



House of Representatives

General Assembly

File No. 464

January Session, 2007

Substitute House Bill No. 7184

House of Representatives, April 11, 2007

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING BOATING SAFETY.

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

1 Section 1. Section 15-3a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 For the purposes of this chapter:

4 (1) ["Derelict] "Abandoned vessel" means: [any vessel, scow, lighter
5 or similar floating structure or part thereof, whether or not moored,
6 anchored or made fast to shore, that is broken or altered to such an
7 extent that it will not keep afloat with ordinary care;] (A) A derelict
8 vessel, as defined in this section; (B) a vessel, scow, lighter or similar
9 floating structure or part thereof left unattended and afloat, anchored,
10 moored, docked, submerged, beached or made fast to land in a
11 position that interferes with or otherwise poses a danger to navigation,
12 or is in a condition that creates a hazard to other vessels in a waterway,
13 a hazard to public safety or a hazard to the property of another; or (C)
14 a vessel, scow, lighter or similar floating structure or part thereof left

15 unattended for more than twenty-four hours on public or private
16 property without the consent of the property owner or without
17 authorization by law;

18 (2) "Derelict vessel" means a vessel, scow, lighter or similar floating
19 structure or part thereof, whether or not moored, anchored or made
20 fast to shore, that is broken or altered to such an extent that it will not
21 keep afloat with ordinary care;

22 [(2)] (3) "Harbor" means a place on navigable waters, as defined by
23 this section, where water-borne commercial or recreational traffic
24 enters for the purpose of anchorage or docking or the unloading or
25 receiving of cargo, supplies, equipment, fuel or passengers;

26 [(3)] (4) "Navigable waters" means waters which are subject to the
27 ebb and flow of the tide shoreward to their mean high-water mark;

28 [(4)] (5) "Navigable waterways" means waters which are physically
29 capable of supporting water-borne traffic, and subject to the ebb and
30 flow of the tide;

31 (6) "Removing authority" means a harbor master, a deputy harbor
32 master, a chief executive official of a municipality or such chief
33 executive official's designee, the Commissioner of Public Safety or said
34 Commissioner's designee, the Commissioner of Transportation or said
35 commissioner's designee, or the Commissioner of Environmental
36 Protection or said commissioner's designee; and

37 (7) "Waters of this state" means all waters, including navigable
38 waters, within the territorial limits of the state.

39 Sec. 2. Section 15-9 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective from passage*):

41 (a) When the [master or] owner, owner's agent or operator of any
42 vessel lying within the navigable waters of this state [, or the person
43 having the same in charge,] wilfully neglects or refuses to obey the
44 order of any harbor master performing [his] such harbor master's

45 duties under the provisions of this chapter, such harbor master may
46 cause such vessel to be removed at the expense of the owner, owner's
47 agent or operator. Any [such master,] owner, [or person] owner's agent
48 or operator in violation of this section shall be deemed to have
49 committed an infraction and shall be fined eighty-five dollars.

50 (b) A harbor master may notify any officer attached to an organized
51 police department or any state police officer that [a master or] an
52 owner, owner's agent or operator of a vessel is in violation of the
53 provisions of subsection (a) of this section. Any such officer may
54 remove and take such vessel into custody and shall give written notice
55 by certified mail, return receipt requested, to the owner, [or master]
56 owner's agent or operator of such vessel, if known, and to any person
57 or entity that has filed a legal or equitable interest claim regarding the
58 vessel with the Secretary of the State, which notice shall state (1) that
59 the vessel has been taken into custody and stored and the location
60 where such vessel is stored, (2) the location [of storage of] from which
61 the vessel was removed, (3) that such vessel may be sold after [fifteen
62 days if the market value of such vessel does not exceed five hundred
63 dollars or after ninety] thirty days, [if the value of such vessel exceeds
64 five hundred dollars,] and (4) that the owner, owner's agent or
65 operator of the vessel or any person or entity claiming a legal or
66 equitable interest in the vessel has a right to contest the validity of
67 [such taking by application, on a form prescribed by the Commissioner
68 of Transportation, to the hearing officer named in such notice] the
69 custody, removal or storage of the vessel pursuant to this section at a
70 hearing and that if a request for such hearing is made, such request
71 shall be in writing to such officer and shall be made within ten days
72 from the date of such notice. [Such application forms shall be made
73 readily available to the public at all offices of the Department of
74 Transportation and at all state and local police departments.] Such
75 hearing request shall include the following: (A) The name, address and
76 telephone number of the person or entity requesting the hearing; (B) a
77 description of the vessel; and (C) the location from which the vessel
78 was removed, if known.

79 (c) [The] (1) Upon receipt of a request for a hearing pursuant to
80 subsection (b) of this section, the officer shall notify the chief executive
81 [officer of each town may] official of the town from which the vessel
82 was removed of the hearing request and such chief executive official
83 shall appoint a suitable person [, who shall not be a member of any
84 state or local police department,] to be a hearing officer to hear
85 applications to determine whether or not the taking of the vessel was
86 authorized under the provisions of this section. Two or more towns
87 may join in appointing such officer; provided any such hearing shall
88 be held at a location which is as near to the town where such vessel
89 was [located] removed, as is reasonable and practicable. The
90 [commissioner shall] Commissioner of Transportation may establish
91 by regulation the qualifications necessary for hearing officers and
92 procedures for the holding of such hearings. (2) The hearing shall be
93 limited to a determination of the validity of the custody, removal or
94 storage of the vessel under the provisions of this section. If it is
95 determined at such hearing that the [owner or master was in violation
96 of subsection (a) of this section,] custody, removal or storage of the
97 vessel was authorized under this section, the owner, [or master of]
98 owner's agent, the operator of the vessel or the person or entity
99 claiming a legal or equitable interest in such vessel shall be liable for
100 any expenses incurred as a result of such custody, removal [, or] or
101 storage and the costs and expenses incident to such custody, removal
102 [.] or storage, including legal expenses and court costs incurred in such
103 [recovery] custody, removal or storage. If [it is determined at such
104 hearing] the hearing officer determines that the [owner or master was
105 not in violation of subsection (a) of this section, the owner or master]
106 custody, removal or storage of such vessel was not authorized under
107 this section, the owner, owner's agent, operator of the vessel or the
108 person or entity claiming a legal or equitable interest in the vessel shall
109 not be liable for any expenses incurred as a result of such [removal]
110 custody, removal or storage or for the costs and expenses incident to
111 such [removal,] custody, removal or storage, including legal expenses
112 and court costs incurred in such [recovery] custody, removal or
113 storage. If, prior to the hearing officer's decision, the owner, owner's

114 agent, operator of the vessel or the person or entity claiming a legal or
115 equitable interest in the vessel reimburses the officer for all costs
116 associated with the custody, removal or storage of the vessel and it is
117 determined at the hearing that the custody, removal or storage of the
118 vessel was not authorized under the provisions of this section, the
119 officer shall reimburse the owner, owner's agent, operator of the vessel
120 or the person or entity claiming a legal or equitable interest in the
121 vessel the amount paid by such owner, owner's agent, operator of the
122 vessel or the person or entity. Any person aggrieved by the decision of
123 such hearing officer may, within fifteen days of the notice of such
124 decision, appeal such decision to the superior court for the judicial
125 district wherein such hearing was held.

