



General Assembly

Amendment

January Session, 2001

LCO No. 8734

Offered by:

REP. STRATTON, 17th Dist.

REP. BOUGHTON, 138th Dist.

To: Subst. Senate Bill No. 1220

File No. 529

Cal. No. 601

"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 Section 15-133 of the general statutes is repealed and the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 For purposes of this section and sections 15-140l, 15-140n, 15-140o and
36 15-140q, "operate" means the vessel is underway or aground and not
37 moored, anchored or docked.

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

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

46 [(f)] (g) No person shall moor a vessel to, obstruct, remove, damage

47 or destroy any navigation aid or any device used to mark a restricted
48 area.

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

81 hours of community service, as defined in section 14-227e, and (C)
82 have such person's safe boating certificate or certificate of personal
83 watercraft operation permanently revoked upon such third offense.
84 Any person who violates the provisions of subsection (c), (f) or (g) of
85 this section shall be fined not less than one hundred dollars and not
86 more than five hundred dollars. Any person who violates the
87 provisions of subsection [(e)] (f) of this section shall have committed an
88 infraction.

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

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

101 (k) (1) A record shall be kept by each court of original jurisdiction of
102 any conviction relating to the operation of a vessel. A summary of such
103 record, with a statement of the number of the operator's safe boating
104 certificate or certificate of personal watercraft operation shall, within
105 five days after such conviction, forfeiture or any other disposition or
106 nolle, be transmitted to the commissioner by such court. Each court
107 shall report each conviction under subsection (d) of this section to the
108 commissioner. The commissioner shall suspend the safe boating
109 certificate or certificate of personal watercraft operation of the person
110 reported as convicted for the period of time required by subsection (h)
111 of this section.

112 (2) The safe boating certificate or certificate of personal watercraft

113 operation of a person found guilty under subsection (d) of this section
114 who is under eighteen years of age shall be suspended by the
115 commissioner for the period of time set forth in subsection (h) of this
116 section, or until such person attains the age of eighteen years,
117 whichever period is longer.

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

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

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

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

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

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

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

145 (a) Any police officer authorized to enforce the provisions of
146 sections 15-129, 15-133, 15-133b, 15-133c, 15-140e to 15-140u, inclusive,
147 15-154 and 15-156 who arrests an operator for a violation of
148 [subsection] subsections (d) and (e) of section 15-133 or section 15-
149 140k, 15-140l, 15-140m or 15-140n may take the vessel operated in such
150 violation into [his] such police officer's custody and shall cause the
151 same to be taken to and stored in a suitable place. There shall be no
152 liability attached to such officer for any damages to such vessel while
153 in [his] such police officer's custody. All charges necessarily incurred
154 by such officer in the performance of such duty shall be a lien upon
155 such vessel. The owner or keeper of any marina or other place where
156 such vessel is stored shall have a lien upon the same for [his] such
157 owner's storage charges and if such vessel has been stored for a period
158 of not less than sixty days, such owner or keeper may sell the same for
159 storage charges owed thereon, provided a notice of intent to sell shall
160 be sent to the Commissioner of Environmental Protection, the
161 Commissioner of Motor Vehicles, and the owner of such vessel, if
162 known, five days before the sale of such vessel. If the owner is
163 unknown, such sale shall be advertised by such marina owner or
164 keeper in a newspaper published or having a circulation in the town
165 where such marina or other place is located three times, commencing
166 at least five days before the sale. The proceeds of such sale, after
167 deducting the amount due such marina owner or keeper and all
168 expenses of the police officer who placed such vessel in storage, shall
169 be paid to the owner of such vessel or [his] such owner's legal
170 representatives, if claimed by [him] such owner or them at any time
171 within one year from the date of such sale. If such balance is not
172 claimed within said period, it shall escheat to the state.

173 (b) Any vessel [being] that is operated by a person who is arrested
174 for a violation of section 15-140n, [shall] as amended by this act, in
175 connection with such operation, or for a violation of section 15-140l, as
176 amended by this act, after being involved in a boating accident, may be

177 impounded for twenty-four hours after the arrest. Any vessel involved
178 in a boating accident that results in death, serious physical injury, a
179 missing person or property damage in excess of five thousand dollars
180 may be seized for the collection of evidence and held until the
181 investigation of the boating accident or court proceedings are
182 concluded. The trailer utilized by the operator to transport the vessel
183 may also be impounded to facilitate transport and handling of the
184 vessel.

