



General Assembly

January Session, 2005

Raised Bill No. 6760

LCO No. 3184

03184_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING BOATING SAFETY.

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 Section 15-156 of the general statutes is repealed and the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, 2005*):

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 has been suspended or revoked,
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 finned not less than one hundred fifty dollars or more than two
14 hundred dollars or imprisoned not more than ninety days, or be both
15 finned and imprisoned for the first offense, and for any subsequent

16 offense shall be fined not less than two hundred dollars or more than
17 six hundred dollars or imprisoned not more than one year, or be both
18 fined and imprisoned.

19 [(b)] (d) (1) Any person who operates any vessel during the period
20 such person's certificate or right to operate a vessel in this state is
21 under suspension or revocation on account of a violation of subsection
22 (d) of section 15-133 or subsection (c) of section 15-154, as amended by
23 this act, shall be fined not less than five hundred dollars or more than
24 one thousand dollars and imprisoned not more than one year. In the
25 absence of any mitigating circumstances, as determined by the court,
26 thirty consecutive days of the sentence imposed may not be suspended
27 or reduced in any manner. The court shall specifically state, in writing,
28 for the record the mitigating circumstances, or the absence thereof.

29 (2) Any person convicted of reckless operation of a vessel in the first
30 or second degree while under the influence of intoxicating liquor or
31 any drug, or both, in violation of section 15-140l or 15-140n, who
32 operates a vessel during the period such person's certificate 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, shall be fined not less than five hundred dollars or
36 more than one thousand dollars and imprisoned not more than one
37 year. In the absence of any mitigating circumstances as determined by
38 the court, thirty consecutive days of the sentence imposed may not be
39 suspended or reduced in any manner. The court shall specifically state,
40 in writing, for the record any mitigating circumstances, or the absence
41 thereof.

42 (3) A court having jurisdiction of a violation of subdivision (1) or (2)
43 of this subsection may [be prohibited by the court having jurisdiction
44 of such violation] prohibit such person from operating any vessel on
45 any waters of this state for a period of not more than two years. Notice
46 of such suspension shall be transmitted forthwith by the court to the
47 Commissioner of Environmental Protection and the Commissioner of

48 Motor Vehicles. [Any person who operates a vessel in violation of such
49 a prohibition shall be fined two hundred dollars.]

50 (e) Any person who has had a safe boating certificate or certificate of
51 personal watercraft operation suspended or revoked under subsection
52 (d) of section 15-133, section 15-140l or 15-140n or section 15-154, as
53 amended by this act, shall, not later than two business days after the
54 suspension or revocation takes effect, return the certificate to the
55 commissioner. If such person fails to return the certificate to the
56 commissioner, the commissioner shall direct a conservation law
57 enforcement officer to secure possession thereof and to return the
58 certificate to the office of the commissioner. Failure of such person to
59 return the certificate shall be an infraction.

60 Sec. 2. Section 15-154 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2005*):

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

79 (b) When engaged in the enforcement of this chapter and chapter

80 446k, such officer shall have the authority to stop and board any vessel
81 which is under way or which is moored on the waters of this state for
82 the purposes of (1) examining decals, certificates and other documents,
83 (2) inspecting safety equipment and waste disposal systems, (3)
84 determining if the operation of such vessel exceeds the noise levels
85 established in subsection (b) of section 15-129, (4) searching when such
86 officer has probable cause to believe that any provision of any law of
87 this state or any rule or regulation of the Department of Environmental
88 Protection relating to boating or water pollution has been violated, (5)
89 determining compliance with sections 15-140l and 15-140n and
90 subsections (d) and (e) of section 15-133, when such authorized officer
91 has probable cause to believe said section or subsection has been
92 violated, and (6) making arrests.

