



General Assembly

Amendment

January Session, 2003

LCO No. 6718

SB0086306718SD0

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. LOONEY, 11th Dist.
SEN. WILLIAMS, 29th Dist.
SEN. PETERS, 20th Dist.

To: Subst. Senate Bill No. 863

File No. 589

Cal. No. 358

"AN ACT CONCERNING BOATING SAFETY."

1 Strike lines 92 to 97, inclusive, in their entirety and renumber the
2 remaining subsection accordingly

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Section 15-129 of the general statutes is repealed and the
6 following is substituted in lieu thereof (*Effective October 1, 2003*):

7 (a) The provisions of this section shall apply to vessels operated on
8 state and federal waters. (1) Every vessel shall carry for each person on
9 board, so placed as to be readily accessible, at least one buoyant
10 personal flotation device. The operator or owner of any vessel being
11 used for recreational purposes, other than a vessel required to have a
12 certificate of inspection issued by the Coast Guard, shall require any

13 child under twelve years of age who is aboard such vessel to wear a
14 personal flotation device while such vessel is underway unless the
15 child is below deck or in an enclosed cabin. Sailboards shall be exempt
16 from carrying a personal flotation device if the mast of the sailboard is
17 secured to the hull by a leash or safety line. (2) Every motorboat with
18 enclosed fuel storage space or an enclosed engine compartment shall
19 be equipped with devices for ventilating flammable or explosive gases.
20 (3) Every motorboat with a carbureted inboard engine shall have the
21 carburetor of such engine equipped with a flame arrestor or backfire
22 trap unless such engine is mounted in the aftermost part of the vessel
23 with no provisions for carrying passengers behind the forward edge of
24 the engine and the carburetor of such engine has its intake opening
25 above the gunwale line of the vessel in the open atmosphere and
26 mounted so backfire flames are directed to the rear or vertically away
27 from the vessel and its occupants. (4) Every motorboat shall have its
28 engine equipped with an effective muffling device. (5) All inboard
29 motorboats, all outboard motorboats twenty-six feet or over in length,
30 and all outboard motorboats less than twenty-six feet in length which
31 have a compartment in which gases may accumulate, shall be
32 equipped with a fire extinguisher. (6) Every motorboat sixteen feet or
33 more in length shall be equipped with a whistle or horn-type sound-
34 producing device capable of producing a blast of two seconds or more
35 in duration. On motorboats sixteen feet or more but less than twenty-
36 six feet in length such device shall be mouth, hand or power-operated
37 and audible for at least one-half mile. On motorboats twenty-six feet or
38 more but less than forty feet in length such device shall be hand or
39 power-operated and audible for at least one mile. On motorboats forty
40 feet or more but less than sixty-five feet in length such device shall be
41 power-operated and audible for at least one mile. Every motorboat
42 twenty-six feet or more in length shall be equipped with a bell capable
43 of producing a clear bell-like tone of full round characteristics. (7)
44 Every vessel operated on the waters of Long Island Sound or Fishers
45 Island Sound between sunset and sunrise shall carry visual distress
46 signals suitable for night use. Every vessel sixteen feet or more in
47 length, except manually propelled vessels and open sailboats that are

48 less than twenty-six feet in length, and are not equipped with
49 propulsion machinery, operated on the waters of Long Island Sound or
50 Fishers Island Sound at any time shall carry visual distress signals
51 suitable for day and night use. No person, operator or owner in a
52 vessel shall display or allow the display of a visual distress signal
53 except when assistance is needed because of immediate or potential
54 danger to persons aboard.

55 (b) No person shall operate or give permission for the operation of
56 any motorboat on the waters of this state unless such motorboat is at
57 all times equipped with a muffler which enables such motorboat to be
58 operated in compliance with subsections (c) and (d) of this section and
59 such muffler is in use. For purposes of this section "muffler" means a
60 sound suppression device or system designed and installed to abate
61 the sound of exhaust gases emitted from an internal combustion
62 engine.

63 (c) No person shall operate or give permission for the operation of
64 any motorboat on the waters of this state in such a manner as to exceed
65 the following noise levels: (1) For engines manufactured before
66 January 1, 1993, a noise level of 90 dB(A) when subjected to a
67 stationary sound level test as prescribed by Society of Automotive
68 Engineers Specification Number J2005; (2) for engines manufactured
69 on or after January 1, 1993, a noise level of 88 dB(A) when subjected to
70 a stationary sound level test as prescribed by Society of Automotive
71 Engineers Specification Number J2005. If a motorboat is equipped with
72 more than one engine, the said noise levels shall apply when all such
73 engines are simultaneously in operation.

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

78 (e) Any officer authorized to enforce the provisions of this chapter
79 who has reason to believe that a motorboat is being operated in excess

80 of the noise levels established in subsection (c) or (d) of this section
81 may request the operator of such motorboat to submit the motorboat
82 to an on-site test to measure noise levels, with the officer on board
83 such motorboat if such officer chooses, and the operator shall comply
84 with such request. If such motorboat exceeds the noise levels
85 established in subsection (c) or (d) of this section, the officer may direct
86 the operator to take immediate and reasonable measures to correct the
87 violation, including returning the motorboat to a mooring and keeping
88 the motorboat at such mooring until the violation is corrected or
89 ceases.

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

95 [(g) No person shall operate or give permission for the operation of
96 any motorboat on the waters of this state that is equipped with a
97 muffler cutout, bypass or similar device which prevents the proper
98 operation of or diminishes the operating capacity of the muffler.]

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

102 [(i)] (h) No person shall sell or offer for sale any motorboat which is
103 not equipped with a muffler which enables such motorboat to be
104 operated in compliance with subsections (c) and (d) of this section.
105 This subsection shall not apply to the sale or offer for sale of a
106 motorboat which will be operated solely for the purpose of competing
107 in marine races or regattas, provided upon the sale of a motorboat
108 which is not equipped with such a muffler, the seller shall provide to
109 the purchaser, and the purchaser shall date and sign, the following
110 statement: "I understand that this motorboat may not be operated for
111 any purposes other than competing in a marine race or regatta

112 authorized under section 15-140b of the Connecticut general statutes".
113 Such statement shall include the hull identification number of the
114 motorboat being purchased. Not later than five days after the sale, the
115 seller shall submit to the commissioner a copy of such signed and
116 dated statement. The seller and purchaser shall each retain a copy of
117 the statement.

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

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

124 [(l)] (k) Sirens shall not be used on any vessel except that law
125 enforcement vessels of the United States, this state or a political
126 subdivision of this state may use sirens when engaged in law
127 enforcement activities or when identification is necessary for safety
128 reasons. Any vessel may be equipped with a theft alarm signal device
129 if such device is so designed that it cannot be used as an ordinary
130 warning signal.

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