



General Assembly

Amendment

January Session, 2001

LCO No. 8172

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. JEPSEN, 27th Dist.
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To: Subst. Senate Bill No. 1220

File No. 529

Cal. No. 366

"AN ACT CONCERNING BOATING SAFETY."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 15-133 of the general statutes is repealed and the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

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

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

12 (c) No person shall alter, deface or remove any capacity information

13 label affixed to any vessel.

14 (d) No person shall operate a vessel or engage in water skiing;
15 [while under the influence of intoxicating liquor or any drug, or both.
16 For the purposes of this subsection and sections 15-140l or 15-140n, a
17 person shall be considered to be under the influence of intoxicating
18 liquor if the ratio of alcohol in the blood of such person at the time of
19 the alleged offense, as determined by methods prescribed in
20 subsection (a) of section 15-140r, is ten-hundredths of one per cent or
21 more of alcohol, by weight. No person arrested for a violation of this
22 subsection shall operate a vessel or engage in water-skiing upon the
23 waters of this state for a twenty-four-hour period after such arrest.] (1)
24 While under the influence of intoxicating liquor or any drug, or both,
25 or (2) while such person has an elevated blood alcohol content. For the
26 purposes of this section and sections 15-140l, as amended by this act,
27 and 15-140n, as amended by this act, "elevated blood alcohol content"
28 means (A) a ratio of alcohol in the blood of such person that is ten-
29 hundredths of one per cent or more of alcohol, by weight, (B) if such
30 person has been convicted of a violation of this subsection, a ratio of
31 alcohol in the blood of such person that is seven-hundredths of one per
32 cent or more of alcohol, by weight, or (C) if such person is under
33 twenty-one years of age, a ratio of alcohol in the blood of such person
34 that is two-hundredths of one per cent or more of alcohol, by weight.

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

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

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

45 area.

46 ~~[(g)]~~ (h) Any person who violates the provisions of subsection (d) of
47 this section shall: ~~[be fined not less than one hundred dollars nor more~~
48 ~~than five hundred dollars. Any person who violates any of the~~
49 ~~provisions of subsection (b), (c) or (f) of this section shall be fined not~~
50 ~~less than twenty-five dollars nor more than two hundred dollars]~~ (1)
51 For conviction of a first violation, (A) be fined not less than five
52 hundred dollars nor more than one thousand dollars, (B) be (i)
53 imprisoned not more than six months, forty-eight consecutive hours of
54 which may not be suspended or reduced in any manner, or (ii)
55 imprisoned not more than six months, with the execution of such
56 sentence of imprisonment suspended entirely and a period of
57 probation imposed requiring as a condition of such probation that
58 such person perform one hundred hours of community service, as
59 defined in section 14-227e, and (C) have such person's safe boating
60 certificate suspended for one year; (2) for conviction of a second
61 violation within ten years of a prior conviction for the same offense,
62 (A) be fined not less than one thousand dollars nor more than four
63 thousand dollars, (B) be imprisoned not more than two years, one
64 hundred twenty consecutive days of which may not be suspended or
65 reduced in any manner, and sentenced to a period of probation
66 requiring as a condition of such probation that such person perform
67 one hundred hours of community service, as defined in section 14-
68 227e, and (C) have such person's safe boating certificate suspended for
69 three years or until the date of such person's twenty-first birthday,
70 whichever is longer; and (3) for conviction of a third and subsequent
71 violation within ten years of a prior conviction for the same offense,
72 (A) be fined not less than two thousand dollars nor more than eight
73 thousand dollars, (B) be imprisoned not more than three years, one
74 year of which may not be suspended or reduced in any manner, and
75 sentenced to a period of probation requiring as a condition of such
76 probation that such person perform one hundred hours of community
77 service, as defined in section 14-227e, and (C) have such person's safe
78 boating certificate permanently revoked upon such third offense. Any

79 person who violates the provisions of subsection (c), (f) or (g) of this
80 section shall be fined not less than one hundred dollars and not more
81 than five hundred dollars. Any person who violates the provisions of
82 subsection [(e)] (f) of this section shall have committed an infraction.

83 (i) The suspension of a safe boating certificate imposed under
84 subsection (h) of this section shall take effect immediately upon
85 expiration of any period in which an appeal of any conviction under
86 subsection (d) of this section may be taken, provided if an appeal is
87 taken, the suspension shall be stayed during the pendency of such
88 appeal. If the suspension takes effect, the defendant shall return, not
89 later than the second business day after the suspension takes effect, by
90 personal delivery or first class mail, the safe boating certificate issued
91 to the defendant.