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

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

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

210 [the] such person refuses or is unable to submit to a blood test, the
211 police officer shall designate the breath or urine test as the test to be
212 taken. The police officer shall make a notation upon the records of the
213 police department that such officer informed such person that such
214 person's safe boating certificate or certificate of personal watercraft
215 operation would be suspended if such person refused to submit to
216 such test or if such person submitted to such test and the results of
217 such test indicated that such person has an elevated blood alcohol
218 content.

219 (c) If the person arrested pursuant to subdivision (2) or (3) of
220 subsection (b) of this section refuses to submit to such test or analysis
221 or submits to such test or analysis, commenced within two hours of the
222 time of operation, and the results of such test or analysis indicate that
223 at the time of the alleged offense such person had an elevated blood
224 alcohol content, the police officer shall immediately revoke the
225 operating privilege of such person for a twenty-four-hour period and
226 shall issue a temporary operating privilege form to such person valid
227 for the period commencing twenty-four hours after issuance and
228 ending thirty-five days after the date such person received notice of
229 such person's arrest by the police officer. The police officer shall
230 prepare a written report of the incident and shall mail the report,
231 together with a copy of the completed temporary operating privilege
232 form, any certificate taken into possession and a copy of the results of
233 any chemical test or analysis, to the Department of Environmental
234 Protection within three business days. The report shall be made on a
235 form approved by the commissioner and shall be subscribed and
236 sworn to under penalty of false statement as provided in section 53a-
237 157b by the police officer before whom such refusal was made or who
238 administered or caused to be administered such test or analysis. If the
239 person arrested refused to submit to such test or analysis, the report
240 shall be endorsed by a third person who witnessed such refusal. The
241 report shall set forth the grounds for the police officer's belief that
242 there was probable cause to arrest such person for operating such
243 vessel while under the influence of intoxicating liquor or any drug, or

244 both, or while such person has an elevated blood alcohol content, and
245 shall state that such person refused to submit to such test or analysis
246 when requested by such police officer or that such person submitted to
247 such test or analysis, commenced within two hours of the time of
248 operation, and the results of such test or analysis indicated that such
249 person at the time of the alleged offense had an elevated blood alcohol
250 content.

251 (d) If the person arrested pursuant to subdivision (2) or (3) of
252 subsection (b) of this section submits to a blood or urine test at the
253 request of the police officer, and the specimen requires laboratory
254 analysis in order to obtain the test results, and if the test results
255 indicate that such person has an elevated blood alcohol content, the
256 police officer, immediately upon receipt of the test results, shall notify
257 and submit to the commissioner the written report required pursuant
258 to subsection (c) of this section.

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

275 (f) If such person does not contact the department to schedule a
276 hearing, the commissioner shall affirm the suspension contained in the

277 suspension notice for the appropriate period specified in subsection (i)
278 of this section.

279 (g) If such person contacts the department to schedule a hearing, the
280 department shall assign a date, time and place for the hearing, which
281 date shall be prior to the effective date of the suspension. At the
282 request of such person or hearing officer and upon a showing of good
283 cause, the commissioner may grant one continuance for a period not to
284 exceed thirty days. If a continuance is granted, the commissioner shall
285 extend the validity of the temporary operating privilege issued
286 pursuant to subsection (b) of this section for a period not to exceed the
287 period of such continuance. The hearing shall be limited to a
288 determination of the following issues: (1) Whether the police officer
289 had probable cause to arrest the person for operating the vessel while
290 under the influence of intoxicating liquor or drug, or both, or while
291 such person has an elevated blood alcohol content; (2) whether such
292 person was placed under arrest; (3) whether such person (A) refused to
293 submit to such test or analysis, or (B) submitted to such test or
294 analysis, commenced within two hours of the time of operation, and
295 the results of such test or analysis indicated that at the time of the
296 alleged offense that such person had an elevated blood alcohol content;
297 (4) whether such person was operating the vessel; and (5) whether the
298 blood sample was obtained in accordance with conditions for
299 admissibility as set forth in subsection (b) of section 15-140r, as
300 amended by this act. In the hearing, the results of the test or analysis
301 shall be sufficient to indicate the ratio of alcohol in the blood of such
302 person at the time of operation, except that if the results of an
303 additional test, administered pursuant to section 15-140r, as amended
304 by this act, indicate that the ratio of alcohol in the blood of such person
305 is twelve-hundredths of one per cent or less of alcohol, by weight, and
306 is higher than the results of the first test, evidence shall be presented
307 that demonstrates that the test results and analysis thereof accurately
308 indicate the blood alcohol content at the time of operation. The fees of
309 any witness summoned to appear at the hearing shall be the same as
310 provided in section 52-260.

