



General Assembly

February Session, 2006

Raised Bill No. 5566

LCO No. 2175

02175 _____ 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 15-129 of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) [The provisions of this section shall apply to vessels] Vessels
5 operated on state and federal waters shall comply with the following
6 federal and state requirements, which are incorporated by reference
7 herein, regarding safety and equipment. (1) Every vessel shall [carry
8 for each person on board, so placed as to be readily accessible, at least
9 one buoyant personal flotation device. The operator or owner of any
10 vessel being used for recreational purposes, other than a vessel
11 required to have a certificate of inspection issued by the Coast Guard,
12 shall require any child under twelve years of age who is aboard such
13 vessel to wear a personal flotation device while such vessel is
14 underway unless the child is below deck or in an enclosed cabin]
15 comply with the requirements of 33 CFR 175.11 to 175.25, inclusive, as
16 amended from time to time, regarding the number and type of
17 personal flotation devices required to be onboard the vessel, including

18 requirements regarding children and the use of personal flotation
19 devices. Sailboards shall be exempt from carrying a personal flotation
20 device if the mast of the sailboard is secured to the hull by a leash or
21 safety line. (2) Every motorboat with enclosed fuel storage space or an
22 enclosed engine compartment shall [be equipped with devices for
23 ventilating flammable or explosive gases] comply with the
24 requirements of 46 CFR Subpart 25.40 and 33 CFR 175.201, as amended
25 from time to time, regarding ventilation. (3) Every motorboat with a
26 carbureted inboard engine shall [have the carburetor of such engine
27 equipped with a flame arrestor or backfire trap unless such engine is
28 mounted in the aftermost part of the vessel with no provisions for
29 carrying passengers behind the forward edge of the engine and the
30 carburetor of such engine has its intake opening above the gunwale
31 line of the vessel in the open atmosphere and mounted so backfire
32 flames are directed to the rear or vertically away from the vessel and
33 its occupants] comply with the requirements of 46 CFR Subpart 25.35,
34 as amended from time to time, regarding backfire flame controls. (4)
35 Every motorboat shall have its engine equipped with an effective
36 muffler or muffler system. (5) All [inboard motorboats, all outboard
37 motorboats twenty-six feet or over in length, and all outboard
38 motorboats less than twenty-six feet in length which have a
39 compartment in which gases may accumulate, shall be equipped with
40 a fire extinguisher] motorboats shall comply with the requirements of
41 46 CFR Subpart 25.30, as amended from time to time, regarding fire
42 extinguishers. (6) Every motorboat [sixteen feet or more in length shall
43 be equipped with a whistle or horn-type sound-producing device
44 capable of producing a blast of two seconds or more in duration. On
45 motorboats sixteen feet or more but less than twenty-six feet in length
46 such device shall be mouth, hand or power-operated and audible for at
47 least one-half mile. On motorboats twenty-six feet or more but less
48 than forty feet in length such device shall be hand or power-operated
49 and audible for at least one mile. On motorboats forty feet or more but
50 less than sixty-five feet in length such device shall be power-operated
51 and audible for at least one mile. Every motorboat twenty-six feet or

52 more in length shall be equipped with a bell capable of producing a
53 clear bell-like tone of full round characteristics] shall comply with the
54 requirements of 33 USC 2032 to 2037, inclusive, as amended from time
55 to time and 33 CFR Part 86, as amended from time to time regarding
56 sound signal appliances. (7) Every vessel operated on the waters of
57 Long Island Sound or Fishers Island Sound between sunset and
58 sunrise shall [carry] comply with the requirements of 33 USC 2037, as
59 amended from time to time, 33 CFR Part 87, as amended from time to
60 time, and 33 CFR 175.101 to 175.135, inclusive, as amended from time
61 to time, regarding the visual distress signals [suitable] required for
62 night use. Every vessel [sixteen feet or more in length, except manually
63 propelled vessels and open sailboats that are less than twenty-six feet
64 in length, and are not equipped with propulsion machinery,] operated
65 on the waters of Long Island Sound or Fishers Island Sound at any
66 time shall [carry visual distress signals suitable for day and night use.
67 No] comply with the visual distress signal requirements of 33 USC
68 2037, as amended from time to time, 33 CFR Part 87, as amended from
69 time to time, and 33 CFR 175.101 to 175.135, inclusive, as amended
70 from time to time, unless specifically exempted therefrom. Every
71 person, operator [or] and owner in a vessel shall [display or allow the
72 display of a visual distress signal except when assistance is needed
73 because of immediate or potential danger to persons aboard] comply
74 with the requirements of 33 CFR 175.140, as amended from time to
75 time, regarding restrictions on the use of visual distress signals.