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 shall, within five days after such conviction, forfeiture or
98 any other disposition or nolle, be transmitted to the commissioner by
99 such court. Each court shall report each conviction under subsection
100 (d) of this section to the commissioner. The commissioner shall
101 suspend the safe boating certificate of the person reported as convicted
102 for the period of time required by subsection (h) of this section.

103 (2) The safe boating certificate of a person found guilty under
104 subsection (d) of this section who is under eighteen years of age shall
105 be suspended by the commissioner for the period of time set forth in
106 subsection (h) of this section, or until such person attains the age of
107 eighteen years, whichever period is longer.

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

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

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

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

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

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

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

135 (a) Any police officer authorized to enforce the provisions of
136 sections 15-129, 15-133, 15-133b, 15-133c, 15-140e to 15-140u, inclusive,
137 15-154 and 15-156 who arrests an operator for a violation of
138 [subsection] subsections (d) and (e) of section 15-133 or section 15-
139 140k, 15-140l, 15-140m or 15-140n may take the vessel operated in such
140 violation into [his] such police officer's custody and shall cause the

141 same to be taken to and stored in a suitable place. There shall be no
142 liability attached to such officer for any damages to such vessel while
143 in [his] such police officer's custody. All charges necessarily incurred
144 by such officer in the performance of such duty shall be a lien upon
145 such vessel. The owner or keeper of any marina or other place where
146 such vessel is stored shall have a lien upon the same for [his] such
147 owner's storage charges and if such vessel has been stored for a period
148 of not less than sixty days, such owner or keeper may sell the same for
149 storage charges owed thereon, provided a notice of intent to sell shall
150 be sent to the Commissioner of Environmental Protection, the
151 Commissioner of Motor Vehicles, and the owner of such vessel, if
152 known, five days before the sale of such vessel. If the owner is
153 unknown, such sale shall be advertised by such marina owner or
154 keeper in a newspaper published or having a circulation in the town
155 where such marina or other place is located three times, commencing
156 at least five days before the sale. The proceeds of such sale, after
157 deducting the amount due such marina owner or keeper and all
158 expenses of the police officer who placed such vessel in storage, shall
159 be paid to the owner of such vessel or [his] such owner's legal
160 representatives, if claimed by [him] such owner or them at any time
161 within one year from the date of such sale. If such balance is not
162 claimed within said period, it shall escheat to the state.

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

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

177 (a) Any person who operates a vessel in this state shall be deemed
178 to have consented to a chemical analysis of such person's blood, breath
179 or urine, and if such person is a minor, such person's parent or parents
180 or guardian shall also be deemed to have given their consent.

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

207 (c) If the person arrested pursuant to subdivision (2) or (3) of

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

239 (d) If the person arrested pursuant to subdivision (2) or (3) of
240 subsection (b) of this section submits to a blood or urine test at the
241 request of the police officer, and the specimen requires laboratory

242 analysis in order to obtain the test results, and if the test results
243 indicate that such person has an elevated blood alcohol content, the
244 police officer, immediately upon receipt of the test results, shall notify
245 and submit to the commissioner the written report required pursuant
246 to subsection (c) of this section.

247 (e) Upon receipt of such report, the commissioner shall suspend the
248 safe boating certificate of such person effective as of a date certain,
249 such date shall be no later than thirty-five days after the date such
250 person received notice of such person's arrest by the police officer. Any
251 person whose safe boating certificate or operating privilege is
252 suspended in accordance with this subsection shall be entitled to a
253 hearing before the commissioner to be held prior to the effective date
254 of the suspension. The commissioner shall send a suspension notice to
255 such person informing such person that such person's safe boating
256 certificate is suspended and shall specify the date of such suspension
257 and that such person is entitled to a hearing prior to the effective date
258 of the suspension and may schedule such hearing by contacting the
259 Department of Environmental Protection not later than ten days after
260 the date of mailing of such suspension notice.

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

265 (g) If such person contacts the department to schedule a hearing, the
266 department shall assign a date, time and place for the hearing, which
267 date shall be prior to the effective date of the suspension. At the
268 request of such person or hearing officer and upon a showing of good
269 cause, the commissioner may grant one continuance for a period not to
270 exceed thirty days. If a continuance is granted, the commissioner shall
271 extend the validity of the temporary operating privilege issued
272 pursuant to subsection (b) of this section for a period not to exceed the
273 period of such continuance. The hearing shall be limited to a
274 determination of the following issues: (1) Whether the police officer

