



AN ACT CONCERNING BOATING SAFETY.

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

1 Section 1. Section 15-133 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

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

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

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

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

20 subsection shall operate a vessel or engage in water-skiing upon the
21 waters of this state for a twenty-four-hour period after such arrest] (1)
22 While under the influence of intoxicating liquor or any drug, or both,
23 or (2) while such person has an elevated blood alcohol content. For the
24 purposes of this section and sections 15-140l and 15-140n, as amended
25 by this act, "elevated blood alcohol content" means: (A) A ratio of
26 alcohol in the blood of such person that is ten-hundredths of one per
27 cent or more of alcohol, by weight, (B) if such person has been
28 convicted of a violation of this subsection, a ratio of alcohol in the
29 blood of such person that is seven-hundredths of one per cent or more
30 of alcohol, by weight, or (C) if such person is under twenty-one years
31 of age, a ratio of alcohol in the blood of such person that is two-
32 hundredths of one per cent or more of alcohol, by weight. For
33 purposes of this section and sections 15-140l, 15-140n, 15-140o and 15-
34 140q, as amended by this act, "operate" means that the vessel is
35 underway or aground and not moored, anchored or docked.

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

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

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

47 ~~[(g)]~~ (h) Any person who violates the provisions of subsection (d) of
48 this section shall: ~~[be fined not less than one hundred dollars nor more~~
49 ~~than five hundred dollars. Any person who violates any of the~~
50 ~~provisions of subsection (b), (c) or (f) of this section shall be fined not~~
51 ~~less than twenty-five dollars nor more than two hundred dollars]~~ (1)

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

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

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

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

109 (2) The safe boating certificate or certificate of personal watercraft
110 operation of a person found guilty under subsection (d) of this section
111 who is under eighteen years of age shall be suspended by the
112 commissioner for the period of time set forth in subsection (h) of this
113 section, or until such person attains the age of eighteen years,
114 whichever period is longer.

115 Sec. 2. Section 15-140l of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective October 1, 2002*):

117 (a) A person commits the offense of reckless operation of a vessel in

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

124 (b) Any person guilty of reckless operation of a vessel in the first
125 degree while under the influence shall be fined not less than two
126 thousand five hundred dollars nor more than [one] five thousand
127 dollars or imprisoned not more than one year, or both.

128 Sec. 3. Section 15-140n of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective October 1, 2002*):

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

136 (b) Any person guilty of reckless operation of a vessel in the second
137 degree while under the influence shall be fined not less than [two
138 hundred fifty] five hundred dollars nor more than [five hundred] one
139 thousand dollars or imprisoned not more than six months, or both.

140 Sec. 4. Section 15-140o of the general statutes is repealed and the
141 following is substituted in lieu thereof (*Effective October 1, 2002*):

142 (a) Any peace officer authorized to enforce the provisions of
143 sections 15-129, 15-133, as amended by this act, 15-133b, 15-133c, 15-
144 140e, as amended by this act, to 15-140u, inclusive, 15-154 and 15-156
145 who arrests an operator for a violation of [subsection] subsections (d)
146 and (e) of section 15-133, as amended by this act, or section 15-140k, 15-
147 140l, as amended by this act, 15-140m or 15-140n, as amended by this
148 act, may take the vessel operated in such violation into [his] such peace

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

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

183 Sec. 5. Section 15-140q of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective October 1, 2002*):

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

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

217 operation would be suspended if such person refused to submit to
218 such test or if such person submitted to such test and the results of
219 such test indicated that such person has an elevated blood alcohol
220 content.

221 [(b) The provisions of this section shall not apply to any person
222 whose physical condition is such that, according to competent medical
223 advice, such test would be inadvisable.

224 (c) The state shall pay the reasonable charges of any physician who,
225 at the request of a municipal police department, takes a blood sample
226 for purposes of a test under this section.]

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

250 engaging in water skiing while under the influence of intoxicating
251 liquor or any drug, or both, or while such person has an elevated blood
252 alcohol content and shall state that such person refused to submit to
253 such test or analysis when requested by such peace officer or that such
254 person submitted to such test or analysis, commenced within two
255 hours of the time of operation, and the results of such test or analysis
256 indicated that such person at the time of the alleged offense had an
257 elevated blood alcohol content.