126 (d) [The] Not earlier than thirty days after written notice has been
127 made pursuant to subsection (b) of this section, the state or local police
128 department [which has custody of the removed vessel shall have the
129 power to] may sell such vessel at public auction in accordance with the
130 provisions of this section. The state or local police department shall
131 apply the [avails] proceeds of such sale, after satisfaction of any
132 security interests filed with the Secretary of the State, toward the
133 payment of its charges, any storage charges and the payment of any
134 debt or obligation incurred by the officer who placed the [same] vessel
135 in storage. Such sale shall be advertised twice in a newspaper
136 published or having a circulation in the town where such vessel [is
137 stored or other place is located three times] was removed, commencing
138 at least five days before such sale; and, if the last place of abode of the
139 owner, owner's agent or operator of such vessel is known to or may be
140 ascertained by the state or local police by the exercise of reasonable
141 diligence, notice of the time and place of the sale shall be given [him by
142 mailing such notice to him in a registered or certified letter, postage
143 paid] to the owner, owner's agent or operator of the vessel by sending
144 such notice to such owner, owner's agent or operator by certified mail,
145 return receipt requested, at such [last] usual place of abode, at least
146 five days before the [time] day of the sale. [The state or local police
147 department shall report the sales price, storing and towing charges, if
148 any; buyer's name and address; identification of the vessel and such

149 other information as may be required in regulations which shall be
150 adopted by the Commissioner of Transportation in accordance with
151 the provisions of chapter 54, to the commissioner within fifteen days
152 after the sale of the vessel.] Notice of such sale shall be sent at least five
153 days before the day of the sale to any person or entity that has filed
154 with the Secretary of the State claiming a legal or equitable interest in
155 the vessel, to the Commissioners of Environmental Protection and
156 Motor Vehicles and to the harbor master in the town in which the
157 vessel was removed. Upon receipt of such notice, the Commissioner of
158 Environmental Protection shall make a reasonable attempt to
159 determine if the vessel was stolen and shall provide such
160 determination to the officer. The proceeds of such sale, after
161 satisfaction of any security interests filed with the Secretary of the State
162 and after deducting the amount due for [any] custody, removal and
163 storage charges and all expenses connected with such sale [, including
164 the expenses of the officer who placed such vessel in storage,] shall be
165 paid to the owner, owner's agent or operator of such vessel or [his]
166 such owner's, owner's agent's or operator's legal representatives, if
167 claimed by [him or] them at any time within one year from the date of
168 such sale. If such balance is not claimed within said period, it shall
169 escheat to the municipality from which the vessel was removed. If the
170 satisfaction of security interests filed with the Secretary of the State, the
171 expenses incurred by the [municipality] state and local police
172 department for such custody, removal, [and towing] storage and [the]
173 sale of such vessel and any fines exceed the proceeds of such sale, the
174 owner, owner's agent or operator of the vessel shall be liable for such
175 excess [amount. A vessel may not be sold in accordance with the
176 provisions of this section until: (1) The expiration of the time period
177 under subdivision (3) of subsection (b) of this section and (2) a final
178 decision has been rendered in connection with an application filed
179 pursuant to subdivision (4) of subdivision (b) of this section] expenses.

180 [(e) The Commissioner of Transportation shall adopt regulations in
181 accordance with the provisions of chapter 54, to carry out the
182 provisions of this section.]

183 (e) Liability for damages to persons or property caused by actions
184 pursuant to this section of political subdivisions of the state or any
185 employee, officer or agent thereof shall be governed pursuant to
186 section 52-557n.

187 Sec. 3. Section 15-11a of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective from passage*):

189 (a) (1) No person shall abandon a vessel on waters of this state or on
190 public or private property without the consent of the property owner
191 or without authorization by law. (2) Any person who intentionally
192 abandons a vessel on waters of this state or on public or private
193 property without the consent of the property owner or without
194 authorization of law shall be guilty of a class C misdemeanor.

195 [(a) A duly authorized harbor master] (b) The removing authority
196 shall determine whether a vessel is [a derelict] an abandoned vessel.
197 Upon such determination, the [Commissioner of Transportation, such
198 harbor master or a duly authorized representative of a municipality]
199 removing authority may cause such [derelict] abandoned vessel to be
200 removed at the expense of any owner, owner's agent or operator of
201 such [derelict] abandoned vessel and may recover the expense of such
202 removal, together with the costs and expenses incident to such
203 removal, including legal expenses and court costs incurred in such
204 recovery, from the owner, agent or operator of such vessel in an action
205 founded upon this section. The last owner of record of such vessel
206 shall be responsible for such vessel. [After consultation with the
207 Commissioner of Transportation, the Commissioner of Environmental
208 Protection may consider any such vessel to be an encroachment subject
209 to the provisions of sections 22a-359 to 22a-363f, inclusive.]

210 (c) The chief executive official of each municipality shall provide the
211 Commissioner of Environmental Protection the name, title and contact
212 information of his or her designee for purposes of this section. Within
213 existing appropriations, the Commissioner of Environmental
214 Protection shall develop a training program for persons responsible for
215 removing abandoned vessels under this section.

216 [(b)] (d) Prior to removing and taking such [derelict] abandoned
217 vessel into custody, the [Commissioner of Transportation, a duly
218 authorized harbor master or a duly authorized representative of a
219 municipality] removing authority shall make a reasonable attempt to
220 notify the owner, owner's agent or operator of the vessel and any
221 person or entity that has filed a legal or equitable interest claim in the
222 vessel with the Secretary of the State and shall allow such owner,
223 owner's agent or operator of the vessel or such person or entity
224 claiming a legal or equitable interest to make arrangements for
225 removal of the vessel. Such notification shall be sent certified mail,
226 return receipt requested, and shall inform the owner, owner's agent or
227 operator of the vessel or person or entity claiming a legal or equitable
228 interest in the vessel that, pursuant to this section, if the vessel is not
229 removed within [twenty-four] seventy-two hours of notification, it
230 [shall] may be removed, taken into custody and stored at the owner,
231 owner's agent or operator's expense or at the expense of any person or
232 entity claiming a legal or equitable interest in the vessel.

233 [(c)] (e) Prior to removing [a derelict] and taking into custody an
234 abandoned vessel, the [Commissioner of Transportation, a duly
235 authorized harbor master or a duly authorized representative of a
236 municipality] removing authority shall affix to such vessel a readily
237 visible notification sticker. The notification sticker shall contain the
238 following information: (1) The date and time the notification sticker
239 was affixed to the vessel, (2) a statement that, pursuant to this section,
240 if the vessel is not removed within [twenty-four] seventy-two hours of
241 the time the sticker was affixed, it [shall] may be taken into custody
242 and stored at the [owner's expense] owner's, owner's agents or
243 operator's expense or at the expense of any person or entity claiming a
244 legal or equitable interest in the vessel, (3) the location and telephone
245 number where additional information may be obtained, and (4) the
246 identity of the person who affixed the sticker.

247 [(d)] (f) If the [derelict] abandoned vessel is not removed by the
248 owner, owner's agent or operator or person or entity claiming a legal
249 or equitable interest in the vessel within the time period provided in

250 [subsection (c)] subsections (d) or (e) of this section, the [Commissioner
251 of Transportation, a duly authorized harbor master or a duly
252 authorized representative of a municipality] removing authority may
253 direct that such vessel be removed and taken into custody and may
254 cause the same to be stored in a suitable place.

255 [(e)] (g) If [a derelict] an abandoned vessel is removed and taken
256 into custody pursuant to subsection [(d)] (f) of this section, the
257 [Commissioner of Transportation, a duly authorized harbor master or
258 a duly authorized representative of a municipality] removing
259 authority shall give written notice, by certified mail, return receipt
260 requested, to the owner, owner's agent or operator of such vessel, if
261 known, and to any person or entity claiming equitable interest in the
262 vessel, which notice shall state: (1) The vessel has been removed, taken
263 into custody and stored, (2) the location from which the vessel was
264 removed, [and (3) that the vessel may be disposed of after fifteen days
265 if the market value of such vessel, as determined by a certified marine
266 surveyor, does not exceed two thousand dollars or] (3) that the vessel
267 may be sold after [ninety] thirty days, pursuant to the provisions of
268 subsection [(f)] (i) of this section, and (4) that the owner, owner's agent
269 or operator of the vessel, or any person or entity claiming a legal or
270 equitable interest therein has a right to contest the validity of the
271 custody, removal or storage of the vessel under the provisions of this
272 section at a hearing, and may request such hearing in writing to the
273 removing authority not later than ten days after the date of the notice,
274 which request shall include the following information: (A) The name,
275 address and telephone number of the owner, owner's agent or operator
276 of the abandoned vessel or of the person or entity claiming a legal or
277 equitable interest therein who has requested the hearing; (B) a
278 description of the vessel removed; and (C) the location from which the
279 vessel was removed, if known.