275 had probable cause to arrest the person for operating the vessel while
276 under the influence of intoxicating liquor or drug, or both, or while
277 such person has an elevated blood alcohol content; (2) whether such
278 person was placed under arrest; (3) whether such person (A) refused to
279 submit to such test or analysis, or (B) submitted to such test or
280 analysis, commenced within two hours of the time of operation, and
281 the results of such test or analysis indicated that at the time of the
282 alleged offense that such person had an elevated blood alcohol content;
283 (4) whether such person was operating the vessel; and (5) whether the
284 blood sample was obtained in accordance with conditions for
285 admissibility as set forth in subsection (b) of section 15-140r, as
286 amended by this act. In the hearing, the results of the test or analysis
287 shall be sufficient to indicate the ratio of alcohol in the blood of such
288 person at the time of operation, except that if the results of an
289 additional test, administered pursuant to section 15-140r, as amended
290 by this act, indicate that the ratio of alcohol in the blood of such person
291 is twelve-hundredths of one per cent or less of alcohol, by weight, and
292 is higher than the results of the first test, evidence shall be presented
293 that demonstrates that the test results and analysis thereof accurately
294 indicate the blood alcohol content at the time of operation. The fees of
295 any witness summoned to appear at the hearing shall be the same as
296 provided in section 52-260.

297 (h) If, after such hearing, the commissioner finds on any one of said
298 issues in the negative, the commissioner shall reinstate such safe
299 boating certificate. If, after such hearing, the commissioner does not
300 find on any one of said issues in the negative or if such person fails to
301 appear at such hearing, the commissioner shall affirm the suspension
302 contained in the suspension notice for the appropriate period specified
303 in subsection (i) of this section. The commissioner shall render a
304 decision at the conclusion of such hearing or send a notice of the
305 decision by certified mail to such person not later than thirty days
306 from the date of notice of such person's arrest by the police officer or, if
307 a continuance is granted, not later than forty-five days from the date
308 such person received notice of such person's arrest by the police

309 officer. The notice of such decision sent by certified mail to the address
310 of such person as shown by the records of the commissioner shall be
311 sufficient notice to such person that such person's safe boating
312 certificate is reinstated or suspended. Unless a continuance of the
313 hearing is granted pursuant to subsection (g) of this section, if the
314 commissioner fails to render a decision within thirty days from the
315 date such person received notice of such person's arrest by the police
316 officer, the commissioner shall reinstate such person's safe boating
317 certificate.

318 (i) The commissioner shall suspend the operator's safe boating
319 certificate and revoke the temporary operating privilege issued
320 pursuant to subsection (c) of this section, of a person who does not
321 contact the department to schedule a hearing under subsection (e) of
322 this section, who fails to appear at such hearing, or against whom, after
323 a hearing, the commissioner holds pursuant to subsection (g) of this
324 section. Such suspension shall be as of the effective date contained in
325 the suspension notice or the date the commissioner renders a decision,
326 whichever is later, for a period of: (1) (A) Except as provided in
327 subparagraph (B) of this subdivision, ninety days if such person
328 submitted to a test or analysis and the results of such test or analysis
329 indicated that at the time of the alleged offense that such person had
330 an elevated blood alcohol content, (B) one hundred twenty days if such
331 person submitted to a test or analysis and the results of such test or
332 analysis indicated that the ratio of alcohol in the blood of such person
333 was sixteen-hundredths of one per cent or more of alcohol, by weight,
334 or (C) six months if such person refused to submit to such test or
335 analysis; (2) if such person has previously had such person's privilege
336 suspended under this section, (A) except as provided in subparagraph
337 (B) of this subdivision, nine months if such person submitted to a test
338 or analysis and the results of such test or analysis indicated that at the
339 time of the alleged offense that such person had an elevated blood
340 alcohol content, (B) ten months if such person submitted to a test or
341 analysis and the results of such test or analysis indicated that the ratio
342 of alcohol in the blood of such person was sixteen-hundredths of one

343 per cent or more of alcohol, by weight, and (C) one year if such person
344 refused to submit to such test or analysis; and (3) if such person has
345 two or more times previously had such person's certificate or
346 operating privilege suspended under this section, (A) except as
347 provided in subparagraph (B) of this subdivision, two years if such
348 person submitted to a test or analysis and the results of such test or
349 analysis indicated that at the time of the alleged offense that such
350 person had an elevated blood alcohol content, (B) two and one-half
351 years if such person submitted to a test or analysis and the results of
352 such test or analysis indicated that the ratio of alcohol in the blood of
353 such person was sixteen-hundredths of one per cent or more of
354 alcohol, by weight, and (C) three years if such person refused to
355 submit to such test or analysis.