76 (b) No person shall operate or give permission for the operation of
77 any motorboat on the waters of this state unless such motorboat is at
78 all times equipped with a muffler or muffler system which enables
79 such motorboat to be operated in compliance with subsections (c) and
80 (d) of this section and such muffler or muffler system is in use. For
81 purposes of this section "muffler" or "muffler system" means a sound
82 suppression device or system designed and installed to abate the
83 sound of exhaust gases emitted from an internal combustion engine
84 and causes such engine to operate in compliance with subsections (c)
85 and (d) of this section. "Muffler system" includes, but is not limited to,

86 an underwater through-the-propeller-hub exhaust outlet system.

87 (c) No person shall operate or give permission for the operation of
88 any motorboat on the waters of this state in such a manner as to exceed
89 the following noise levels: (1) For engines manufactured before
90 January 1, 1993, a noise level of 90 dB(A) when subjected to a
91 stationary sound level test as prescribed by Society of Automotive
92 Engineers Specification Number J2005; (2) for engines manufactured
93 on or after January 1, 1993, a noise level of 88 dB(A) when subjected to
94 a stationary sound level test as prescribed by Society of Automotive
95 Engineers Specification Number J2005. If a motorboat is equipped with
96 more than one engine, the said noise levels shall apply when all such
97 engines are simultaneously in operation.

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

102 (e) Any officer authorized to enforce the provisions of this chapter
103 who has reason to believe that a motorboat is being operated in excess
104 of the noise levels established in subsection (c) or (d) of this section
105 may request the operator of such motorboat to submit the motorboat
106 to an on-site test to measure noise levels, with the officer on board
107 such motorboat if such officer chooses, and the operator shall comply
108 with such request. If such motorboat exceeds the noise levels
109 established in subsection (c) or (d) of this section, the officer may direct
110 the operator to take immediate and reasonable measures to correct the
111 violation, including returning the motorboat to a mooring and keeping
112 the motorboat at such mooring until the violation is corrected or
113 ceases.

114 (f) Any officer who conducts a motorboat sound level test as
115 provided in this section shall be qualified in motorboat noise testing by
116 the Department of Environmental Protection. Such qualification shall
117 include, without limitation, instruction in selection of the measurement

118 site and in the calibration and use of noise testing equipment.

119 (g) No person shall operate or give permission for the operation of
120 any motorboat on the waters of this state that is equipped with a
121 muffler or muffler system cutout, bypass or similar device which
122 prevents the proper operation of or diminishes the operating capacity
123 of the muffler, or causes the motorboat to be operated in violation of
124 subsection (c) or (d) of this section except that the commissioner shall
125 allow the installation and operation of those muffler system cutouts,
126 bypasses or similar devices that are demonstrated to the satisfaction of
127 the commissioner to operate in accordance with the provisions of
128 subsection (c) or (d) of this section.

129 (h) No person shall remove a muffler or muffler system from a
130 motorboat or alter a muffler or muffler system on a motorboat so as to
131 prevent the operation of such motorboat in compliance with
132 subsections (c) and (d) of this section.

133 (i) No person shall sell or offer for sale any motorboat which is not
134 equipped with a muffler or muffler system which enables such
135 motorboat to be operated in compliance with subsections (c) and (d) of
136 this section. This subsection shall not apply to the sale or offer for sale
137 of a motorboat which will be operated solely for the purpose of
138 competing in marine races or regattas, provided upon the sale of a
139 motorboat which is not equipped with such a muffler or muffler
140 system, the seller shall provide to the purchaser, and the purchaser
141 shall date and sign, the following statement: "I understand that this
142 motorboat may not be operated for any purposes other than competing
143 in a marine race or regatta authorized under section 15-140b of the
144 Connecticut general statutes". Such statement shall include the hull
145 identification number of the motorboat being purchased. Not later
146 than five days after the sale, the seller shall submit to the commissioner
147 a copy of such signed and dated statement. The seller and purchaser
148 shall each retain a copy of the statement.

149 (j) The provisions of subsections (c) and (d) of this section shall not

150 apply to the operation of a motorboat participating in a marine race or
151 regatta authorized by the commissioner under section 15-140b.

152 (k) All devices and equipment required by this section shall be of a
153 type and carried in the quantity and location approved by the
154 commissioner or by the United States Coast Guard.