280 (h) Upon receipt of a request for a hearing pursuant to subsection
281 (g) of this section, the removing authority shall notify the chief
282 executive official of the town in which the vessel was abandoned of the
283 hearing request and such official shall appoint a suitable person as a

284 hearing officer. The Commissioner of Transportation may establish by
285 regulation the qualifications necessary for hearing officers and
286 procedures for the holding of such hearings. The hearing shall be
287 limited to a determination of the validity of the custody, removal and
288 storage of the vessel under the provisions of this section. If it is
289 determined at the hearing that the custody, removal and storage of the
290 vessel was authorized under the provisions of this section, then the
291 owner, owner's agent or operator of the vessel or the person or entity
292 claiming a legal or equitable interest therein shall be liable for
293 reimbursing the removing authority for all costs associated with the
294 custody, removal and storage of the vessel, as well as any other costs
295 incurred by the removing authority under this subsection. If it is
296 determined at the hearing that the custody, removal and storage of the
297 vessel was not authorized under the provisions of this section, the
298 owner, owner's agent or operator of the vessel or person or entity
299 claiming a legal or equitable interest therein shall not be liable for
300 reimbursing the removing authority. If the owner, owner's agent or
301 operator of the vessel or person or entity claiming a legal or equitable
302 interest therein, prior to the hearing officer's decision, reimburses the
303 removing authority for all costs associated with the custody, removal
304 and storage of the vessel and it is determined at the hearing that the
305 custody, removal and storage of the vessel was not authorized under
306 the provisions of this section, the removing authority shall reimburse
307 the owner, owner's agent or operator of the vessel or person or entity
308 claiming a legal or equitable interest therein for such amounts paid.
309 Any person aggrieved by the decision of a hearing officer under this
310 section may, not later than fifteen days after receipt of notice of such
311 decision, appeal such decision to the superior court for the judicial
312 district where such hearing was held.

313 [(f) Ninety] (i) Thirty days or more after written notice has been
314 given pursuant to subsection [(e)] (g) of this section, the
315 [Commissioner of Transportation, a duly authorized harbor master or
316 a duly authorized representative of a municipality] removing
317 authority may sell [a derelict] an abandoned vessel at public auction in
318 accordance with the provisions of this section. The [commissioner,

319 harbor master or authorized agent of a municipality] removing
320 authority shall apply the proceeds of such sale, after satisfaction of any
321 security interests filed with the Secretary of the State, toward the
322 payment of its charges, any storage charges and the payment of any
323 debt or obligation incurred by [the commissioner, harbor master or
324 agent] the removing authority who placed the vessel in storage. Such
325 sale shall be advertised twice in a newspaper published or having a
326 circulation in the town where such vessel [is stored or is located] was
327 abandoned, commencing at least five days before such sale; and, if the
328 last place of abode of the owner, owner's agent or operator of such
329 vessel is known to or ascertained by the [commissioner, harbor master
330 or agent] removing authority by the exercise of reasonable diligence,
331 notice of the time and place of the sale shall be given to such owner,
332 owner's agent or operator by sending such notice to the owner,
333 owner's agent or operator, certified mail, return receipt requested, at
334 such last place of abode at least five days before the day of the sale.
335 Not later than five days before the day of the sale, notice of the time
336 and place of the sale shall be sent to the Commissioners of
337 Environmental Protection and Motor Vehicles to any person who has
338 filed with the Secretary of the State claiming a legal or equitable
339 interest in the vessel. Upon receipt of such notice, the Commissioner of
340 Environmental Protection shall make a reasonable attempt to
341 determine if the abandoned vessel has been stolen and shall provide
342 such determination to the removing authority. The proceeds of such
343 sale, after satisfaction of any security interests filed with the Secretary
344 of the State and after deducting any amount due for custody, removal
345 and storage charges and all expenses connected with such sale, shall be
346 paid to the owner, owner's agent or operator of such vessel or the
347 owner, owner's agent or operator's legal representatives, if claimed by
348 the owner, owner's agent, [or] operator or the owner, owner's agent or
349 operator's legal representative at any time within one year from the
350 date of such sale. If such balance is not claimed within said period, it
351 shall [escheat to the municipality from which the vessel was removed]
352 be deposited into the boating account established pursuant to section
353 15-155. If the satisfaction of security interests filed with the Secretary of

354 the State, expenses incurred by the [commissioner, harbor master or
355 agent] removing authority for such custody, removal and storage and
356 sale of such vessel and any fines exceed the proceeds of such sale, the
357 owner, agent or operator of the vessel shall be liable for such excess
358 expenses. A vessel shall not be sold pursuant to this subsection until a
359 final decision has been rendered in response to a hearing requested
360 pursuant to subdivision (4) of subsection (g) of this section. If no one
361 purchases the vessel at the public auction, the removing authority may
362 either retain or dispose of the vessel. If the removing authority retains
363 or disposes of the vessel because no one purchased the vessel at the
364 public auction, the owner, owner's agent or operator of the vessel shall
365 remain liable for the satisfaction of security interests filed with the
366 Secretary of the State, all expenses incurred by the removing authority
367 for the custody, removal and storage of such vessel and any fines
368 imposed pursuant to section 15-9, as amended by this act.

369 [(g) The Commissioner of Transportation may require the owner,
370 agent or operator to furnish a performance bond in an amount
371 sufficient to cover the estimated costs of removal as determined by the
372 commissioner.]

373 (j) A removing authority that incurs expenses in carrying out this
374 section may be entitled, in the Commissioner of Environmental
375 Protection's sole discretion, to reimbursement from moneys in the
376 boating account established pursuant to section 15-155, including
377 moneys collected pursuant to this section, for up to ninety per cent of
378 the actual costs incurred by such removing authority when the owner
379 of the abandoned vessel is either unknown after a reasonable search
380 effort or is insolvent. The removing authority shall be responsible for
381 at least ten per cent of actual costs it has incurred. The determination
382 regarding amounts reimbursed under this subsection shall be made by
383 the Commissioner of Environmental Protection in said commissioner's
384 sole discretion. Said commissioner may adopt regulations, in
385 accordance with the provisions of chapter 54, to establish procedures
386 for submitting requests for reimbursement, within existing
387 appropriations, and criteria for allocating funds for such

388 reimbursement.

389 (k) Liability for damages to persons or property caused by actions
390 pursuant to this section of political subdivisions of the state or any
391 employee, officer or agent thereof shall be governed pursuant to
392 section 52-557n.

393 (l) The removing authority shall designate a suitable person who
394 shall be responsible for the collection of data concerning abandoned
395 vessels and the preparation and submission of periodic reports to the
396 Commissioner of Environmental Protection, which reports shall
397 contain such information as said commissioner may require.