356 (j) Notwithstanding the provisions of subsections (b) to (i),
357 inclusive, of this section, any police officer who obtains the results of a
358 chemical analysis of a blood sample taken from an operator of a vessel
359 involved in an accident who suffered or allegedly suffered physical
360 injury in such accident shall notify the commissioner and submit to the
361 commissioner a written report if such results indicate that at the time
362 of the alleged offense such person had an elevated blood alcohol
363 content, and if such person was arrested for violation of subsection (d)
364 of section 15-133 and sections 15-140l and 15-140n in connection with
365 such accident. The report shall be made on a form approved by the
366 commissioner containing such information as the commissioner
367 prescribes and shall be subscribed and sworn to under penalty of false
368 statement, as provided in section 53a-157b, by the police officer. The
369 commissioner shall, after notice and an opportunity for hearing, which
370 shall be conducted in accordance with chapter 54, suspend the safe
371 boating certificate of such person for a period of up to ninety days, or,
372 if such person has previously had such person's operating privilege
373 suspended under this section, for a period up to one year. Each
374 hearing conducted under this section shall be limited to a
375 determination of the following issues: (1) Whether the police officer
376 had probable cause to arrest the person for operating a vessel while

377 under the influence of intoxicating liquor or drug, or both, or while
378 such person has an elevated blood alcohol content; (2) whether such
379 person was placed under arrest; (3) whether such person was
380 operating the vessel; (4) whether the results of the analysis of the blood
381 of such person indicate that such person had an elevated blood alcohol
382 content; and (5) whether the blood sample was obtained in accordance
383 with conditions for admissibility as set forth in subsection (b) of
384 section 15-140r, as amended by this act. If, after such hearing, the
385 commissioner finds on any one of the said issues in the negative, the
386 commissioner shall not impose a suspension. The fees of any witness
387 summoned to appear at the hearing shall be the same as provided by
388 the general statutes for witnesses in criminal cases.

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

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

396 [(c)] (m) The state shall pay the reasonable charges of any physician
397 who, at the request of a municipal police department, takes a blood
398 sample for purposes of a test under the provisions of this section.

399 (n) For the purposes of this section, "elevated blood alcohol content"
400 means: (1) A ratio of alcohol in the blood of such person that is ten-
401 hundredths of one per cent or more of alcohol, by weight, (2) if such
402 person has been convicted of a violation of subsection (e) of section 15-
403 133, a ratio of alcohol in the blood of such person that is seven-
404 hundredths of one per cent or more of alcohol, by weight, or (3) if such
405 person is under twenty-one years of age, a ratio of alcohol in the blood
406 of such person that is two-hundredths of one per cent or more of
407 alcohol, by weight.

408 (o) The commissioner may adopt regulations, in accordance with

409 chapter 54, to implement the provisions of this section.

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

412 [(a) In any criminal prosecution for violation of section 15-140l or
413 15-140n, subsection (a) of section 15-133 or]

414 (a) Except as provided in subsection (d) of this section, in any
415 criminal prosecution for the violation of: (1) Subsection (d) of section
416 15-133; (2) sections 15-140l and 15-140n; and (3) subsection (b) of
417 section 53-206d, evidence respecting the amount of alcohol or drug in
418 the defendant's blood or urine at the time of the alleged offense, as
419 shown by a chemical analysis of the defendant's breath, blood or urine
420 shall be admissible and competent provided: [(1)] (A) The defendant
421 was afforded a reasonable opportunity to telephone an attorney prior
422 to the performance of the test and consented to the taking of the test
423 upon which such analysis is made; [(2)] (B) a true copy of the report of
424 the test result was mailed to or personally delivered to the defendant
425 within twenty-four hours or by the end of the next regular business
426 day, after such result was known, whichever is later; [(3)] (C) the test
427 was performed by or at the direction of [a] an authorized law
428 enforcement officer according to methods and with equipment
429 approved by the Department of Public Health and was performed [by
430 a person certified or recertified for such purpose by said department or
431 recertified by persons certified as instructors by the Commissioner of
432 Public Health. If a blood test is taken, it shall be on a blood sample
433 taken by a person licensed to practice medicine and surgery in this
434 state, a qualified laboratory technician, an emergency medical
435 technician II or a registered nurse] in accordance with the regulations
436 adopted under subsection (b) of this section; [(4)] (D) the device used
437 for such test was checked for accuracy [at the beginning of each
438 workday and no later than the end of each workday by a person
439 certified by the Department of Public Health] in accordance with the
440 regulations adopted under subsection (b) of this section; [(5)] (E) an
441 additional chemical test of the same type was performed [and the