258 (d) If the person arrested submits to a blood or urine test at the
259 request of the peace officer, and the specimen requires laboratory
260 analysis in order to obtain the test results, and if the test results
261 indicate that such person has an elevated blood alcohol content, the
262 peace officer, immediately upon receipt of the test results, shall notify
263 and submit to the commissioner the written report required pursuant
264 to subsection (c) of this section.

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

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

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

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

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

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

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

379 (j) Notwithstanding the provisions of subsections (b) to (i),
380 inclusive, of this section, any peace officer who obtains the results of a
381 chemical analysis of a blood sample taken from an operator of a vessel
382 involved in an accident who suffered or allegedly suffered physical
383 injury in such accident shall notify the commissioner and submit to the
384 commissioner a written report if such results indicate that at the time

385 of the alleged offense such person had an elevated blood alcohol
386 content, and if such person was arrested for a violation of subsection
387 (d) of section 15-133, as amended by this act, and sections 15-140l, as
388 amended by this act, and 15-140n, as amended by this act, in
389 connection with such accident. The report shall be made on a form
390 approved by the commissioner containing such information as the
391 commissioner prescribes and shall be subscribed and sworn under
392 penalty of false statement, as provided in section 53a-157b, by the
393 peace officer. The commissioner shall, after notice and an opportunity
394 for hearing, which shall be conducted in accordance with chapter 54,
395 suspend the safe boating certificate or certificate of personal watercraft
396 operation of such person for a period of up to ninety days, or, if such
397 person has previously had such person's operating privilege
398 suspended under this section, for a period up to one year. Each
399 hearing conducted under this section shall be limited to a
400 determination of the following issues: (1) Whether the peace officer
401 had probable cause to arrest the person for operating a vessel or
402 engaging in water skiing while under the influence of intoxicating
403 liquor or drugs, or both, or while such person has an elevated blood
404 alcohol content; (2) whether such person was placed under arrest; (3)
405 whether such person was operating the vessel or engaged in water
406 skiing; (4) whether the results of the analysis of the blood of such
407 person indicate that such person had an elevated blood alcohol
408 content; and (5) whether the blood sample was obtained in accordance
409 with conditions for admissibility as set forth in subsection (b) of
410 section 15-140r, as amended by this act. If, after such hearing, the
411 commissioner finds on any issue in the negative, the commissioner
412 shall not impose a suspension. The fees of any witness summoned to
413 appear at the hearing shall be the same as provided by the general
414 statutes for witnesses in criminal cases.

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

419 (l) The provisions of this section do not apply to any person whose
420 physical condition is such that, according to competent medical advice,
421 such test would be inadvisable.

422 (m) The state shall pay the reasonable charges of any physician who,
423 at the request of a municipal police department, takes a blood sample
424 for purposes of a test under the provisions of this section.

425 (n) For the purposes of this section, "elevated blood alcohol content"
426 means: (1) A ratio of alcohol in the blood of such person that is ten-
427 hundredths of one per cent or more of alcohol, by weight, (2) if such
428 person has been convicted of a violation of subsection (e) of section 15-
429 133, as amended by this act, a ratio of alcohol in the blood of such
430 person that is seven-hundredths of one per cent or more of alcohol, by
431 weight, or (3) if such person is under twenty-one years of age, a ratio
432 of alcohol in the blood of such person that is two-hundredths of one
433 per cent or more of alcohol, by weight.