311 (h) If, after such hearing, the commissioner finds on any one of said
312 issues in the negative, the commissioner shall reinstate such safe
313 boating certificate or certificate of personal watercraft operation. If,
314 after such hearing, the commissioner does not find on any one of said
315 issues in the negative or if such person fails to appear at such hearing,
316 the commissioner shall affirm the suspension contained in the
317 suspension notice for the appropriate period specified in subsection (i)
318 of this section. The commissioner shall render a decision at the
319 conclusion of such hearing or send a notice of the decision by certified
320 mail to such person not later than thirty days from the date of notice of
321 such person's arrest by the police officer or, if a continuance is granted,
322 not later than forty-five days from the date such person received notice
323 of such person's arrest by the police officer. The notice of such decision
324 sent by certified mail to the address of such person as shown by the
325 records of the commissioner shall be sufficient notice to such person
326 that such person's safe boating certificate or certificate of personal
327 watercraft operation is reinstated or suspended. Unless a continuance
328 of the hearing is granted pursuant to subsection (g) of this section, if
329 the commissioner fails to render a decision within thirty days from the
330 date such person received notice of such person's arrest by the police
331 officer, the commissioner shall reinstate such person's safe boating
332 certificate or certificate of personal watercraft operation.

333 (i) The commissioner shall suspend the operator's safe boating
334 certificate or certificate of personal watercraft operation and revoke the
335 temporary operating privilege issued pursuant to subsection (c) of this
336 section, of a person who does not contact the department to schedule a
337 hearing under subsection (e) of this section, who fails to appear at such
338 hearing, or against whom, after a hearing, the commissioner holds
339 pursuant to subsection (g) of this section. Such suspension shall be as
340 of the effective date contained in the suspension notice or the date the
341 commissioner renders a decision, whichever is later, for a period of: (1)
342 (A) Except as provided in subparagraph (B) of this subdivision, ninety
343 days if such person submitted to a test or analysis and the results of
344 such test or analysis indicated that at the time of the alleged offense

345 that such person had an elevated blood alcohol content, (B) one
346 hundred twenty days if such person submitted to a test or analysis and
347 the results of such test or analysis indicated that the ratio of alcohol in
348 the blood of such person was sixteen-hundredths of one per cent or
349 more of alcohol, by weight, or (C) six months if such person refused to
350 submit to such test or analysis; (2) if such person has previously had
351 such person's privilege suspended under this section, (A) except as
352 provided in subparagraph (B) of this subdivision, nine months if such
353 person submitted to a test or analysis and the results of such test or
354 analysis indicated that at the time of the alleged offense that such
355 person had an elevated blood alcohol content, (B) ten months if such
356 person submitted to a test or analysis and the results of such test or
357 analysis indicated that the ratio of alcohol in the blood of such person
358 was sixteen-hundredths of one per cent or more of alcohol, by weight,
359 and (C) one year if such person refused to submit to such test or
360 analysis; and (3) if such person has two or more times previously had
361 such 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 police 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 to under penalty of false
383 statement, as provided in section 53a-157b, by the police officer. The
384 commissioner shall, after notice and an opportunity for hearing, which
385 shall be conducted in accordance with chapter 54, suspend the safe
386 boating certificate or certificate of personal watercraft operation of
387 such person for a period of up to ninety days, or, if such person has
388 previously had such person's operating privilege suspended under this
389 section, for a period up to one year. Each hearing conducted under this
390 section shall be limited to a determination of the following issues: (1)
391 Whether the police officer had probable cause to arrest the person for
392 operating a vessel while under the influence of intoxicating liquor or
393 drug, or both, or while such person has an elevated blood alcohol
394 content; (2) whether such person was placed under arrest; (3) whether
395 such person was operating the vessel; (4) whether the results of the
396 analysis of the blood of such person indicate that such person had an
397 elevated blood alcohol content; and (5) whether the blood sample was
398 obtained in accordance with conditions for admissibility as set forth in
399 subsection (b) of section 15-140r, as amended by this act. If, after such
400 hearing, the commissioner finds on any one of the said issues in the
401 negative, the commissioner shall not impose a suspension. The fees of
402 any witness summoned to appear at the hearing shall be the same as
403 provided by the general statutes for witnesses in criminal cases.