93 (c) No person operating a vessel shall refuse to stop such vessel or,
94 if sea conditions make stopping in that area unsafe, refuse to take such
95 vessel to a designated area after being requested or signalled to do so
96 by such officer. Any person operating a vessel who refuses to stop or
97 refuses to take such vessel to the designated area shall have committed
98 an infraction. Any person, when signalled to stop by such officer in a
99 law enforcement vessel using an audible signal device or flashing blue
100 lights, who operates such vessel in disregard of such signal so as to
101 [(A)] (1) interfere with or endanger the operation of the law
102 enforcement vessel or any other vessel, [(B)] (2) endanger or cause
103 damage to property or person, or [(C)] (3) increase or maintain speed
104 in an attempt to escape or elude such law enforcement officer shall [be
105 fined not less than one hundred dollars or more than five hundred
106 dollars] be guilty of a class A misdemeanor for a first offense, [and for]
107 except that, if such violation causes the death of another person or
108 injury to another person that requires medical attention, such vessel
109 operator shall be guilty of a class D felony, and such operator's safe
110 boating certificate, certificate of personal watercraft operation or right
111 to operate a vessel that requires a certificate shall be suspended for one
112 year. For any subsequent offense such person shall be [fined not less
113 than five hundred dollars or more than one thousand dollars] guilty of

114 a class D felony, except that if such person causes the death of another
115 person or injury to another person that requires medical attention,
116 such person shall be guilty of a class D felony, for which one year of
117 the sentence imposed may not be suspended or reduced by the court,
118 and shall have such person's safe boating certificate, certificate of
119 personal watercraft operation or right to operate a vessel that requires
120 a certificate suspended for not less than eighteen months or more than
121 two years. Proof of the registration number of the vessel shall be prima
122 facie evidence in any prosecution that the owner was the operator.

123 [(c)] (d) The Commissioner of Environmental Protection shall
124 publish an enforcement manual, conduct training and educational
125 sessions, serve as liaison between the enforcement groups and the
126 Superior Court and shall be generally responsible for the overall
127 coordination of enforcement.

128 Sec. 3. Section 15-149a of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective October 1, 2005*):

130 (a) Any person operating a vessel upon the waters of this state
131 which vessel is in any manner involved in an accident in which any
132 person dies, is injured so as to require medical attention, or disappears,
133 shall immediately notify the nearest law enforcement agency having
134 jurisdiction over such accident and, [within] not later than forty-eight
135 hours after such accident, report the matter in writing to the
136 Commissioner of Environmental Protection. The report shall be on a
137 form prescribed by the commissioner and shall state as accurately as
138 possible the time, place and cause of such accident, the injuries
139 occasioned by the accident and any other facts the commissioner
140 deems necessary. If such operator is physically incapable of notifying
141 the nearest law enforcement agency or of making such report and
142 there is another participant or passenger in the accident not
143 incapacitated, such participant or passenger shall immediately notify
144 the nearest law enforcement agency having jurisdiction over such
145 accident and make the report to the commissioner [within] not later

146 than forty-eight hours after such accident. Any person operating a
147 vessel upon the waters of this state which is in any manner involved in
148 an accident [in which] that results in any damage to property shall
149 immediately notify the nearest law enforcement agency having
150 jurisdiction over such accident. In any case where the total damages to
151 all property affected by such accident, including property of such
152 operator, is in excess of five hundred dollars, such person shall,
153 [within] not later than five days after such accident, report the matter
154 in writing to the commissioner on such forms as said commissioner
155 may prescribe. If there is no person other than the owner capable of
156 making such report or if the report has not been submitted and the
157 owner of such vessel is not incapacitated, such owner shall, [within]
158 not later than five days after learning of the facts of such accident,
159 report the matter to the commissioner, on such forms as said
160 commissioner may prescribe. Any such operator of a vessel, or
161 surviving participant or passenger in any such accident, or the owner
162 of the vessel involved in any such accident, shall provide any other
163 information or additional report as the commissioner shall require.
164 [Failure of any] Any person who fails to comply with any provision of
165 this subsection shall be [an infraction] fined not less than seventy-five
166 dollars or more than six hundred dollars or be imprisoned not more
167 than one year, or both.