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

436 Sec. 6. Section 15-140r of the general statutes is repealed and the
437 following is substituted in lieu thereof (*Effective October 1, 2002*):

438 [(a) In any criminal prosecution for violation of section 15-140l or
439 15-140n, subsection (a) of section 15-133 or]

440 (a) Except as provided in subsection (d) of this section, in any
441 criminal prosecution for the violation of: (1) Subsection (d) of section
442 15-133, as amended by this act; (2) sections 15-140l and 15-140n, as
443 amended by this act; and (3) subsection (b) of section 53-206d, evidence
444 respecting the amount of alcohol or drug in the defendant's blood or
445 urine at the time of the alleged offense, as shown by a chemical
446 analysis of the defendant's breath, blood or urine shall be admissible
447 and competent provided: [(1)] (A) The defendant was afforded a
448 reasonable opportunity to telephone an attorney prior to the

449 performance of the test and consented to the taking of the test upon
450 which such analysis is made; [(2)] (B) a true copy of the report of the
451 test result was mailed to or personally delivered to the defendant
452 within twenty-four hours or by the end of the next regular business
453 day, after such result was known, whichever is later; [(3)] (C) the test
454 was performed by or at the direction of [a] an authorized law
455 enforcement officer according to methods and with equipment
456 approved by the Department of Public Health and was performed [by
457 a person certified or recertified for such purpose by said department or
458 recertified by persons certified as instructors by the Commissioner of
459 Public Health. If a blood test is taken, it shall be on a blood sample
460 taken by a person licensed to practice medicine and surgery in this
461 state, a qualified laboratory technician, an emergency medical
462 technician II or a registered nurse; (4)] in accordance with the
463 regulations adopted under subsection (b) of this section; (D) the device
464 used for such test was checked for accuracy [at the beginning of each
465 workday and no later than the end of each workday by a person
466 certified by the Department of Public Health; (5)] in accordance with
467 the regulations adopted under subsection (b) of this section; (E) an
468 additional chemical test of the same type was performed [and the
469 device was checked for accuracy by a person certified or recertified by
470 the Department of Public Health,] at least thirty minutes after the
471 initial test was performed or, if requested by the peace officer for
472 reasonable cause, an additional chemical test of a different type was
473 performed to detect the presence of a drug or drugs other than or in
474 addition to alcohol, provided the results of the initial test shall not be
475 inadmissible under this subsection if reasonable efforts were made to
476 have such additional test performed in accordance with the conditions
477 set forth in this subsection and such additional test was not performed
478 or was not performed within a reasonable time, or the results of such
479 additional test are not admissible for failure to meet a condition set
480 forth in this subsection; and [(6)] (F) evidence is presented [which
481 demonstrates that the test results and the analysis thereof accurately
482 reflect] that the test was commenced within two hours of operation of
483 the vessel. In any prosecution under this section it shall be a rebuttable

484 presumption that the results of such chemical analysis establish the
485 ratio of alcohol in the blood of the defendant at the time of the alleged
486 offense, except that if the results of the additional test indicate that the
487 ratio of alcohol in the blood of such defendant is twelve-hundredths of
488 one per cent or less of alcohol, by weight, and is higher than the results
489 of the first test, evidence shall be presented that demonstrates that the
490 test results and the analysis thereof accurately indicate the blood
491 alcohol content at the time of the alleged offense.

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

510 (c) If a person is charged with a violation of subsection (d) of section
511 15-133, as amended by this act, the charge may not be reduced, nolle
512 or dismissed unless the prosecuting authority states in open court [his]
513 such prosecutor's reasons for the reduction, nolle or dismissal.

514 (d) In any criminal prosecution for a violation of subsection (d) of
515 section 15-133 or section 15-140l or 15-140n, as amended by this act,
516 evidence that the defendant refused to submit to a blood, breath or

517 urine test requested in accordance with section 15-140q, as amended
518 by this act, shall be admissible provided the requirements of
519 subsection (a) of said section have been satisfied. If a case involving a
520 violation of subsection (d) of section 15-133 or section 15-140l or 15-
521 140n, as amended by this act, is tried to a jury, the court shall instruct
522 the jury as to any inference that may or may not be drawn from the
523 defendant's refusal to submit to a blood, breath or urine test.