155 (l) Sirens shall not be used on any vessel except that law
156 enforcement vessels of the United States, this state or a political
157 subdivision of this state may use sirens when engaged in law
158 enforcement activities or when identification is necessary for safety
159 reasons. Any vessel may be equipped with a theft alarm signal device
160 if such device is so designed that it cannot be used as an ordinary
161 warning signal.

162 (m) Any person who violates any provision of subsection (a) of this
163 section shall have committed an infraction. Any person who fails to
164 comply with a request or direction of an officer made pursuant to
165 subsection (e) of this section shall be fined not less than three hundred
166 fifty dollars nor more than five hundred fifty dollars and shall be fined
167 not less than four hundred fifty dollars nor more than six hundred fifty
168 dollars for each subsequent offense. Any person who violates the
169 provisions of any other subsection of this section shall be fined not less
170 than one hundred dollars nor more than five hundred dollars.

171 Sec. 2. Section 15-129a of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2006*):

173 [(a) Every vessel using state or federal waters, when underway in all
174 weathers from sunset to sunrise, shall display the following prescribed
175 lights: (1) A power-driven vessel, the construction of which was
176 started after December 24, 1981, 12 meters (39'4") or more in length
177 and less than 20 meters (65'6") in length shall exhibit side lights, a
178 stern light, and a masthead light forward except that any masthead
179 light need not be exhibited forward of midships but shall be exhibited
180 as far forward of midships as is practicable and such vessel may

181 exhibit an aft masthead light higher than the forward masthead light;
182 (2) a power-driven vessel, the construction of which was started before
183 December 25, 1981, less than 20 meters (65'6") in length and any
184 power-driven vessel less than 12 meters (39'4") in length may exhibit
185 those lights prescribed for a vessel, the construction of which was
186 started after December 24, 1981, 12 meters (39'4") or more in length
187 and less than 20 meters (65'6") in length, or in lieu of such combination
188 of lights such vessels may exhibit side lights and an all-around white
189 light at the stern; (3) a sailboat, under sail alone, 7 meters (22'10") or
190 more in length and less than 20 meters (65'6") in length shall exhibit
191 side lights and a stern light and such sailboat may exhibit at or near the
192 top of the mast, where they can best be seen, two all-around lights in a
193 vertical line, the upper red and the lower green. Such sailboat may
194 have the side lights and stern lights combined in one lantern carried at
195 or near the top of the mast where it can best be seen but if a combined
196 lantern is used, the two all-around red and green mast lights shall not
197 be exhibited in conjunction with the combined lantern; (4) a sailboat,
198 under sail alone, of less than 7 meters (22'10") in length and all vessels
199 under oars shall, if practicable, exhibit the lights prescribed for a
200 sailboat 7 meters (22'10") or more in length and less than 20 meters
201 (65'6") in length or shall have aboard and ready at hand an electric
202 torch or lighted lantern showing a white light which shall be exhibited
203 in sufficient time to prevent collision. In lieu of the lights required by
204 this section, a power-driven vessel or a sailboat may display the lights
205 prescribed by international regulations, in the manner and under the
206 condition provided therein.]

207 (a) Every vessel using state or federal waters shall comply with the
208 following federal requirements, which are incorporated by reference in
209 this section, regarding the use of navigation lights: (1) 33 USC 2023, as
210 amended from time to time, regarding power-driven vessels; (2) 33
211 USC 2025, as amended from time to time, regarding sailing vessels
212 underway and vessels under oars; (3) In lieu of the lights required by
213 this section, a power-driven vessel or a sailboat may display the lights
214 prescribed by international regulations, in the manner and under the

215 condition provided therein.

216 (b) The visibility for the lights required by this section shall [be as
217 follows: (1) All stern lights, two miles; (2) all white, red or green all-
218 around lights, two miles; (3) side lights on a vessel less than 12 meters
219 (39'4") in length, one mile; (4) side lights on a vessel 12 meters (39'4")
220 or greater in length, two miles; (5) masthead lights on a vessel less than
221 12 meters (39'4") in length, two miles; (6) masthead lights on a vessel
222 12 meters (39'4") or greater in length, three miles; and (7) anchor light,
223 two miles. For the purposes of this section, visibility means visible on a
224 dark night with clear atmosphere] comply with 33 USC 2022, as
225 amended from time to time.

226 (c) When lights are required pursuant to subsection (a) of this
227 section, no other lights shall be exhibited, except lights that (1) cannot
228 be mistaken for the lights required pursuant to this section and do not
229 impair the visibility or distinctive character of such required lights,
230 and (2) do not interfere with the keeping of a proper lookout.