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

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

411 [(c)] (m) The state shall pay the reasonable charges of any physician

412 who, at the request of a municipal police department, takes a blood
413 sample for purposes of a test under the provisions of this section.

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

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

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

427 [(a) In any criminal prosecution for violation of section 15-140l or
428 15-140n, subsection (a) of section 15-133 or]

429 (a) Except as provided in subsection (d) of this section, in any
430 criminal prosecution for the violation of: (1) Subsection (d) of section
431 15-133; (2) sections 15-140l and 15-140n; and (3) subsection (b) of
432 section 53-206d, evidence respecting the amount of alcohol or drug in
433 the defendant's blood or urine at the time of the alleged offense, as
434 shown by a chemical analysis of the defendant's breath, blood or urine
435 shall be admissible and competent provided: [(1)] (A) The defendant
436 was afforded a reasonable opportunity to telephone an attorney prior
437 to the performance of the test and consented to the taking of the test
438 upon which such analysis is made; [(2)] (B) a true copy of the report of
439 the test result was mailed to or personally delivered to the defendant
440 within twenty-four hours or by the end of the next regular business
441 day, after such result was known, whichever is later; [(3)] (C) the test
442 was performed by or at the direction of [a] an authorized law
443 enforcement officer according to methods and with equipment

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

479 alcohol content at the time of the alleged offense.

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

498 (c) If a person is charged with a violation of subsection (d) of section
499 15-133 the charge may not be reduced, nolle or dismissed unless the
500 prosecuting authority states in open court [his] such prosecutor's
501 reasons for the reduction, nolle or dismissal.

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

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

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

536 (b) When engaged in the enforcement of this chapter and chapter
537 446k such authorized law enforcement officer shall have the authority
538 to stop and board any vessel which is under way or which is moored
539 on the waters of this state for the purposes of (1) examining decals,
540 certificates and other documents, (2) inspecting safety equipment and
541 waste disposal systems, (3) determining if the operation of such vessel
542 exceeds the noise levels established in subsection (b) of section 15-129,
543 (4) searching when [he] such law enforcement officer has probable
544 cause to believe that any provision of any law of this state or any rule

545 or regulation of the Department of Environmental Protection relating
546 to boating or water pollution has been violated, (5) determining
547 compliance with [subsection (d)] sections 15-140l and 15-140n and
548 subsections (d) and (e) of section 15-133, as amended by this act, when
549 [he] such authorized law enforcement officer has probable cause to
550 believe said section or subsection has been violated, and (6) making
551 arrests. No person operating a vessel shall refuse to stop [his] such
552 vessel or [, if sea conditions make stopping in that area unsafe,] refuse
553 to take [his] such vessel to a designated area after being requested or
554 signalled to do so by an authorized law enforcement officer unless, in
555 the opinion of such operator, sea conditions make stopping in that area
556 unsafe. Any person operating a vessel who refuses to stop or refuses to
557 take [his] such vessel to the designated area shall have committed an
558 infraction. Any person, when signalled to stop by an authorized law
559 enforcement officer in a law enforcement vessel using an audible
560 signal device or flashing blue lights, who operates [his] such vessel in
561 disregard of such signal so as to (A) interfere with or endanger the
562 operation of the law enforcement vessel or any other vessel, (B)
563 endanger or cause damage to property or person, or (C) increase speed
564 in an attempt to escape or elude such authorized law enforcement
565 officer shall be fined not less than one hundred dollars nor more than
566 five hundred dollars for a first offense and for any subsequent offense
567 shall be fined not less than five hundred dollars nor more than one
568 thousand dollars. Proof of the registration number of the vessel shall
569 be prima facie evidence in any prosecution that the owner was the
570 operator.