398 Sec. 4. Section 15-129 of the general statutes is repealed and the
399 following is substituted in lieu thereof (*Effective from passage*):

400 (a) [The provisions of this section shall apply to vessels] Vessels
401 operated on state and federal waters shall comply with the federal and
402 state safety and equipment requirements contained in this chapter. The
403 federal requirements cited in this section are incorporated herein by
404 reference. (1) Every vessel shall [carry for each person on board, so
405 placed as to be readily accessible, at least one buoyant personal
406 flotation device. The operator or owner of any vessel being used for
407 recreational purposes, other than a vessel required to have a certificate
408 of inspection issued by the Coast Guard, shall require any child under
409 twelve years of age who is aboard such vessel to wear a personal
410 flotation device while such vessel is underway unless the child is
411 below deck or in an enclosed cabin] comply with the requirements of
412 33 CFR 175.5 to 175.25, inclusive, as amended from time to time,
413 regarding the number and type of personal flotation devices required
414 to be on board the vessel, including requirements regarding the use of
415 personal flotation devices by children. The Commissioner of
416 Environmental Protection may adopt regulations, in accordance with
417 the provisions of chapter 54, to establish more stringent requirements
418 regarding the wearing and carrying of personal flotation devices on
419 board vessels. Sailboards shall be exempt from carrying a personal
420 flotation device if the mast of the sailboard is secured to the hull by a

421 leash or safety line. (2) Every motorboat with enclosed fuel storage
422 space or an enclosed engine compartment shall [be equipped with
423 devices for ventilating flammable or explosive gases] comply with the
424 requirements of 46 CFR Subpart 25.40 and 33 CFR 175.201, as amended
425 from time to time, regarding ventilation. (3) Every motorboat with a
426 carbureted inboard engine shall [have the carburetor of such engine
427 equipped with a flame arrestor or backfire trap unless such engine is
428 mounted in the aftermost part of the vessel with no provisions for
429 carrying passengers behind the forward edge of the engine and the
430 carburetor of such engine has its intake opening above the gunwale
431 line of the vessel in the open atmosphere and mounted so backfire
432 flames are directed to the rear or vertically away from the vessel and
433 its occupants] comply with the requirements of 46 CFR Subpart 25.35,
434 as amended from time to time, regarding backfire flame controls. (4)
435 Every motorboat shall have its engine equipped with an effective
436 muffler or muffler system. (5) All [inboard] motorboats [, all outboard
437 motorboats twenty-six feet or over in length, and all outboard
438 motorboats less than twenty-six feet in length which have a
439 compartment in which gases may accumulate, shall be equipped with
440 a fire extinguisher] shall comply with the requirements of 46 CFR
441 Subpart 25.30, as amended from time to time, regarding fire
442 extinguishers. (6) Every [motorboat sixteen feet or more in length shall
443 be equipped with a whistle or horn-type sound-producing device
444 capable of producing a blast of two seconds or more in duration. On
445 motorboats sixteen feet or more but less than twenty-six feet in length
446 such device shall be mouth, hand or power-operated and audible for at
447 least one-half mile. On motorboats twenty-six feet or more but less
448 than forty feet in length such device shall be hand or power-operated
449 and audible for at least one mile. On motorboats forty feet or more but
450 less than sixty-five feet in length such device shall be power-operated
451 and audible for at least one mile. Every motorboat twenty-six feet or
452 more in length shall be equipped with a bell capable of producing a
453 clear bell-like tone of full round characteristics] vessel shall comply
454 with the requirements of 33 USC 2032 to 2037, inclusive, as amended
455 from time to time, and 33 CFR Part 86, as amended from time to time,

456 regarding sound signal appliances. (7) Every vessel operated on the
457 waters of Long Island Sound or Fishers Island Sound between sunset
458 and sunrise shall [carry] comply with the requirements of 33 USC 2037,
459 as amended from time to time, 33 CFR Part 87, as amended from time
460 to time, and 33 CFR 175.101 to 175.135, inclusive, as amended from
461 time to time, regarding visual distress signals [suitable] required for
462 night use. Every vessel [sixteen feet or more in length, except manually
463 propelled vessels and open sailboats that are less than twenty-six feet
464 in length, and are not equipped with propulsion machinery,] operated
465 on the waters of Long Island Sound or Fishers Island Sound at any
466 time shall [carry visual distress signals suitable for day and night use]
467 comply with the visual distress signal requirements of 33 USC 2037, as
468 amended from time to time, 33 CFR Part 87, as amended from time to
469 time, and 33 CFR 175.101 to 175.135, inclusive, as amended from time
470 to time, unless specifically exempted therefrom. [No] Each person,
471 operator [or] and owner in a vessel shall [display or allow the display
472 of a visual distress signal except when assistance is needed because of
473 immediate or potential danger to persons aboard] comply with 33 CFR
474 175.140, as amended from time to time, regarding restrictions on the
475 use of visual distress signals.

476 (b) No person shall operate or give permission for the operation of
477 any motorboat on the waters of this state unless such motorboat is at
478 all times equipped with a muffler or muffler system which enables
479 such motorboat to be operated in compliance with subsections (c) and
480 (d) of this section and such muffler or muffler system is in use. For
481 purposes of this section "muffler" or "muffler system" means a sound
482 suppression device or system designed and installed to abate the
483 sound of exhaust gases emitted from an internal combustion engine
484 and causes such engine to operate in compliance with subsections (c)
485 and (d) of this section. "Muffler system" includes, but is not limited to,
486 an underwater through-the-propeller-hub exhaust outlet system.

487 (c) No person shall operate or give permission for the operation of
488 any motorboat on the waters of this state in such a manner as to exceed
489 the following noise levels: (1) For engines manufactured before

490 January 1, 1993, a noise level of 90 dB(A) when subjected to a
491 stationary sound level test as prescribed by Society of Automotive
492 Engineers Specification Number J2005; (2) for engines manufactured
493 on or after January 1, 1993, a noise level of 88 dB(A) when subjected to
494 a stationary sound level test as prescribed by Society of Automotive
495 Engineers Specification Number J2005. If a motorboat is equipped with
496 more than one engine, the said noise levels shall apply when all such
497 engines are simultaneously in operation.

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

502 (e) Any officer authorized to enforce the provisions of this chapter
503 who has reason to believe that a motorboat is being operated in excess
504 of the noise levels established in subsection (c) or (d) of this section
505 may request the operator of such motorboat to submit the motorboat
506 to an on-site test to measure noise levels, with the officer on board
507 such motorboat if such officer chooses, and the operator shall comply
508 with such request. If such motorboat exceeds the noise levels
509 established in subsection (c) or (d) of this section, the officer may direct
510 the operator to take immediate and reasonable measures to correct the
511 violation, including returning the motorboat to a mooring and keeping
512 the motorboat at such mooring until the violation is corrected or
513 ceases.

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

519 (g) No person shall operate or give permission for the operation of
520 any motorboat on the waters of this state that is equipped with a
521 muffler or muffler system cutout, bypass or similar device which
522 prevents the proper operation of or diminishes the operating capacity

523 of the muffler, or causes the motorboat to be operated in violation of
524 subsection (c) or (d) of this section except that the commissioner shall
525 allow the installation and operation of those muffler system cutouts,
526 bypasses or similar devices that are demonstrated to the satisfaction of
527 the commissioner to operate in accordance with the provisions of
528 subsection (c) or (d) of this section.

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

533 (i) No person shall sell or offer for sale any motorboat which is not
534 equipped with a muffler or muffler system which enables such
535 motorboat to be operated in compliance with subsections (c) and (d) of
536 this section. This subsection shall not apply to the sale or offer for sale
537 of a motorboat which will be operated solely for the purpose of
538 competing in marine races or regattas, provided upon the sale of a
539 motorboat which is not equipped with such a muffler or muffler
540 system, the seller shall provide to the purchaser, and the purchaser
541 shall date and sign, the following statement: "I understand that this
542 motorboat may not be operated for any purposes other than competing
543 in a marine race or regatta authorized under section 15-140b of the
544 Connecticut general statutes". Such statement shall include the hull
545 identification number of the motorboat being purchased. Not later
546 than five days after the sale, the seller shall submit to the commissioner
547 a copy of such signed and dated statement. The seller and purchaser
548 shall each retain a copy of the statement.

549 (j) The provisions of subsections (c) and (d) of this section shall not
550 apply to the operation of a motorboat participating in a marine race or
551 regatta authorized by the commissioner under section 15-140b.

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

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

562 (m) Any person who violates any provision of subsection (a) of this
563 section shall have committed an infraction. Any person who fails to
564 comply with a request or direction of an officer made pursuant to
565 subsection (e) of this section shall be fined not less than three hundred
566 fifty dollars or more than five hundred fifty dollars and shall be fined
567 not less than four hundred fifty dollars or more than six hundred fifty
568 dollars for each subsequent offense. Any person who violates the
569 provisions of any other subsection of this section shall be fined not less
570 than one hundred dollars or more than five hundred dollars.