231 [(d) Power driven and sailing vessels less than 20 meters but more
232 than 7 meters in length at anchor between sunset and sunrise shall
233 display an anchor light. Vessels less than 7 meters in length shall not
234 be required to display an anchor light except when anchored in or near
235 a narrow channel, fairway or anchorage or where other vessels
236 normally navigate. Vessels less than 20 meters in length when at
237 anchor in a special anchorage area as designated by the United States
238 Secretary of Transportation shall not be required to exhibit an anchor
239 light.]

240 (d) Every vessel shall comply with the requirements of 33 USC 2030,
241 as amended from time to time, regarding the exhibition of anchor
242 lights when a vessel is at anchor or aground.

243 (e) Flashing lights shall not be used by any vessel except as
244 provided in this subsection. Flashing blue lights may be used by law
245 enforcement vessels of the United States, this state or a political

246 subdivision of this state when such vessels are engaged in law
247 enforcement activities or when identification of such vessels is
248 necessary for safety reasons. Flashing white lights may be used on any
249 vessel in accordance with rules and regulations of the United States
250 Coast Guard.

251 (f) Violation of any provision of this section shall be an infraction.

252 Sec. 3. Section 15-140e of the general statutes is repealed and the
253 following is substituted in lieu thereof (*Effective October 1, 2006*):

254 (a) On and after the following dates, no resident of the state, person
255 owning real property in the state or person owning a vessel in the state
256 shall operate on the waters of the state a vessel which is required to be
257 registered or numbered pursuant to this chapter unless such person
258 has a valid vessel operator license issued by the United States Coast
259 Guard or has obtained a safe boating certificate issued by the
260 Commissioner of Environmental Protection. [For operators who are
261 less than twenty years of age, June 23, 1993; for operators who are less
262 than twenty-five years of age, October 1, 1993; for operators who are
263 less than thirty years of age, October 1, 1994; for operators who are less
264 than thirty-five years of age, October 1, 1995; for operators who are less
265 than forty years of age, October 1, 1996; and for all operators forty
266 years of age or older, October 1, 1997. Notwithstanding the provisions
267 of this section, the commissioner may issue a certificate to a person
268 who has successfully completed a course in safe boating operation
269 approved by the commissioner before the date such person is required
270 to take the exam under this section.] A person under twelve years of
271 age may operate a vessel other than a personal watercraft without a
272 safe boating certificate when such person is under the onboard
273 supervision of a parent or guardian who has been issued a safe boating
274 certificate. A safe boating certificate may be suspended or revoked,
275 pursuant to section 15-133, 15-140l or 15-140n, and shall be valid for
276 the life of the person to whom it is issued unless otherwise suspended
277 or revoked.

278 (b) A safe boating certificate shall be issued under subsection (a) to
279 any applicant regardless of age who provides proof that he has (1)
280 successfully completed a course in safe boating operation approved by
281 the Commissioner of Environmental Protection, which may include
282 those offered by the United States Power Squadron, Coast Guard
283 Auxiliary or other organizations [] or (2) successfully passed an
284 equivalency examination testing knowledge of safe boating operation
285 administered by the commissioner. [(3) owned a vessel which was
286 registered or numbered pursuant to this chapter in his name as an
287 individual during any period in the five years preceding October 1,
288 1992, or (4) been a member during any period in the five years
289 preceding October 1, 1992, of the United States Power Squadron or
290 United States Coast Guard Auxiliary. On and after October 1, 1997, no
291 certificate shall be issued pursuant to subdivisions (3) and (4) of this
292 subsection.]

293 (c) Notwithstanding subsection (a) of this section, any person who
294 purchases a new or used vessel after July 11, 1991, may, upon vessel
295 registration, apply to the [department] Department of Environmental
296 Protection for a temporary safe boating certificate which shall be valid
297 for six months from the date of registration. No person shall be issued
298 more than one temporary safe boating certificate.

299 (d) Any person operating a vessel other than a personal watercraft,
300 as defined in section 15-140j, which is rented for a period of fourteen
301 days or less from a person or organization engaged in the commercial
302 rental of vessels need not obtain a certificate during the rental period.
303 Persons or organizations engaged in the commercial rental of vessels
304 shall furnish to each rental customer literature on safety and rules of
305 navigation as supplied by the commissioner.

306 (e) Any person enrolled in a course in safe boating operation
307 approved by the Commissioner of Environmental Protection may
308 operate a vessel without a safe boating certificate when under the
309 onboard supervision of a boating instructor who holds a valid

310 instructor number issued by the Department of Environmental
311 Protection.