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

179 Sec. 4. Section 15-143 of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective October 1, 2005*):

181 (a) Vessels of the following classes are not required to be numbered
182 or display a Connecticut registration decal by this state: (1) Motorboats
183 which have a valid marine document issued by the United States Coast
184 Guard, provided the owner of any such vessel used upon the waters of
185 this state for more than sixty days in any calendar year shall be
186 required to comply with the registration requirements in section 15-
187 144; (2) vessels owned in countries other than the United States
188 temporarily using the waters of the state; (3) vessels owned by the
189 United States, a state or a political subdivision of a state which are
190 used in the performance of governmental functions; (4) vessels used
191 exclusively as ships' lifeboats; (5) vessels belonging to any class which
192 the Commissioner of Environmental Protection exempts upon finding
193 that the numbering of such vessels does not materially aid in their
194 identification; provided, the commissioner shall not exempt any such
195 class of vessels which is subject to the provisions of the federal Boat
196 Safety Act of 1971 and which has not been exempted therefrom under
197 the provisions of Subsection (b) of Section 19 of said act; (6) vessels
198 principally used in another state for which valid, effective certificates
199 of number were awarded by the United States or by such other state
200 pursuant to the provisions of the federal Boat Safety Act of 1971;
201 provided, the owner of a vessel used upon the waters of this state for
202 more than sixty days in any calendar year shall be required to comply
203 with the registration requirements in section 15-144. The following are
204 prima facie evidence that a vessel will be operated on the waters of this
205 state for more than sixty days in any calendar year and must be
206 registered pursuant to section 15-144: (A) The rental or lease for more
207 than sixty days of a mooring facility for the vessel when such facility is
208 located on the waters of this state; (B) the purchase of a mooring
209 facility for the vessel when such facility is located on the waters of this
210 state; or (C) any other contractual agreement for a duration of more
211 than sixty days that allows the use of a mooring facility for the vessel
212 when such facility is located on the waters of this state; and (7) any

213 vessel less than nineteen and one-half feet in length which is not a
214 motorboat as defined in section 15-141, as amended by this act, and
215 any vessel propelled solely by oar or paddle.

216 (b) Vessels, the sale or transfer of which is subject to the provisions
217 of Section 37 of the Shipping Act, 1916, shall be numbered by this state
218 only when such sale or transfer is approved by the United States
219 Maritime Administration.

220 Sec. 5. Section 15-127 of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective October 1, 2005*):

222 As used in this part unless the context otherwise requires:
223 "Commissioner" means the Commissioner of Environmental
224 Protection; "federal waters" means the navigable waters of the United
225 States within the territorial limits of the state; "state waters" means all
226 waters within the territorial limits of the state except federal waters;
227 "vessel" means every description of watercraft, other than a seaplane
228 on water, used or capable of being used as a means of transportation
229 on water; "motorboat" means any vessel, not more than sixty-five feet
230 in length and propelled by machinery, whether or not such machinery
231 is the principal source of propulsion; "sailboat" means any vessel
232 propelled by sail alone; "sailboard" means any sailboat whose
233 unsupported mast is connected by a swivel or a flexible universal joint
234 to a hull similar to the hull of a surfboard; "water-skiing" includes
235 aquaplaning, towing of any person behind a vessel under power and
236 similar forms of activity; "operate" means to navigate, steer or
237 [otherwise use] maintain physical control of a vessel; a vessel is "under
238 way" when it is not moored, anchored, made fast to the shore or
239 aground; "person" means any individual, partnership, firm,
240 association, limited liability company, corporation or other entity;
241 "town" includes city, town, borough and any other political
242 subdivision of the state; "masthead light" means a white light placed
243 over the fore and aft centerline of the vessel aft of and higher than the
244 side lights and forward of the stern light showing an unbroken light