571 (c) The Commissioner of Environmental Protection shall publish an
572 enforcement manual, conduct training and educational sessions, serve
573 as liaison between the enforcement groups and the Superior Court and
574 shall be generally responsible for the overall coordination of
575 enforcement.

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

578 (a) On and after the following dates, no resident of the state, person
579 owning real property in the state or person owning a vessel in the state
580 shall operate on the waters of the state a vessel which is required to be
581 registered or numbered pursuant to this chapter unless such person
582 has a valid vessel operator license by the United States Coast Guard or
583 has obtained a safe boating certificate issued by the Commissioner of
584 Environmental Protection: For operators who are less than twenty
585 years of age, June 23, 1993; for operators who are less than twenty-five
586 years of age, October 1, 1993; for operators who are less than thirty
587 years of age, October 1, 1994; for operators who are less than thirty-five
588 years of age, October 1, 1995; for operators who are less than forty
589 years of age, October 1, 1996; and for all operators forty years of age or
590 older, October 1, 1997. Notwithstanding the provisions of this section,
591 the commissioner may issue a certificate to a person who has
592 successfully completed a course in safe boating operation approved by
593 the commissioner before the date such person is required to take the
594 exam under this section. A safe boating certificate [shall be
595 nonrevocable] may be suspended or revoked, pursuant to this act, and
596 shall be valid for the life of the person to whom it is issued unless
597 otherwise suspended or revoked.

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

600 (a) On or before January 1, 1991, any person convicted of more than
601 one violation of section 15-133 or 15-134 within any two-year period
602 may not operate a motorboat powered by a motor in excess of five
603 horsepower on the waters of the state for recreational purposes
604 without first obtaining a boating safety certificate from the
605 commissioner evidencing successful completion of a course in safe
606 boat handling approved by the commissioner. The commissioner shall
607 adopt regulations in accordance with the provisions of chapter 54
608 establishing requirements for the issuance of boating safety certificates
609 and the content of safe boat handling courses which shall include but
610 not be limited to instruction in boat handling and navigation. The
611 commissioner may designate [as his] an agent for giving such course

612 and issuing such certificates: The United States Coast Guard Auxiliary,
613 the United States Power Squadron, or any other person or organization
614 [he] the commissioner deems qualified to act in such capacity.

615 (b) A certified copy of a conviction for a violation of section 15-133,
616 as amended by this act, [or] 15-134, 15-140l, as amended by this act, or
617 15-140n, as amended by this act, shall be sent within thirty days of
618 conviction to the Commissioner of Environmental Protection without
619 charge by the clerk of the court wherein such conviction has been had.

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

622 (a) Any person whose motor vehicle operator's license or
623 nonresident operating privilege is suspended under subsection (h) of
624 section 14-227a for a conviction of a second or subsequent violation of
625 subsection (a) of said section or under section 14-227b for a second or
626 subsequent time shall participate in a treatment program approved by
627 the Commissioner of Motor Vehicles. The commissioner shall not
628 reinstate the operator's license or nonresident operating privilege of
629 any such person until such person submits evidence to the
630 commissioner that [he] such person has satisfactorily completed the
631 treatment program. Any person whose certificate is suspended or
632 revoked pursuant to this act shall participate in such treatment
633 program.

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

636 (k) In addition to any fine or sentence imposed pursuant to the
637 provisions of subsection (h) of this section, the court may order such
638 person to participate in an alcohol education and treatment program.
639 The court may order any person whose certificate is suspended or
640 revoked, pursuant to this act, to participate in such alcohol education
641 and treatment program.

