appointed under sections 29-18
519 and 29-19 or members of the volunteer police auxiliary force
520 established under section 29-22, any town marine officers appointed
521 under section 15-154a and certified by the commissioner for marine
522 police duty and any lake patrolman appointed under section 7-151b
523 may enforce the provisions of this chapter and chapter 446k. In the
524 enforcement of this chapter, such officer may arrest, without previous
525 complaint and warrant, any person who fails to comply with the
526 provisions of this chapter. Failure to appear in court pursuant to such
527 arrest, unless excused by the court or the state's attorney or assistant
528 state's attorney, shall constitute sufficient cause for the suspension by
529 the Commissioner of Motor Vehicles of the boat registration of the boat
530 involved for not more than thirty days or until the matter is resolved
531 by the court, whichever is sooner.

532 (b) When engaged in the enforcement of this chapter and chapter
533 446k such officer shall have the authority to stop and board any vessel
534 which is under way or which is moored on the waters of this state for
535 the purposes of (1) examining decals, certificates and other documents,
536 (2) inspecting safety equipment and waste disposal systems, (3)
537 determining if the operation of such vessel exceeds the noise levels
538 established in subsection (b) of section 15-129, (4) searching when [he]
539 such officer has probable cause to believe that any provision of any
540 law of this state or any rule or regulation of the Department of
541 Environmental Protection relating to boating or water pollution has
542 been violated, (5) determining compliance with [subsection (d)]
543 sections 15-140l and 15-140n and subsections (d) and (e) of section 15-
544 133, as amended by this act, when [he] such officer has probable cause
545 to believe said section or subsection has been violated, and (6) making
546 arrests. No person operating a vessel shall refuse to stop [his] such
547 vessel or, if sea conditions make stopping in that area unsafe, refuse to
548 take [his] such vessel to a designated area after being requested or
549 signalled to do so by an authorized law enforcement officer. Any