442 device was checked for accuracy by a person certified or recertified by
443 the Department of Public Health,] at least thirty minutes after the
444 initial test was performed or, if requested by the police officer for
445 reasonable cause, an additional chemical test of a different type was
446 performed to detect the presence of a drug or drugs other than or in
447 addition to alcohol, provided the results of the initial test shall not be
448 inadmissible under this subsection if reasonable efforts were made to
449 have such additional test performed in accordance with the conditions
450 set forth in this subsection and such additional test was not performed
451 or was not performed within a reasonable time, or the results of such
452 additional test are not admissible for failure to meet a condition set
453 forth in this subsection; and [(6)] (F) evidence is presented [which
454 demonstrates that the test results and the analysis thereof accurately
455 reflect] that the test was commenced within two hours of operation of
456 the vessel. In any prosecution under this section it shall be a rebuttable
457 presumption that the results of such chemical analysis establish the
458 ratio of alcohol in the blood of the defendant at the time of the alleged
459 offense, except that if the results of the additional test indicate that the
460 ratio of alcohol in the blood of such defendant is twelve-hundredths of
461 one per cent or less of alcohol, by weight, and is higher than the results
462 of the first test, evidence shall be presented that demonstrates that the
463 test results and the analysis thereof accurately indicate the blood
464 alcohol content at the time of the alleged offense.

465 (b) The Commissioner of Public [Health] Safety shall ascertain the
466 reliability of each method and type of device offered for chemical
467 testing and analysis purposes of blood, of breath and of urine and
468 certify those methods and types which [he] said commissioner finds
469 suitable for use in testing and analysis of blood, [testing] breath and
470 [testing] urine, respectively in this state. [He] The Commissioner of
471 Public Safety, after consultation with the Commissioner of Public
472 Health, shall adopt regulations governing the conduct of chemical
473 tests, the operation and use of chemical test devices and the training [,]
474 and certification [and annual recertification of operators of such
475 devices as he] of operators of such devices and the drawing or

476 obtaining of blood, breath or urine samples as said commissioner finds
477 necessary to protect the health and safety of persons who submit to
478 chemical tests and to insure reasonable accuracy in testing results.
479 Such regulations shall not require recertification of a police officer
480 solely because such officer terminates such officer's employment with
481 the law enforcement agency for which certification was originally
482 issued and commences employment with another such agency.

483 (c) If a person is charged with a violation of subsection (d) of section
484 15-133 the charge may not be reduced, nolle or dismissed unless the
485 prosecuting authority states in open court [his] such prosecutor's
486 reasons for the reduction, nolle or dismissal.

487 (d) In any criminal prosecution for a violation of subsection (d) of
488 section 15-133 or section 15-140l or 15-140n, evidence that the
489 defendant refused to submit to a blood, breath or urine test requested
490 in accordance with section 15-140q shall be admissible provided the
491 requirements of subsection (a) of said section have been satisfied. If a
492 case involving a violation of subsection (d) of section 15-133 or section
493 15-140l or 15-140n is tried to a jury, the court shall instruct the jury as
494 to any inference that may or may not be drawn from the defendant's
495 refusal to submit to a blood, breath or urine test.

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

498 (a) Any harbor master, deputy harbor master, conservation officer,
499 special conservation officer or state police officer and any municipal
500 police officer, any special police officer appointed under sections 29-18
501 and 29-19 or members of the volunteer police auxiliary force
502 established under section 29-22, any town marine officers appointed
503 under section 15-154a and certified by the commissioner for marine
504 police duty and any lake patrolman appointed under section 7-151b
505 may enforce the provisions of this chapter and chapter 446k, provided
506 the provisions of this act shall be enforced only by either a state police
507 officer, municipal police officer or town marine officer appointed

508 under section 15-154a and certified by the commissioner for marine
509 police duty. In the enforcement of this chapter, such officer may arrest,
510 without previous complaint and warrant, any person who fails to
511 comply with the provisions of this chapter. Failure to appear in court
512 pursuant to such arrest, unless excused by the court or the state's
513 attorney or assistant state's attorney, shall constitute sufficient cause
514 for the suspension by the Commissioner of Motor Vehicles of the boat
515 registration of the boat involved for not more than thirty days or until
516 the matter is resolved by the court, whichever is sooner.

517 (b) When engaged in the enforcement of this chapter and chapter
518 446k such authorized law enforcement officer shall have the authority
519 to stop and board any vessel which is under way or which is moored
520 on the waters of this state for the purposes of (1) examining decals,
521 certificates and other documents, (2) inspecting safety equipment and
522 waste disposal systems, (3) determining if the operation of such vessel
523 exceeds the noise levels established in subsection (b) of section 15-129,
524 (4) searching when [he] such law enforcement officer has probable
525 cause to believe that any provision of any law of this state or any rule
526 or regulation of the Department of Environmental Protection relating
527 to boating or water pollution has been violated, (5) determining
528 compliance with [subsection (d)] sections 15-140l and 15-140n and
529 subsections (d) and (e) of section 15-133, as amended by this act, when
530 [he] such authorized law enforcement officer has probable cause to
531 believe said section or subsection has been violated, and (6) making
532 arrests. No person operating a vessel shall refuse to stop [his] such
533 vessel or [, if sea conditions make stopping in that area unsafe,] refuse
534 to take [his] such vessel to a designated area after being requested or
535 signalled to do so by an authorized law enforcement officer unless, in
536 the opinion of such operator, sea conditions make stopping in that area
537 unsafe. Any person operating a vessel who refuses to stop or refuses to
538 take [his] such vessel to the designated area shall have committed an
539 infraction. Any person, when signalled to stop by an authorized law
540 enforcement officer in a law enforcement vessel using an audible
541 signal device or flashing blue lights, who operates [his] such vessel in