571 Sec. 5. Section 15-129a of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective from passage*):

573 [(a) Every vessel using state or federal waters, when underway in all
574 weathers from sunset to sunrise, shall display the following prescribed
575 lights: (1) A power-driven vessel, the construction of which was
576 started after December 24, 1981, 12 meters (39'4") or more in length and
577 less than 20 meters (65'6") in length shall exhibit side lights, a stern
578 light, and a masthead light forward except that any masthead light
579 need not be exhibited forward of midships but shall be exhibited as far
580 forward of midships as is practicable and such vessel may exhibit an
581 aft masthead light higher than the forward masthead light; (2) a
582 power-driven vessel, the construction of which was started before
583 December 25, 1981, less than 20 meters (65'6") in length and any
584 power-driven vessel less than 12 meters (39'4") in length may exhibit
585 those lights prescribed for a vessel, the construction of which was
586 started after December 24, 1981, 12 meters (39'4") or more in length
587 and less than 20 meters (65'6") in length, or in lieu of such combination

588 of lights such vessels may exhibit side lights and an all-around white
589 light at the stern; (3) a sailboat, under sail alone, 7 meters (22'10") or
590 more in length and less than 20 meters (65'6") in length shall exhibit
591 side lights and a stern light and such sailboat may exhibit at or near the
592 top of the mast, where they can best be seen, two all-around lights in a
593 vertical line, the upper red and the lower green. Such sailboat may
594 have the side lights and stern lights combined in one lantern carried at
595 or near the top of the mast where it can best be seen but if a combined
596 lantern is used, the two all-around red and green mast lights shall not
597 be exhibited in conjunction with the combined lantern; (4) a sailboat,
598 under sail alone, of less than 7 meters (22'10") in length and all vessels
599 under oars shall, if practicable, exhibit the lights prescribed for a
600 sailboat 7 meters (22'10") or more in length and less than 20 meters
601 (65'6") in length or shall have aboard and ready at hand an electric
602 torch or lighted lantern showing a white light which shall be exhibited
603 in sufficient time to prevent collision. In lieu of the lights required by
604 this section, a power-driven vessel or a sailboat may display the lights
605 prescribed by international regulations, in the manner and under the
606 condition provided therein.]

607 (a) Every vessel using state or federal waters shall comply with the
608 following federal requirements, which are incorporated in this section
609 by reference, regarding the use of navigation lights: (1) 33 USC 2023, as
610 amended from time to time, regarding power-driven vessels; and (2)
611 33 USC 2025, as amended from time to time, regarding sailing vessels
612 underway and vessels under oars. In lieu of the lights required by this
613 section, a power-driven vessel or a sailboat may display the lights
614 prescribed by international regulations, in the manner and under the
615 condition provided by such regulations.

616 (b) The visibility for the lights required by this section shall [be as
617 follows: (1) All stern lights, two miles; (2) all white, red or green all-
618 around lights, two miles; (3) side lights on a vessel less than 12 meters
619 (39'4") in length, one mile; (4) side lights on a vessel 12 meters (39'4") or
620 greater in length, two miles; (5) masthead lights on a vessel less than 12
621 meters (39'4") in length, two miles; (6) masthead lights on a vessel 12

622 meters (39'4") or greater in length, three miles; and (7) anchor light,
623 two miles. For the purposes of this section, visibility means visible on a
624 dark night with clear atmosphere] comply with 33 USC 2022, as
625 amended from time to time.

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

631 [(d) Power driven and sailing vessels less than 20 meters but more
632 than 7 meters in length at anchor between sunset and sunrise shall
633 display an anchor light. Vessels less than 7 meters in length shall not
634 be required to display an anchor light except when anchored in or near
635 a narrow channel, fairway or anchorage or where other vessels
636 normally navigate. Vessels less than 20 meters in length when at
637 anchor in a special anchorage area as designated by the United States
638 Secretary of Transportation shall not be required to exhibit an anchor
639 light.]

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

643 (e) Flashing lights shall not be used by any vessel except as
644 provided in this subsection. Flashing blue lights may be used by law
645 enforcement vessels of the United States, this state or a political
646 subdivision of this state when such vessels are engaged in law
647 enforcement activities or when identification of such vessels is
648 necessary for safety reasons. Flashing white lights may be used on any
649 vessel in accordance with rules and regulations of the United States
650 Coast Guard.

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

652 Sec. 6. Section 15-132 of the general statutes is repealed and the

653 following is substituted in lieu thereof (*Effective October 1, 2007*):

654 [When two or more vessels are involved in a collision, accident or
655 other casualty, the operator of each,]

656 (a) Each operator of a vessel who is knowingly involved in an
657 accident that causes serious physical injury, as defined in section 53a-3,
658 or results in the death of another person shall at once stop so far as [he]
659 such operator can do so without danger to [his] such operator's vessel
660 or to its crew or passengers, shall render to the other vessel, its
661 operator, crew and passengers such assistance as may be practicable
662 and necessary to save them from danger caused by such [collision]
663 accident and [he] shall stay by such other vessel until [he] such
664 operator has ascertained that there is no need of further assistance.
665 Each such operator shall also give to the operator of the other vessel,
666 [his] to the person injured or to any law enforcement officer or witness
667 to the accident such operator's name, address and the identification
668 number, if any, of [his] such operator's vessel. If such operator of the
669 vessel causing the death or serious physical injury of any person is
670 unable to give the operator's name, address and identification number
671 to the operator of the other vessel, to the person injured or to any
672 witness or officer, for any reason or cause, such operator shall
673 immediately report such death or serious physical injury of any person
674 to the nearest law enforcement agency having jurisdiction over the
675 accident and shall state in such report the location and circumstances
676 of the accident causing the death or serious physical injury of any
677 person and the operator's name, address and identification number, if
678 any, of such operator's vessel.

679 (b) Each operator of a vessel who is knowingly involved in an
680 accident which causes physical injury, as defined in section 53a-3, to
681 any other person or damage to property shall at once stop so far as the
682 operator can do so without danger to the operator's vessel or to its
683 crew or passengers, shall render to the other vessel, its operator, crew
684 and passengers such assistance as may be practicable and necessary to
685 save them from danger caused by such accident and shall stay by such

686 other vessel until the operator has ascertained that there is no need of
687 further assistance. Each such operator shall give to the operator of the
688 other vessel, to the person injured or to the owner of the damaged
689 property and to any officer or witness to the accident, the operator's
690 name, address and the identification number, if any, of such operator's
691 vessel. If the operator of the vessel involved in the accident is unable to
692 give his or her name, address and identification number to the
693 operator of the other vessel, the person injured or the owner of the
694 property damaged or to any witness or officer, for any reason or cause,
695 such operator shall immediately report such physical injury of any
696 person or damage to property to the nearest law enforcement agency
697 having jurisdiction over the accident and shall state in such report the
698 location and circumstances of the accident causing the physical injury
699 of any person or damage to property and the operator's name, address
700 and identification number, if any, of such operator's vessel.

701 (c) Failure of an operator to comply with the requirements of this
702 section, unless reasonable cause for such failure is shown, shall be
703 prima facie evidence that the [collision] accident was caused by his
704 wrongful act, neglect or default.

705 (d) Any person who violates the provisions of subsection (a) of this
706 section shall be guilty of a class D felony.

707 (e) Any person who violates the provisions of subsection (b) of this
708 section shall be guilty of a class A misdemeanor.