642 Sec. 12. Subsection (a) of section 54-56g of the general statutes is

643 repealed and the following is substituted in lieu thereof:

644 (a) There shall be a pretrial alcohol education system for persons
645 charged with a violation of section 14-227a and the provisions of this
646 act. Upon application by any such person for participation in such
647 system and payment to the court of an application fee of fifty dollars,
648 the court shall, but only as to the public, order the court file sealed,
649 provided such person states under oath, in open court or before any
650 person designated by the clerk and duly authorized to administer
651 oaths, under penalties of perjury that such person has never had such
652 system invoked in such person's behalf and that such person has not
653 been convicted of a violation of section 53a-56b or 53a-60d, a violation
654 of subsection (a) of section 14-227a before or after October 1, 1981, or a
655 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on
656 or after October 1, 1985, and that such person has not been convicted in
657 any other state at any time of an offense the essential elements of
658 which are substantially the same as section 53a-56b or 53a-60d or
659 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good
660 cause is shown, a person shall be ineligible for participation in such
661 pretrial alcohol education system if such person's alleged violation of
662 section 14-227a caused the serious physical injury, as defined in section
663 53a-3, of another person. The fee imposed by this subsection shall be
664 credited to the Criminal Injuries Compensation Fund established by
665 section 54-215.

666 Sec. 13. Section 15-140j of the general statutes is repealed and the
667 following is substituted in lieu thereof:

668 (a) As used in this section, "personal watercraft" is any inboard
669 powered vessel less than sixteen feet in length which has an internal
670 combustion engine powering a water-jet pump as its primary source of
671 motor propulsion and which is designed to be operated by a person
672 sitting, standing or kneeling on the vessel, rather than the conventional
673 manner of sitting or standing inside the vessel.

674 (b) On and after June 23, 1993, no person shall operate a personal

675 watercraft unless he has successfully completed a course in safe
676 personal watercraft handling approved by the Commissioner of
677 Environmental Protection and has been issued a certificate of personal
678 watercraft operation by the Commissioner of Environmental
679 Protection. Notwithstanding the provisions of this section, the
680 commissioner may modify or suspend requirements for a certificate of
681 personal watercraft operation by written authorization with respect to
682 any marine event authorized by the commissioner or upon receipt of a
683 copy of the United States Coast Guard authorization for a marine
684 event.

685 (c) The commissioner may adopt regulations in accordance with the
686 provisions of chapter 54 establishing the content of courses in safe
687 personal watercraft handling. Such regulations may include provisions
688 for examinations, issuance of certificates of personal watercraft
689 operation and establishment of a reasonable fee for such course and
690 examination and for the issuance of a certificate and duplicate
691 certificate. Any fee collected pursuant to regulations adopted under
692 this section shall be deposited in the boating account established
693 pursuant to section 15-155.

694 (d) Notwithstanding subsection (b) of this section, any person who
695 purchases a new or used personal watercraft after May 20, 1994, may,
696 upon vessel registration, apply to the Commissioner of Environmental
697 Protection for a temporary certificate of personal watercraft operation
698 which shall be valid for six months from the date of registration,
699 provided the applicant has successfully completed a course in safe
700 personal watercraft handling prior to application for the temporary
701 certificate. No person shall be issued more than one temporary
702 certificate of personal watercraft operation.

703 (e) The commissioner may enter into a reciprocal agreement with
704 any other state which has a similar safe personal watercraft handling
705 certificate program which the commissioner deems acceptable for
706 purposes of this subsection. Any person who successfully completes a
707 course in safe personal watercraft handling and holds a certificate or

708 license from another state which has such a reciprocal agreement with
709 the commissioner may operate a personal watercraft on the waters of
710 this state.

711 (f) Any person required to obtain a certificate of personal watercraft
712 operation pursuant to this section shall have such certificate on board
713 at all times while operating a personal watercraft. On demand of an
714 officer authorized to enforce the provisions of this chapter, such person
715 shall exhibit the certificate to the officer.

716 (g) Any person who violates any provision of this section shall be
717 fined not less than sixty dollars nor more than two hundred fifty
718 dollars for each such violation.

719 (h) A certificate of personal watercraft operation may be suspended
720 or revoked in accordance with the provisions of this act."