542 disregard of such signal so as to (A) interfere with or endanger the
543 operation of the law enforcement vessel or any other vessel, (B)
544 endanger or cause damage to property or person, or (C) increase speed
545 in an attempt to escape or elude such authorized law enforcement
546 officer shall be fined not less than one hundred dollars nor more than
547 five hundred dollars for a first offense and for any subsequent offense
548 shall be fined not less than five hundred dollars nor more than one
549 thousand dollars. Proof of the registration number of the vessel shall
550 be prima facie evidence in any prosecution that the owner was the
551 operator.

552 (c) The Commissioner of Environmental Protection shall publish an
553 enforcement manual, conduct training and educational sessions, serve
554 as liaison between the enforcement groups and the Superior Court and
555 shall be generally responsible for the overall coordination of
556 enforcement.

557 Sec. 8. Subsection (a) of section 15-140e of the general statutes is
558 repealed and the following is substituted in lieu thereof:

559 (a) On and after the following dates, no resident of the state, person
560 owning real property in the state or person owning a vessel in the state
561 shall operate on the waters of the state a vessel which is required to be
562 registered or numbered pursuant to this chapter unless such person
563 has a valid vessel operator license by the United States Coast Guard or
564 has obtained a safe boating certificate issued by the Commissioner of
565 Environmental Protection: For operators who are less than twenty
566 years of age, June 23, 1993; for operators who are less than twenty-five
567 years of age, October 1, 1993; for operators who are less than thirty
568 years of age, October 1, 1994; for operators who are less than thirty-five
569 years of age, October 1, 1995; for operators who are less than forty
570 years of age, October 1, 1996; and for all operators forty years of age or
571 older, October 1, 1997. Notwithstanding the provisions of this section,
572 the commissioner may issue a certificate to a person who has
573 successfully completed a course in safe boating operation approved by
574 the commissioner before the date such person is required to take the

575 exam under this section. A safe boating certificate [shall be
576 nonrevocable] may be suspended or revoked, pursuant to this act, and
577 shall be valid for the life of the person to whom it is issued unless
578 otherwise suspended or revoked.

579 Sec. 9. Section 15-133c of the general statutes is repealed and the
580 following is substituted in lieu thereof:

581 (a) On or before January 1, 1991, any person convicted of more than
582 one violation of section 15-133 or 15-134 within any two-year period
583 may not operate a motorboat powered by a motor in excess of five
584 horsepower on the waters of the state for recreational purposes
585 without first obtaining a boating safety certificate from the
586 commissioner evidencing successful completion of a course in safe
587 boat handling approved by the commissioner. The commissioner shall
588 adopt regulations in accordance with the provisions of chapter 54
589 establishing requirements for the issuance of boating safety certificates
590 and the content of safe boat handling courses which shall include but
591 not be limited to instruction in boat handling and navigation. The
592 commissioner may designate [as his] an agent for giving such course
593 and issuing such certificates: The United States Coast Guard Auxiliary,
594 the United States Power Squadron, or any other person or organization
595 [he] the commissioner deems qualified to act in such capacity.

596 (b) A certified copy of a conviction for a violation of section 15-133,
597 as amended by this act, [or] 15-134, 15-140l, as amended by this act, or
598 15-140n, as amended by this act, shall be sent within thirty days of
599 conviction to the Commissioner of Environmental Protection without
600 charge by the clerk of the court wherein such conviction has been had.

601 Sec. 10. Subsection (a) of section 14-227f of the general statutes is
602 repealed and the following is substituted in lieu thereof:

603 (a) Any person whose motor vehicle operator's license or
604 nonresident operating privilege is suspended under subsection (h) of
605 section 14-227a for a conviction of a second or subsequent violation of
606 subsection (a) of said section or under section 14-227b for a second or

607 subsequent time shall participate in a treatment program approved by
608 the Commissioner of Motor Vehicles. The commissioner shall not
609 reinstate the operator's license or nonresident operating privilege of
610 any such person until such person submits evidence to the
611 commissioner that [he] such person has satisfactorily completed the
612 treatment program. Any person whose certificate is suspended or
613 revoked pursuant to this act shall participate in such treatment
614 program.

