



General Assembly

February Session, 2004

Raised Bill No. 444

LCO No. 1813

01813_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING PENALTIES FOR BOATING LAW VIOLATIONS.

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

1 Section 1. Section 15-156 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) Any person who violates any provision of this part for which a
4 penalty is not provided shall have committed an infraction.

5 (b) No person to whom a safe boating certificate or certificate of
6 personal watercraft operation has been refused, or whose certificate or
7 right to operate a vessel in this state is under suspension or revocation
8 shall operate any vessel during the period of such refusal, suspension
9 or revocation. No person shall operate or cause to be operated any
10 vessel, the registration of which has been suspended or revoked.

11 (c) Except as provided in subsection (d) of this section, any person
12 who violates any provision of subsection (b) of this section shall be
13 fined not less than one hundred fifty dollars nor more than two
14 hundred dollars or imprisoned more than ninety days, or both, for the

15 first offense, and for any subsequent offense, shall be fined not less
16 than two hundred dollars nor more than six hundred dollars or
17 imprisoned not more than one year, or both.

18 [(b)] (d) Any person who operates a vessel when such person's safe
19 boating certificate or certificate of personal watercraft operation or
20 right to operate a vessel in this state is under suspension or revocation
21 due to a violation of subsection (d) of section 15-133, as amended, shall
22 be fined not less than five hundred dollars nor more than one
23 thousand dollars and imprisoned not more than one year. In the
24 absence of any mitigating circumstances, as determined by the court,
25 thirty consecutive days of the sentence imposed may not be suspended
26 or reduced in any manner. The court shall specifically state in writing
27 for the record any mitigating circumstances, or the absence thereof.
28 Any person convicted of reckless operation of a vessel in the first or
29 second degree while under the influence of intoxicating liquor or any
30 drug, or both, in violation of section 15-140l, as amended, or 15-140n,
31 as amended, who operates a vessel when such person's safe boating
32 certificate or certificate of personal watercraft operation or right to
33 operate a vessel in this state is under suspension or revocation, in
34 addition to any penalties imposed in accordance with said sections or
35 section 15-140o, as amended, [may be prohibited by the] shall be fined
36 not less than five hundred dollars nor more than one thousand dollars
37 and imprisoned not more than one year. In the absence of any
38 mitigating circumstances, as determined by the court, thirty
39 consecutive days of the sentence imposed may not be suspended or
40 reduced in any manner. The court shall specifically state in writing for
41 the record any mitigating circumstances, or the absence thereof. A
42 court having jurisdiction of such violation may prohibit such person
43 from operating any vessel on any waters of this state for a period of
44 not more than two years. Notice of such suspension shall be
45 transmitted forthwith by the court to the Commissioner of
46 Environmental Protection and the Commissioner of Motor Vehicles.
47 [Any person who operates a vessel in violation of such a prohibition
48 shall be fined two hundred dollars.]

49 Sec. 2. Section 15-154 of the general statutes, as amended by section
50 7 of public act 03-244, is repealed and the following is substituted in
51 lieu thereof (*Effective October 1, 2004*):

52 (a) Any harbor master, deputy harbor master, conservation officer,
53 special conservation officer or state police officer and any municipal
54 police officer, any special police officer appointed under sections 29-18
55 and 29-19, any town marine officers appointed under section 15-154a
56 and certified by the commissioner for marine police duty and any lake
57 patrolman appointed under section 7-151b may enforce the provisions
58 of this chapter and chapter 446k, except that only peace officers shall
59 enforce the provisions of subsection (d) of section [15-33] 15-133, as
60 amended, and sections 15-140l, as amended, and 15-140n, as amended.
61 In the enforcement of this chapter, such officer may arrest, without
62 previous complaint and warrant, any person who fails to comply with
63 the provisions of this chapter. Failure to appear in court pursuant to
64 such arrest, unless excused by the court or the state's attorney or
65 assistant state's attorney, shall constitute sufficient cause for the
66 suspension by the Commissioner of Motor Vehicles of the boat
67 registration of the boat involved for not more than thirty days or until
68 the matter is resolved by the court, whichever is sooner.

69 (b) When engaged in the enforcement of this chapter and chapter
70 446k such officer shall have the authority to stop and board any vessel
71 which is under way or which is moored on the waters of this state for
72 the purposes of (1) examining decals, certificates and other documents,
73 (2) inspecting safety equipment and waste disposal systems, (3)
74 determining if the operation of such vessel exceeds the noise levels
75 established in subsection (b) of section 15-129, (4) searching when such
76 officer has probable cause to believe that any provision of any law of
77 this state or any rule or regulation of the Department of Environmental
78 Protection relating to boating or water pollution has been violated, (5)
79 determining compliance with sections 15-140l, as amended, and 15-
80 140n, as amended, and subsections (d) and (e) of section 15-133, as
81 amended, when such authorized officer has probable cause to believe

82 said section or subsection has been violated, and (6) making arrests.