709 Sec. 7. Section 15-140e of the general statutes is repealed and the
710 following is substituted in lieu thereof (*Effective from passage*):

711 (a) [On and after the following dates, no] No resident of the state,
712 person owning real property in the state or person owning a vessel in
713 the state shall operate on the waters of the state a vessel which is
714 required to be registered or numbered pursuant to this chapter unless
715 such person has a valid vessel operator license issued by the United
716 States Coast Guard or has obtained a safe boating certificate issued by
717 the Commissioner of Environmental Protection. [: For operators who

718 are less than twenty years of age, June 23, 1993; for operators who are
719 less than twenty-five years of age, October 1, 1993; for operators who
720 are less than thirty years of age, October 1, 1994; for operators who are
721 less than thirty-five years of age, October 1, 1995; for operators who are
722 less than forty years of age, October 1, 1996; and for all operators forty
723 years of age or older, October 1, 1997. Notwithstanding the provisions
724 of this section, the commissioner may issue a certificate to a person
725 who has successfully completed a course in safe boating operation
726 approved by the commissioner before the date such person is required
727 to take the exam under this section.] No owner or person in
728 constructive control of a vessel shall knowingly authorize or permit a
729 person who is less than sixteen years of age who is required by this
730 section to obtain a safe boating certificate issued by the Commissioner
731 of Environmental Protection to operate such vessel on the waters of the
732 state without a safe boating certificate, unless such person is under the
733 direct onboard supervision of a person who is at least eighteen years of
734 age who has been issued a safe boating certificate and who has held
735 such certificate for at least two years. A safe boating certificate may be
736 suspended or revoked, pursuant to section 15-133, 15-140l or 15-140n,
737 and shall be valid for the life of the person to whom it is issued unless
738 otherwise suspended or revoked.

739 (b) A safe boating certificate shall be issued under subsection (a) to
740 any applicant regardless of age who provides proof that [he] such
741 applicant has: (1) [successfully] Successfully completed a course in safe
742 boating operation approved by the Commissioner of Environmental
743 Protection, which may include those offered by the United States
744 Power [Squadron] Squadrons, Coast Guard Auxiliary or other
745 organizations, or (2) successfully passed an equivalency examination
746 testing knowledge of safe boating operation administered by the
747 commissioner, [, (3) owned a vessel which was registered or numbered
748 pursuant to this chapter in his name as an individual during any
749 period in the five years preceding October 1, 1992, or (4) been a
750 member during any period in the five years preceding October 1, 1992,
751 of the United States Power Squadron or United States Coast Guard
752 Auxiliary. On and after October 1, 1997, no certificate shall be issued

753 pursuant to subdivisions (3) and (4) of this subsection.]

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

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

767 (e) Any person enrolled in a course in safe boating operation
768 approved by the Commissioner of Environmental Protection may
769 operate a vessel without a safe boating certificate when under the
770 direct onboard supervision of a boating instructor holding a valid
771 instructor number issued by the Department of Environmental
772 Protection.

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

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

782 Sec. 8. Section 15-140f of the general statutes is repealed and the
783 following is substituted in lieu thereof (*Effective from passage*):

784 (a) The Commissioner of Environmental Protection shall formulate
785 courses in safe boating operation.

786 (b) The commissioner shall adopt regulations, in accordance with
787 the provisions of chapter 54, setting forth the content of safe boating
788 operation courses. Such regulations may include provisions for
789 examinations, issuance of safe boating certificates and establishment of
790 reasonable fees for the course and examination and for issuing
791 certificates, temporary certificates and duplicate certificates. Any fees
792 collected pursuant to such regulations shall be deposited in the boating
793 account established pursuant to section 15-155.

794 (c) Any person who teaches a course in safe boating operation that
795 satisfies the requirements for issuance of a safe boating certificate shall
796 have committed an infraction if the commissioner has not approved
797 such course.

798 (d) Any Department of Environmental Protection agent who uses
799 Department of Environmental Protection safe boating operation course
800 materials for personal financial gain shall have committed an
801 infraction.

802 [(c)] (e) Any person who holds a certificate from another state that
803 has a reciprocal agreement with the commissioner may operate a
804 vessel on the waters of this state.

805 Sec. 9. Section 15-140j of the general statutes is repealed and the
806 following is substituted in lieu thereof (*Effective from passage*):

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

813 (b) [On and after June 23, 1993, no] No person shall operate a
814 personal watercraft unless [he] such person has [successfully

815 completed a course in safe personal watercraft handling approved by
816 the Commissioner of Environmental Protection and has] been issued a
817 certificate of personal watercraft operation by the Commissioner of
818 Environmental Protection. No owner or person in constructive control
819 of a personal watercraft shall knowingly authorize or permit a person
820 who is less than sixteen years of age who does not have a certificate of
821 personal watercraft operation issued by the Commissioner of
822 Environmental Protection to operate such personal watercraft on the
823 waters of the state. Notwithstanding the provisions of this section, the
824 commissioner may modify or suspend requirements for a certificate of
825 personal watercraft operation by written authorization with respect to
826 any marine event authorized by the commissioner or upon receipt of a
827 copy of the United States Coast Guard authorization for a marine
828 event.

829 (c) A certificate of personal watercraft operation shall be issued
830 under subsection (b) of this section to any applicant who provides
831 proof that such applicant has: (1) Successfully completed a combined
832 course in safe boating operation and safe personal watercraft handling
833 approved by the commissioner, which courses include, but are not
834 limited to, courses offered by the United States Power Squadrons,
835 Coast Guard Auxiliary or other similar organization, (2) been issued or
836 has satisfied the requirements for issuance of a safe boating certificate
837 and successfully completed a course in safe personal watercraft
838 handling approved by the commissioner, which include, but are not
839 limited to, courses offered by the United States Power Squadrons,
840 Coast Guard Auxiliary or other similar organization, or (3) successfully
841 passed an equivalency examination testing knowledge of safe boating
842 operation and safe personal watercraft handling administered by the
843 commissioner.

844 [(c)] (d) The commissioner may adopt regulations, in accordance
845 with the provisions of chapter 54, establishing the content of courses in
846 safe personal watercraft handling. Such regulations may include
847 provisions for examinations, issuance of certificates of personal
848 watercraft operation and establishment of a reasonable fee for such

849 course and examination and for the issuance of a certificate and
850 duplicate certificate. Any fee collected pursuant to regulations adopted
851 under this section shall be deposited in the boating account established
852 pursuant to section 15-155.

853 ~~[(d)]~~ (e) Notwithstanding subsection (b) of this section, any person
854 who purchases a new or used personal watercraft [after May 20, 1994,
855 may, upon vessel registration, apply to the Commissioner of
856 Environmental Protection for a temporary certificate of personal
857 watercraft operation which shall be valid for ~~[six]~~ three months from
858 the date of registration, provided the applicant has successfully
859 completed a course in safe personal watercraft handling prior to
860 application for the temporary certificate. No person shall be issued
861 more than one temporary certificate of personal watercraft operation.

862 ~~[(e)]~~ (f) The commissioner may enter into a reciprocal agreement
863 with any other state which has a similar safe personal watercraft
864 handling certificate program which the commissioner deems
865 acceptable for purposes of this subsection. Any person who
866 successfully completes a course in safe personal watercraft handling
867 and holds a certificate or license from another state which has such a
868 reciprocal agreement with the commissioner may operate a personal
869 watercraft on the waters of this state.

870 ~~[(f)]~~ (g) Any person required to obtain a certificate of personal
871 watercraft operation pursuant to this section shall have such certificate
872 on board at all times while operating a personal watercraft. On
873 demand of an officer authorized to enforce the provisions of this
874 chapter, such person shall exhibit the certificate to the officer.

875 ~~[(g)]~~ (h) No passenger shall be permitted to ride in front of the
876 operator on a personal watercraft. No passenger shall be permitted to
877 ride upon a personal watercraft unless the passenger is able to securely
878 hold onto the person in front of them or to the handholds on the
879 personal watercraft, and is able to keep both feet on the deck of the
880 personal watercraft so as to maintain balance while the personal
881 watercraft is in operation.

882 (i) No person shall teach a course in safe personal watercraft
883 handling that satisfies the requirements for issuance of a certificate of
884 personal watercraft operation unless the commissioner has approved
885 such course.

886 (j) No Department of Environmental Protection agent shall use
887 department safe personal watercraft handling course materials for
888 personal financial gain.

889 ~~[(h)]~~ (k) Any person who violates any provision of this section shall
890 be fined not less than sixty dollars or more than two hundred fifty
891 dollars for each such violation.

892 [(i)] (l) A certificate of personal watercraft operation may be
893 suspended or revoked in accordance with the provisions of section 15-
894 133, 15-140l or 15-140n.