524 Sec. 7. Section 15-154 of the general statutes is repealed and the
525 following is substituted in lieu thereof (*Effective October 1, 2002*):

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

550 (b) When engaged in the enforcement of this chapter and chapter
551 446k such authorized law enforcement officer shall have the authority
552 to stop and board any vessel which is under way or which is moored
553 on the waters of this state for the purposes of (1) examining decals,
554 certificates and other documents, (2) inspecting safety equipment and
555 waste disposal systems, (3) determining if the operation of such vessel
556 exceeds the noise levels established in subsection (b) of section 15-129,
557 (4) searching when [he] such law enforcement officer has probable
558 cause to believe that any provision of any law of this state or any rule
559 or regulation of the Department of Environmental Protection relating
560 to boating or water pollution has been violated, (5) determining
561 compliance with [subsection (d)] sections 15-140l and 15-140n and
562 subsections (d) and (e) of section 15-133, as amended by this act, when
563 [he] such authorized law enforcement officer has probable cause to
564 believe said section or subsection has been violated, and (6) making
565 arrests. No person operating a vessel shall refuse to stop [his] such
566 vessel or, if sea conditions make stopping in that area unsafe, refuse to
567 take [his] such vessel to a designated area after being requested or
568 signalled to do so by an authorized law enforcement officer unless, in
569 the opinion of such operator, sea conditions make stopping in that area
570 unsafe. Any person operating a vessel who refuses to stop or refuses to
571 take [his] such vessel to the designated area shall have committed an
572 infraction. Any person, when signalled to stop by an authorized law
573 enforcement officer in a law enforcement vessel using an audible
574 signal device or flashing blue lights, who operates [his] such vessel in
575 disregard of such signal so as to (A) interfere with or endanger the
576 operation of the law enforcement vessel or any other vessel, (B)
577 endanger or cause damage to property or person, or (C) increase speed
578 in an attempt to escape or elude such authorized law enforcement
579 officer shall be fined not less than one hundred dollars nor more than
580 five hundred dollars for a first offense and for any subsequent offense
581 shall be fined not less than five hundred dollars nor more than one
582 thousand dollars. Proof of the registration number of the vessel shall
583 be prima facie evidence in any prosecution that the owner was the
584 operator.

585 (c) The Commissioner of Environmental Protection shall publish an
586 enforcement manual, conduct training and educational sessions, serve
587 as liaison between the enforcement groups and the Superior Court and
588 shall be generally responsible for the overall coordination of
589 enforcement.

590 Sec. 8. Subsection (a) of section 15-140e of the general statutes is
591 repealed and the following is substituted in lieu thereof (*Effective*
592 *October 1, 2002*):

593 (a) On and after the following dates, no resident of the state, person
594 owning real property in the state or person owning a vessel in the state
595 shall operate on the waters of the state a vessel which is required to be
596 registered or numbered pursuant to this chapter unless such person
597 has a valid vessel operator license by the United States Coast Guard or
598 has obtained a safe boating certificate issued by the Commissioner of
599 Environmental Protection: For operators who are less than twenty
600 years of age, June 23, 1993; for operators who are less than twenty-five
601 years of age, October 1, 1993; for operators who are less than thirty
602 years of age, October 1, 1994; for operators who are less than thirty-five
603 years of age, October 1, 1995; for operators who are less than forty
604 years of age, October 1, 1996; and for all operators forty years of age or
605 older, October 1, 1997. Notwithstanding the provisions of this section,
606 the commissioner may issue a certificate to a person who has
607 successfully completed a course in safe boating operation approved by
608 the commissioner before the date such person is required to take the
609 exam under this section. A safe boating certificate [shall be
610 nonrevocable] may be suspended or revoked, pursuant to this act, and
611 shall be valid for the life of the person to whom it is issued unless
612 otherwise suspended or revoked.

613 Sec. 9. Section 15-133c of the general statutes is repealed and the
614 following is substituted in lieu thereof (*Effective October 1, 2002*):

615 (a) On or before January 1, 1991, any person convicted of more than
616 one violation of section 15-133 or 15-134 within any two-year period

617 may not operate a motorboat powered by a motor in excess of five
618 horsepower on the waters of the state for recreational purposes
619 without first obtaining a boating safety certificate from the
620 commissioner evidencing successful completion of a course in safe
621 boat handling approved by the commissioner. The commissioner shall
622 adopt regulations in accordance with the provisions of chapter 54
623 establishing requirements for the issuance of boating safety certificates
624 and the content of safe boat handling courses which shall include but
625 not be limited to instruction in boat handling and navigation. The
626 commissioner may designate [as his] an agent for giving such course
627 and issuing such certificates: The United States Coast Guard Auxiliary,
628 the United States Power Squadron, or any other person or organization
629 [he] the commissioner deems qualified to act in such capacity.