83 (c) No person operating a vessel shall refuse to stop such vessel or,
84 if sea conditions make stopping in that area unsafe, refuse to take such
85 vessel to a designated area after being requested or signalled to do so
86 by such officer. Any person operating a vessel who refuses to stop or
87 refuses to take such vessel to the designated area shall have committed
88 an infraction. Any person, when signalled to stop by such officer in a
89 law enforcement vessel using an audible signal device or flashing blue
90 lights, who operates such vessel in disregard of such signal so as to (A)
91 interfere with or endanger the operation of the law enforcement vessel
92 or any other vessel, (B) endanger or cause damage to property or
93 person, or (C) increase or maintain speed in an attempt to escape or
94 elude such law enforcement officer shall be [fined not less than one
95 hundred dollars nor more than five hundred dollars] guilty of a class
96 A misdemeanor for a first offense, [and for] except that if such person
97 causes the death of another person or injury to another person that
98 requires medical attention, such person shall be guilty of a class D
99 felony and shall have his or her safe boating certificate or certificate of
100 personal watercraft operation or right to operate a vessel suspended
101 for one year. For any subsequent offense, such person shall be [fined
102 not less than five hundred dollars nor more than one thousand dollars]
103 guilty of a class D felony, except that if such person causes the death of
104 another person or injury to another person that requires medical
105 attention, such person shall be guilty of a class D felony for which one
106 year of the sentence may not be suspended or reduced and such
107 person shall have his or her safe boating certificate or certificate of
108 personal watercraft operation or right to operate a vessel suspended
109 for not less than eighteen months nor more than two years. Proof of
110 the registration number of the vessel shall be prima facie evidence in
111 any prosecution that the owner was the operator.

112 [(c)] (d) The Commissioner of Environmental Protection shall
113 publish an enforcement manual, conduct training and educational
114 sessions, serve as liaison between the enforcement groups and the

115 Superior Court and shall be generally responsible for the overall
116 coordination of enforcement.

117 Sec. 3. Section 15-149a of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective October 1, 2004*):

119 (a) Any person operating a vessel upon the waters of this state
120 which vessel is in any manner involved in an accident in which any
121 person dies, is injured so as to require medical attention, or disappears,
122 shall immediately notify the Department of Environmental Protection
123 State Environmental Conservation Police or the nearest law
124 enforcement agency and, within forty-eight hours after such accident,
125 report the matter in writing to the Commissioner of Environmental
126 Protection. The report shall be on a form prescribed by the
127 commissioner and shall state as accurately as possible the time, place
128 and cause of such accident, the injuries occasioned by the accident and
129 any other facts the commissioner deems necessary. If such operator is
130 physically incapable of notifying the nearest law enforcement agency
131 or of making such report and there is another participant or passenger
132 in the accident not incapacitated, such participant or passenger shall
133 immediately notify the Department of Environmental Protection State
134 Environmental Conservation Police or the nearest law enforcement
135 agency and make the report to the commissioner within forty-eight
136 hours after such accident. Any person operating a vessel upon the
137 waters of this state which is in any manner involved in an accident [in
138 which] that results in any damage to property shall immediately notify
139 the Department of Environmental Protection State Environmental
140 Conservation Police or the nearest law enforcement agency. In any
141 case where the total damages to all property affected by such accident,
142 including property of such operator, is in excess of five hundred
143 dollars, such person shall, within five days after such accident, report
144 the matter in writing to the commissioner on such forms as said
145 commissioner may prescribe. If there is no person other than the
146 owner capable of making such report or if the report has not been
147 submitted and the owner of such vessel is not incapacitated, such

148 owner shall, within five days after learning of the facts of such
149 accident, report the matter to the commissioner, on such forms as said
150 commissioner may prescribe. Any such operator of a vessel, or
151 surviving participant or passenger in any such accident, or the owner
152 of the vessel involved in any such accident, shall provide any other
153 information or additional report as the commissioner shall require.
154 [Failure of any] Any person who fails to comply with any provision of
155 this subsection shall be [an infraction] fined not less than seventy-five
156 dollars nor more than six hundred dollars or be imprisoned not more
157 than one year, or both.

158 (b) Except in an emergency, no vessel towboat operator who for a
159 fee or other compensation conducts vessel towing services for
160 recreational boaters shall take under tow any vessel which has been
161 involved in a boating accident or has been abandoned without first
162 notifying federal, state or municipal law enforcement authorities and
163 the owner of the vessel. In the event circumstances are such that the
164 vessel should be immediately towed to safety to prevent loss of the
165 vessel or injury to passengers, the towboat operator shall immediately
166 notify such authorities upon reaching safe harbor. Failure to notify law
167 enforcement authorities and the vessel owner as required by the
168 provisions of this subsection shall be an infraction.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>

Statement of Purpose:

To strengthen boating enforcement laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]