615 Sec. 11. Subsection (k) of section 14-227a of the general statutes is
616 repealed and the following is substituted in lieu thereof:

617 (k) In addition to any fine or sentence imposed pursuant to the
618 provisions of subsection (h) of this section, the court may order such
619 person to participate in an alcohol education and treatment program.
620 The court may order any person whose certificate is suspended or
621 revoked, pursuant to this act, to participate in such alcohol education
622 and treatment program.

623 Sec. 12. Subsection (a) of section 54-56g of the general statutes is
624 repealed and the following is substituted in lieu thereof:

625 (a) There shall be a pretrial alcohol education system for persons
626 charged with a violation of section 14-227a and the provisions of this
627 act. Upon application by any such person for participation in such
628 system and payment to the court of an application fee of fifty dollars,
629 the court shall, but only as to the public, order the court file sealed,
630 provided such person states under oath, in open court or before any
631 person designated by the clerk and duly authorized to administer
632 oaths, under penalties of perjury that such person has never had such
633 system invoked in such person's behalf and that such person has not
634 been convicted of a violation of section 53a-56b or 53a-60d, a violation
635 of subsection (a) of section 14-227a before or after October 1, 1981, or a
636 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on
637 or after October 1, 1985, and that such person has not been convicted in
638 any other state at any time of an offense the essential elements of

639 which are substantially the same as section 53a-56b or 53a-60d or
640 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good
641 cause is shown, a person shall be ineligible for participation in such
642 pretrial alcohol education system if such person's alleged violation of
643 section 14-227a caused the serious physical injury, as defined in section
644 53a-3, of another person. The fee imposed by this subsection shall be
645 credited to the Criminal Injuries Compensation Fund established by
646 section 54-215.

647 Sec. 13. Section 15-129 of the general statutes is repealed and the
648 following is substituted in lieu thereof:

649 (a) The provisions of this section shall apply to vessels operated on
650 state and federal waters. (1) Every vessel shall carry for each person on
651 board, so placed as to be readily accessible, at least one buoyant
652 personal flotation device. The operator or owner of any vessel being
653 used for recreational purposes, other than a vessel required to have a
654 certificate of inspection issued by the Coast Guard, shall require any
655 child under twelve years of age who is aboard such vessel to wear a
656 personal flotation device while such vessel is underway unless the
657 child is below deck or in an enclosed cabin. Sailboards shall be exempt
658 from carrying a personal flotation device if the mast of the sailboard is
659 secured to the hull by a leash or safety line. (2) Every motorboat with
660 enclosed fuel storage space or an enclosed engine compartment shall
661 be equipped with devices for ventilating flammable or explosive gases.
662 (3) Every motorboat with a carbureted inboard engine shall have the
663 carburetor of such engine equipped with a flame arrestor or backfire
664 trap unless such engine is mounted in the aftermost part of the vessel
665 with no provisions for carrying passengers behind the forward edge of
666 the engine and the carburetor of such engine has its intake opening
667 above the gunwale line of the vessel in the open atmosphere and
668 mounted so backfire flames are directed to the rear or vertically away
669 from the vessel and its occupants. (4) Every motorboat shall have its
670 engine equipped with an effective muffling device. (5) All inboard
671 motorboats, all outboard motorboats twenty-six feet or over in length,
672 and all outboard motorboats less than twenty-six feet in length which

673 have a compartment in which gases may accumulate, shall be
674 equipped with a fire extinguisher. (6) Every motorboat sixteen feet or
675 more in length shall be equipped with a whistle or horn-type sound-
676 producing device capable of producing a blast of two seconds or more
677 in duration. On motorboats sixteen feet or more but less than twenty-
678 six feet in length such device shall be mouth, hand or power-operated
679 and audible for at least one-half mile. On motorboats twenty-six feet or
680 more but less than forty feet in length such device shall be hand or
681 power-operated and audible for at least one mile. On motorboats forty
682 feet or more but less than sixty-five feet in length such device shall be
683 power-operated and audible for at least one mile. Every motorboat
684 twenty-six feet or more in length shall be equipped with a bell capable
685 of producing a clear bell-like tone of full round characteristics. (7)
686 Every vessel operated on the waters of Long Island Sound or Fishers
687 Island Sound between sunset and sunrise shall carry visual distress
688 signals suitable for night use. Every vessel sixteen feet or more in
689 length, except manually propelled vessels and open sailboats that are
690 less than twenty-six feet in length, and are not equipped with
691 propulsion machinery, operated on the waters of Long Island Sound or
692 Fishers Island Sound at any time shall carry visual distress signals
693 suitable for day and night use. No person, operator or owner in a
694 vessel shall display or allow the display of a visual distress signal
695 except when assistance is needed because of immediate or potential
696 danger to persons aboard.