630 (b) A certified copy of a conviction for a violation of section 15-133,
631 as amended by this act, [or] 15-134, 15-140l, as amended by this act, or
632 15-140n, as amended by this act, shall be sent within thirty days of
633 conviction to the Commissioner of Environmental Protection without
634 charge by the clerk of the court wherein such conviction has been had.

635 Sec. 10. Subsection (a) of section 14-227f of the general statutes is
636 repealed and the following is substituted in lieu thereof (*Effective*
637 *October 1, 2002*):

638 (a) Any person whose motor vehicle operator's license or
639 nonresident operating privilege is suspended under subsection (h) of
640 section 14-227a for a conviction of a second or subsequent violation of
641 subsection (a) of said section or under section 14-227b for a second or
642 subsequent time shall participate in a treatment program approved by
643 the Commissioner of Motor Vehicles. The commissioner shall not
644 reinstate the operator's license or nonresident operating privilege of
645 any such person until such person submits evidence to the
646 commissioner that [he] such person has satisfactorily completed the
647 treatment program. Any person whose certificate is suspended or
648 revoked pursuant to this act shall participate in such treatment
649 program.

650 Sec. 11. Subsection (k) of section 14-227a of the general statutes is
651 repealed and the following is substituted in lieu thereof (*Effective*
652 *October 1, 2002*):

653 (k) In addition to any fine or sentence imposed pursuant to the
654 provisions of subsection (h) of this section, the court may order such
655 person to participate in an alcohol education and treatment program.
656 The court may order any person whose certificate is suspended or
657 revoked, pursuant to this act, to participate in such alcohol education
658 and treatment program.

659 Sec. 12. Subsection (a) of section 54-56g of the general statutes is
660 repealed and the following is substituted in lieu thereof (*Effective*
661 *October 1, 2002*):

662 (a) There shall be a pretrial alcohol education system for persons
663 charged with a violation of section 14-227a and the provisions of this
664 act. Upon application by any such person for participation in such
665 system and payment to the court of an application fee of fifty dollars,
666 the court shall, but only as to the public, order the court file sealed,
667 provided such person states under oath, in open court or before any
668 person designated by the clerk and duly authorized to administer
669 oaths, under penalties of perjury that such person has never had such
670 system invoked in such person's behalf and that such person has not
671 been convicted of a violation of section 53a-56b or 53a-60d, a violation
672 of subsection (a) of section 14-227a before or after October 1, 1981, or a
673 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on
674 or after October 1, 1985, and that such person has not been convicted in
675 any other state at any time of an offense the essential elements of
676 which are substantially the same as section 53a-56b or 53a-60d or
677 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good
678 cause is shown, a person shall be ineligible for participation in such
679 pretrial alcohol education system if such person's alleged violation of
680 section 14-227a caused the serious physical injury, as defined in section
681 53a-3, of another person. The fee imposed by this subsection shall be
682 credited to the Criminal Injuries Compensation Fund established by

683 section 54-215.

684 Sec. 13. Section 15-140j of the general statutes is amended by adding
685 subsection (h) as follows (*Effective October 1, 2002*):

686 (NEW) (h) A certificate of personal watercraft operation may be
687 suspended or revoked in accordance with the provisions of this act.

688 Sec. 14. (NEW) (*Effective October 1, 2002*) Any vessel engaged in
689 towing upon the waters of the state shall have a minimum of two
690 persons aboard such vessel, one of whom shall act as a spotter for such
691 towing operation. Any towline measuring twenty-five feet or more in
692 length shall have attached to such line fluorescent orange flags, spaced
693 one at each five-foot increment of such line.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>

ENV

Joint Favorable Subst. C/R

JUD