895 Sec. 10. Section 15-141 of the general statutes is repealed and the
896 following is substituted in lieu thereof (*Effective from passage*):

897 As used in this part, unless the context otherwise requires:
898 "Commissioner" means the Commissioner of Environmental
899 Protection; "vessel" means every description of watercraft, other than a
900 seaplane on water, used or capable of being used as a means of
901 transportation on water, exclusive of any such watercraft used
902 primarily for purposes of transporting commercial cargo; "motorboat"
903 means any watercraft fitted with propulsion machinery, whether or
904 not such machinery is the principal source of propulsion; "horsepower"
905 means the rated brake horsepower of an engine at maximum operating
906 revolutions per minute; "operate" means to navigate or otherwise use a
907 vessel; "person" means any individual, partnership, firm, association,
908 limited liability company, corporation or other entity; "owner" means a
909 person, other than a lien holder, having property in or title to a vessel.
910 The term includes a person entitled to use or possession of a vessel
911 subject to an interest in another person reserved or created by
912 agreement and securing payment or performance of an obligation, but
913 the term excludes a lessee under a lease not intended as security;

914 "marine dealer" means a person engaged in the business of
915 manufacturing, selling or repairing new or used vessels having an
916 established place of business for the sale, trade, display or repair of
917 motorboats; "marine engine manufacturer" means a person engaged in
918 the business of manufacturing, selling or repairing marine engines
919 having an established place of business for the sale, trade, display or
920 repair of marine engines; "marine engine" means an engine
921 manufactured for use or used in vessels; "federal Boat Safety Act of
922 1971" means an Act of Congress approved August 10, 1971, Public Law
923 92-75; and "boat livery" means a business that is engaged in the
924 commercial rental of vessels, including, but not limited to, personal
925 watercraft.

926 Sec. 11. Section 15-150 of the general statutes is repealed and the
927 following is substituted in lieu thereof (*Effective from passage*):

928 (a) Each boat [liveryman] liveryperson shall keep a record of the
929 name and address of every person who rents a vessel, the registration
930 number thereof, if applicable, the departure date and time and the
931 expected time of return. The record shall be preserved for at least one
932 year.

933 (b) Any operator of a vessel rented from a boat livery shall carry on
934 board such vessel the original or a copy of the written rental agreement
935 for such rental stating the period of such rental, the identity of the
936 person who rented the vessel and the vessel number which appears on
937 the certificate of number, if required.

938 [(b)] (c) Neither the owner nor any agent or employee of a boat
939 livery shall permit any vessel which is rented to depart from the livery
940 premises unless it is provided, either by the owner or lessee, with such
941 safety devices and equipment as may be required by law.

942 (d) Neither the owner nor any agent or employee of a boat livery
943 shall permit any vessel which is rented to depart from the livery unless
944 such vessel is registered and numbered properly as a livery boat if
945 required.

946 (e) Neither the owner nor any agent or employee of a boat livery
947 shall permit an operator of any vessel which is rented to depart from
948 the boat livery without a safe boating certificate or certificate of
949 personal watercraft operation, if such operator is required by section
950 15-140e, as amended by this act, and section 15-140j, as amended by
951 this act, to have a safe boating certificate or certificate of personal
952 watercraft operation.

953 [(c)] (f) Violation of any provision of this section shall be an
954 infraction.

955 Sec. 12. (NEW) (*Effective from passage*) (a) A private property owner
956 may retain or register a vessel in such owner's name if the vessel has
957 been abandoned on such owner's property for more than four months.

958 (b) To retain or register a vessel pursuant to subsection (a) of this
959 section, the private property owner shall request the authority that
960 removed the vessel to make a determination regarding whether the
961 vessel is an abandoned vessel and to issue a determination report,
962 which report shall include, in addition to the determination regarding
963 whether the vessel is an abandoned vessel, the name and contact
964 information of the last owner of record of the vessel and any known or
965 reasonably discoverable identification information regarding the
966 vessel. Upon determining that the vessel is abandoned, the removing
967 authority shall affix a readily visible notification sticker to the vessel.
968 The notification sticker shall contain the following information: (1) The
969 date and time the sticker was affixed to the vessel, (2) a statement that,
970 pursuant to this section, if the vessel is not claimed and removed thirty
971 days after the sticker was affixed, the vessel may be retained or
972 registered by the owner of the private property on which the vessel
973 was abandoned, (3) the location and telephone number where
974 additional information may be obtained, and (4) the identity of the
975 person who affixed the sticker.

976 (c) Not later than two weeks after the issuance of a determination
977 pursuant to subsection (b) of this section, the private property owner
978 shall make a reasonable attempt to notify the vessel owner or the

979 owner's agent and any person or entity claiming a legal or equitable
980 interest in the vessel with the Secretary of the State and shall allow
981 such owner, owner's agent or person or entity claiming a legal or
982 equitable interest to make arrangements for removal of the vessel.
983 Such notification shall be sent certified mail, return receipt requested,
984 and shall inform the vessel owner or the owner's agent or person or
985 entity claiming a legal or equitable interest in the vessel that, pursuant
986 to this section, if the vessel is not claimed and removed not later than
987 thirty days after the notification, the private property owner may
988 retain the vessel or register the vessel in his or her name. The private
989 property owner shall send a simultaneous notice of intent to retain or
990 register the vessel to the Commissioners of Environmental Protection
991 and Motor Vehicles. Upon receipt of the notice of intent to retain or
992 register, the Commissioner of Environmental Protection shall make
993 reasonable efforts to determine if the vessel has been stolen and shall
994 notify the private property owner and the Department of Motor
995 Vehicles of such determination.

996 (d) If the owner or the owner's agent of the vessel is unknown, the
997 private property owner shall place a notice providing the following
998 information in a newspaper published or having a circulation in the
999 town where such vessel was abandoned at least twice during the two-
1000 week period following the notice provided in subsection (c) of this
1001 section: (1) A description of the vessel, including any identifying
1002 numbers or markings; (2) the location where the vessel was found; and
1003 (3) a statement that if the vessel is not claimed and removed not later
1004 than thirty days after the date of the second newspaper notice, the
1005 private property owner may retain the vessel or register it in such
1006 owner's name.

1007 (e) If the private property owner has complied with the notice
1008 requirements of this section and the vessel remains abandoned on such
1009 owner's property after completion of the four-month period, such
1010 owner may either: (1) Retain the vessel, or (2) apply to the Department
1011 of Motor Vehicles to register it in such owner's name, on forms
1012 provided by the Department of Motor Vehicles. Such private property

1013 owner shall provide the following information to the Department of
 1014 Motor Vehicles in the form of an affidavit: (A) Proof that at least four
 1015 months have elapsed since the date the determination report was
 1016 issued pursuant to subsection (b) of this section, (B) proof that a
 1017 certified letter was mailed pursuant to subsection (c) of this section or a
 1018 statement detailing unsuccessful steps taken to identify the name and
 1019 address of the vessel owner, owner's agent or any person or entity who
 1020 has filed a legal or equitable interest claim with the Secretary of the
 1021 State regarding the vessel, (C) proof that the notice of intent to retain
 1022 or register required by subsection (c) of this section was sent to the
 1023 Commissioners of Environmental Protection and Motor Vehicles, and
 1024 that the Commissioner of Environmental Protection provided a
 1025 determination of whether or not the vessel was stolen, and (D) proof
 1026 that the notice required by subsection (d) of this section was published
 1027 following the notice provided in subsection (c) of this section and that
 1028 the second newspaper notice required by subsection (d) of this section
 1029 was published at least thirty days before the application for
 1030 registration was submitted by the private property owner to the
 1031 Department of Motor Vehicles.

1032 (f) Upon receipt of the affidavit pursuant to subsection (e) of this
 1033 section and any fees and taxes due, the Department of Motor Vehicles
 1034 shall register the vessel to the applicant.

1035 (g) A removing authority may retain or register a vessel abandoned
 1036 on the removing authority's property by proceeding in the same
 1037 manner as a private property owner pursuant to this section.