697 (b) No person shall operate or give permission for the operation of
698 any motorboat on the waters of this state unless such motorboat is at
699 all times equipped with a muffler which enables such motorboat to be
700 operated in compliance with subsections (c) and (d) of this section,
701 [and such muffler is in use.] For purposes of this section "muffler"
702 means a sound suppression device or system designed and installed to
703 abate the sound of exhaust gases emitted from an internal combustion
704 engine.

705 (c) No person shall operate or give permission for the operation of
706 any motorboat on the waters of this state in such a manner as to exceed

707 the following noise levels: (1) For engines manufactured before
708 January 1, 1993, a noise level of 90 dB(A) when subjected to a
709 stationary sound level test as prescribed by Society of Automotive
710 Engineers Specification Number J2005; (2) for engines manufactured
711 on or after January 1, 1993, a noise level of 88 dB(A) when subjected to
712 a stationary sound level test as prescribed by Society of Automotive
713 Engineers Specification Number J2005. If a motorboat is equipped with
714 more than one engine, the said noise levels shall apply when all such
715 engines are simultaneously in operation.

716 (d) No person shall operate or give permission for the operation of
717 any motorboat on the waters of this state in such a manner as to exceed
718 a noise level of 75 dB(A) measured as specified by Society of
719 Automotive Engineers Specification Number J1970.

720 (e) Any officer authorized to enforce the provisions of this chapter
721 who has reason to believe that a motorboat is being operated in excess
722 of the noise levels established in subsection (c) or (d) of this section
723 may request the operator of such motorboat to submit the motorboat
724 to an on-site test to measure noise levels, with the officer on board
725 such motorboat if such officer chooses, and the operator shall comply
726 with such request. If such motorboat exceeds the noise levels
727 established in subsection (c) or (d) of this section, the officer may direct
728 the operator to take immediate and reasonable measures to correct the
729 violation, including returning the motorboat to a mooring and keeping
730 the motorboat at such mooring until the violation is corrected or
731 ceases.

732 (f) Any officer who conducts a motorboat sound level test as
733 provided in this section shall be qualified in motorboat noise testing by
734 the Department of Environmental Protection. Such qualification shall
735 include, without limitation, instruction in selection of the measurement
736 site and in the calibration and use of noise testing equipment.

737 [(g) No person shall operate or give permission for the operation of
738 any motorboat on the waters of this state that is equipped with a

739 muffler cutout, bypass or similar device which prevents the proper
740 operation of or diminishes the operating capacity of the muffler.]

741 [(h)] (g) No person shall remove a muffler from a motorboat or alter
742 a muffler on a motorboat so as to prevent the operation of such
743 motorboat in compliance with subsections (c) and (d) of this section.

744 [(i)] (h) No person shall sell or offer for sale any motorboat which is
745 not equipped with a muffler which enables such motorboat to be
746 operated in compliance with subsections (c) and (d) of this section.
747 This subsection shall not apply to the sale or offer for sale of a
748 motorboat which will be operated solely for the purpose of competing
749 in marine races or regattas, provided upon the sale of a motorboat
750 which is not equipped with such a muffler, the seller shall provide to
751 the purchaser, and the purchaser shall date and sign, the following
752 statement: "I understand that this motorboat may not be operated for
753 any purposes other than competing in a marine race or regatta
754 authorized under section 15-140b of the Connecticut general statutes".
755 Such statement shall include the hull identification number of the
756 motorboat being purchased. Not later than five days after the sale, the
757 seller shall submit to the commissioner a copy of such signed and
758 dated statement. The seller and purchaser shall each retain a copy of
759 the statement.

760 [(j)] (i) The provisions of subsections (c) and (d) of this section shall
761 not apply to the operation of a motorboat participating in a marine
762 race or regatta authorized by the commissioner under section 15-140b.

763 [(k)] (j) All devices and equipment required by this section shall be
764 of a type and carried in the quantity and location approved by the
765 commissioner or by the United States Coast Guard.

766 [(l)] (k) Sirens shall not be used on any vessel except that law
767 enforcement vessels of the United States, this state or a political
768 subdivision of this state may use sirens when engaged in law
769 enforcement activities or when identification is necessary for safety
770 reasons. Any vessel may be equipped with a theft alarm signal device

771 if such device is so designed that it cannot be used as an ordinary
772 warning signal.

773 [(m)] (l) Any person who violates any provision of subsection (a) of
774 this section shall have committed an infraction. Any person who
775 violates the provisions of any other subsection of this section or who
776 fails to comply with a request or direction of an officer made pursuant
777 to subsection (e) of this section shall be fined not less than one hundred
778 dollars nor more than five hundred dollars."