245 over an arc of the horizon of 225 degrees and so fixed as to show the
246 light from right ahead to 22.5 degrees abaft the beam on either side of
247 the vessel; "side light" means a green light on the starboard side or a
248 red light on the port side, placed forward of the stern light and as near
249 as practicable to the bow of the vessel, each showing an unbroken light
250 over an arc of the horizon of 112.5 degrees and so fixed as to show the
251 light from right ahead to 22.5 degrees abaft the beam on its respective
252 side, except that on a vessel of less than twenty meters in length the
253 side lights may be combined in one lantern carried on the fore and aft
254 centerline of the vessel; "stern light" means a white light placed as near
255 as practicable to the stern showing an unbroken light over an arc of the
256 horizon of 135 degrees and so fixed as to show the light 67.5 degrees
257 from right aft on each side of the vessel; "all-around light" means a
258 light showing an unbroken light over an arc of the horizon 360
259 degrees; "anchor light" means an all-around white light exhibited
260 forward and displayed where it can best be seen, and "international
261 regulations" means the International Regulations for Preventing
262 Collisions at Sea, 1972, including annexes currently in force for the
263 United States.

264 Sec. 6. Section 15-141 of the general statutes is repealed and the
265 following is substituted in lieu thereof (*Effective October 1, 2005*):

266 As used in this part, unless the context otherwise requires:
267 "Commissioner" means the Commissioner of Environmental
268 Protection; "vessel" means every description of watercraft, other than a
269 seaplane on water, used or capable of being used as a means of
270 transportation on water, exclusive of any such watercraft used
271 primarily for purposes of transporting commercial cargo; "motorboat"
272 means any watercraft fitted with propulsion machinery, whether or
273 not such machinery is the principal source of propulsion; "horsepower"
274 means the rated brake horsepower of an engine at maximum operating
275 revolutions per minute; "operate" means to navigate, steer or
276 [otherwise use] maintain physical control of a vessel; "person" means
277 any individual, partnership, firm, association, limited liability

278 company, corporation or other entity; "owner" means a person, other
 279 than a lien holder, having property in or title to a vessel. The term
 280 includes a person entitled to use or possession of a vessel subject to an
 281 interest in another person reserved or created by agreement and
 282 securing payment or performance of an obligation, but the term
 283 excludes a lessee under a lease not intended as security; "mooring
 284 facility" means a structure that includes, but is not limited to, slips,
 285 docks, dry storage or permanently or seasonally anchored mooring
 286 buoys designed to make fast a vessel by chains or lines; "marine
 287 dealer" means a person engaged in the business of manufacturing,
 288 selling or repairing new or used vessels having an established place of
 289 business for the sale, trade, display or repair of motorboats; "marine
 290 engine manufacturer" means a person engaged in the business of
 291 manufacturing, selling or repairing marine engines having an
 292 established place of business for the sale, trade, display or repair of
 293 marine engines; "marine engine" means an engine manufactured for
 294 use or used in vessels; "federal Boat Safety Act of 1971" means an Act
 295 of Congress approved August 10, 1971, Public Law 92-75.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	15-156
Sec. 2	<i>October 1, 2005</i>	15-154
Sec. 3	<i>October 1, 2005</i>	15-149a
Sec. 4	<i>October 1, 2005</i>	15-143
Sec. 5	<i>October 1, 2005</i>	15-127
Sec. 6	<i>October 1, 2005</i>	15-141

Statement of Purpose:

To prohibit the operation of a vessel while the operator's safe boating or personal watercraft certificate is suspended or revoked, to establish a penalty for evading a law enforcement officer while operating a vessel, to require persons involved in boating accidents involving property damage to notify local law enforcement agencies, to clarify factors determining whether a vessel has been operated in state waters for more than sixty consecutive days for registration purposes and to clarify the definition of vessel operation.

[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.]