312 [(e)] (f) Any person who violates any provision of this section shall
313 be fined not less than sixty nor more than two hundred fifty dollars for
314 each such violation.

315 [(f)] (g) Any course in safe boating operation approved by the
316 Commissioner of Environmental Protection, as described in subsection
317 (b) of this section, shall include instruction on the proper means of: (1)
318 Inspecting a vessel and trailers used for transporting such vessels for
319 the presence of vegetation; and (2) properly disposing of such
320 vegetation.

321 Sec. 4. Section 15-140j of the general statutes is repealed and the
322 following is substituted in lieu thereof (*Effective October 1, 2006*):

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

329 (b) On and after June 23, 1993, no person shall operate a personal
330 watercraft unless he has successfully completed a course in safe
331 personal watercraft handling approved by the Commissioner of
332 Environmental Protection and has been issued a certificate of personal
333 watercraft operation by the Commissioner of Environmental
334 Protection. Notwithstanding the provisions of this section, the
335 commissioner may modify or suspend requirements for a certificate of
336 personal watercraft operation by written authorization with respect to
337 any marine event authorized by the commissioner or upon receipt of a
338 copy of the United States Coast Guard authorization for a marine
339 event.

340 (c) Any person enrolled in a combined course in safe boating
341 operation and safe personal watercraft handling or a safe personal
342 watercraft handling course approved by the Commissioner of
343 Environmental Protection may operate a vessel without a certificate of
344 personal watercraft operation when under the onboard supervision of
345 a boating instructor who holds a valid instructor number issued by the
346 Department of Environmental Protection.

347 [(c)] (d) The commissioner may adopt regulations in accordance
348 with the provisions of chapter 54 establishing the content of courses in
349 safe personal watercraft handling. Such regulations may include
350 provisions for examinations, issuance of certificates of personal
351 watercraft operation and establishment of a reasonable fee for such
352 course and examination and for the issuance of a certificate and
353 duplicate certificate. Any fee collected pursuant to regulations adopted
354 under this section shall be deposited in the boating account established
355 pursuant to section 15-155.

356 [(d)] (e) Notwithstanding subsection (b) of this section, any person
357 who purchases a new or used personal watercraft after May 20, 1994,
358 may, upon vessel registration, apply to the Commissioner of
359 Environmental Protection for a temporary certificate of personal
360 watercraft operation which shall be valid for six months from the date
361 of registration, provided the applicant has successfully completed a
362 course in safe personal watercraft handling prior to application for the
363 temporary certificate. No person shall be issued more than one
364 temporary certificate of personal watercraft operation.

365 [(e)] (f) The commissioner may enter into a reciprocal agreement
366 with any other state which has a similar safe personal watercraft
367 handling certificate program which the commissioner deems
368 acceptable for purposes of this subsection. Any person who
369 successfully completes a course in safe personal watercraft handling
370 and holds a certificate or license from another state which has such a
371 reciprocal agreement with the commissioner may operate a personal

372 watercraft on the waters of this state.

373 [(f)] (g) Any person required to obtain a certificate of personal
374 watercraft operation pursuant to this section shall have such certificate
375 on board at all times while operating a personal watercraft. On
376 demand of an officer authorized to enforce the provisions of this
377 chapter, such person shall exhibit the certificate to the officer.

378 [(g)] (h) Any person who violates any provision of this section shall
379 be fined not less than sixty dollars nor more than two hundred fifty
380 dollars for each such violation.

381 [(h)] (i) A certificate of personal watercraft operation may be
382 suspended or revoked in accordance with the provisions of section 15-
383 133, 15-140l or 15-140n.

384 Sec. 5. Section 15-133a of the general statutes is repealed. (Effective
385 October 1, 2006)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	15-129
Sec. 2	October 1, 2006	15-129a
Sec. 3	October 1, 2006	15-140e
Sec. 4	October 1, 2006	15-140j
Sec. 5	October 1, 2006	Repealer section

Statement of Purpose:

To bring state boating laws into compliance with federal safety, equipment and navigational lighting requirements, to allow students in safe boating certificate classes to operate a vessel under the supervision of an instructor, to allow children under twelve years of age to operate a vessel other than a personal watercraft without a safe boating certificate while under the supervision of a parent or guardian who has been issued a certificate, to allow students in personal watercraft operation classes to participate in hands-on water training under the supervision of an instructor and to repeal a statute regarding

safety controls and warning devices on the approaches to dams on the Housatonic River.

[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.]