1038 Sec. 13. Sections 15-133a and 15-140c of the general statutes are
 1039 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	15-3a
Sec. 2	<i>from passage</i>	15-9
Sec. 3	<i>from passage</i>	15-11a

Sec. 4	<i>from passage</i>	15-129
Sec. 5	<i>from passage</i>	15-129a
Sec. 6	<i>October 1, 2007</i>	15-132
Sec. 7	<i>from passage</i>	15-140e
Sec. 8	<i>from passage</i>	15-140f
Sec. 9	<i>from passage</i>	15-140j
Sec. 10	<i>from passage</i>	15-141
Sec. 11	<i>from passage</i>	15-150
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	Repealer section

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	SF - See Below	See Below	See Below

Note: SF=Special Fund (Non-appropriated)

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill makes conforming, technical and minor changes to boating laws, codifies current practice, and modifies and replaces current boating laws by incorporating applicable federal laws by reference. These changes are not anticipated to impact the workload or duties of the Department of Environmental Protection (DEP).

Any changes made to the laws regarding the removal of abandoned vessels is not anticipated to have any net fiscal impact to municipalities which undertake the process established in the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 7184*****AN ACT CONCERNING BOATING SAFETY.*****SUMMARY:**

This bill expands the law concerning certain vessels that are considered abandoned and adds hearing and other requirements to determine the validity of any custody, removal, or storage of such a vessel. It also expands requirements for the sale of such a vessel.

It modifies several specific boating safety statutes, replacing them by incorporating applicable federal laws by reference. It also:

1. changes requirements for notification those involved in boating accidents must give,
2. adjusts safe boating and personal watercraft (jet ski) certificate requirements,
3. makes it an infraction (a) to be an unauthorized boating or personal water craft safety teacher or (b) for Department of Environmental Protection (DEP) employees to use safe boating operation or safe personal watercraft handling course materials for personal gain,
4. adjusts boat livery (vessel rental) law,
5. establishes a process for private property owners to retain or register a vessel abandoned on his or her property, and
6. allows people enrolled in a DEP-approved safe boating operation course to operate a vessel without a safe boating certificate when under the onboard supervision of an authorized

boating instructor.

The bill eliminates the requirement that the DEP commissioner prescribe, install, and maintain suitable safety controls and warning devices for boats on the approaches to Housatonic River dams. (Federal law regulates these devices, and owners must maintain them.)

It also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except for the accident notification provisions, which are effective October 1, 2007

ABANDONED VESSELS (§§ 1-3)

The bill changes the law concerning removal of abandoned vessels, which the bill defines, on (1) navigable state waters and on (2) state waters (i.e., separate from those navigable) or public or private property. It creates a new and expanded hearing process for vessels abandoned on both navigable state waters and on state waters or public or private property.

The bill defines “abandoned vessel,” incorporating current law’s term, “derelict vessel.” Under the bill, the definition includes a vessel, scow, lighter, or similar floating structure or part of a structure left unattended:

1. and afloat, anchored, moored, docked, submerged, beached or made fast to land in a position that interferes with or otherwise poses a danger to navigation, or is in a condition that creates a hazard to other vessels in a waterway, a hazard to public safety or a hazard to the property of another; or
2. for more than 24 hours on public or private property without the consent of the property owner or without authorization by law, and
3. whether or not moored, anchored, or made fast to shore, that is broken or altered to such an extent that it will not keep afloat with ordinary care, that is, a “derelict vessel.”

The bill defines a "removing authority" as a harbor master, a deputy harbor master, a municipality's chief executive official or his or her designee, or the Public Safety (DPS), Transportation (DOT), or Environmental Protection (DEP) departments' commissioners or their designees.

Under the bill, "waters of this state" means all waters, including navigable waters, within the territorial limits of the state.

Removing an Abandoned Vessel from Navigable State Waters

Under current law, if a boat's master or owner or a person having charge of the vessel that is lying within navigable state waters neglects or refuses to obey a harbormaster's order when the harbormaster is performing his or her duties, the harbormaster may order the vessel to be removed at the owner's expense. The bill eliminates the terms "master" and person in "charge" and specifies that an owner, owner's agent, or operator is subject to this and the bill's provisions. By law, failing to obey such an order of a harbormaster is an infraction and the person is subject to an \$85 fine.

Notice. By law, a harbormaster may notify any officer of an organized police department or any state police officer that a person has committed the above infraction. That officer may remove and take the vessel into custody and must give written notice by certified mail, to the person, if known. The bill includes notice to any person or entity that has filed a legal or equitable interest claim about the vessel with the secretary of the state, and that the notice must be return receipt requested. It is unclear who determines that a person or entity has a legal or equitable interest (the police or the secretary of the state).

By law, this notice must state (1) that the vessel has been taken into custody and stored; (2) the storage location; (3) the vessel can be sold after 15 days if its market value is not more than \$500 or after 90 days if its value is greater than \$500; (4) that the owner has the right to contest the validity of the taking by application, on a form prescribed by the commissioner of transportation, to the hearing officer named in

the notice within 10 days from the notice's date. These application forms must be readily available to the public at all DOT offices and at all state and local police departments. The bill eliminates references to the boat's removal as a taking, and instead allows an interested party (an owner, owner's agent, or a person or entity claiming a legal or equitable interest) to contest the validity of the custody, removal, or storage of the vessel at a hearing. The bill specifies that if a request for such a hearing is made, it must be in writing to the officer and, as under current law, be made within 10 days of the notice's date. The bill shortens the length of time before the vessel may be sold and eliminates separate periods based on its value. Specifically, it allows such a vessel to be sold after 30 days. The bill requires the notice also to state the location from which the vessel was removed.

The bill provides that such a hearing request must include (1) the name, address, and telephone number of the person or entity requesting the hearing; (2) a description of the vessel; and (3) the location from which the vessel was removed, if known.

Hearing Officer and Hearing. Under current law, chief executive officers of the towns involved may appoint a suitable person, who cannot be a state or local police department member, to be a hearing officer to hear applications to determine whether or not the taking was authorized. Two or more towns may join in appointing the officer, provided the hearing must be held at a location which is as near to the town where the vessel was located as is reasonable and feasible. The bill instead requires the officer to notify the chief executive official of the town from which the vessel was removed of the hearing request upon receiving the request for a hearing from the owner, owner's agent, operator, or interested party. The bill requires the chief executive official to appoint a suitable person (which apparently may be a police officer) to be a hearing officer to hear applications to determine whether or not the taking of the vessel was authorized under the bill.

By law, the DOT commissioner must establish regulations on

qualifications necessary for hearing officers and procedures for holding hearings. The bill provides that the hearing is limited to a determination of the validity of the custody, removal or storage of the vessel under the provisions of this section. Under current law, if the hearing officer determines that the owner or master was in violation of the harbormaster's order, the vessel owner or master is liable for any removal or the costs and expenses incident to the removal, including legal expenses and court costs incurred in its recovery. If the hearing officer determines the vessel owner or master did not violate such an order, he or she is not liable for any expenses. The law allows that anyone aggrieved by such a hearing officer's decision may, within 15 days of the notice of the decision, appeal to the Superior Court for the judicial district where the hearing was held.

Under the bill, if the hearing officer determines that the custody, removal or storage of the vessel was authorized under the bill, the owner, owner's agent, the operator of the vessel or the person or entity claiming a legal or equitable interest in the vessel is liable for any expenses incurred as a result of such custody, removal or storage and the costs and expenses incident to such custody, removal or storage, including legal expenses and court costs incurred in the custody, removal or storage. If not, these people are not liable. The bill also provides that if the owner, owner's agent, operator of the vessel or the person or entity claiming a legal or equitable interest in the vessel reimburses the officer for all costs associated with the custody, removal or storage of the vessel before the hearing officer's decision and the hearing officer determines that the custody, removal or storage of the vessel was not authorized, the officer must reimburse the owner, owner's agent, operator of the vessel or the person or entity claiming a legal or equitable interest in the vessel.

Sale. Under current law, the state or local police department which has custody of the removed vessel has the power to sell the vessel at public auction. The state or local police department must apply such a sale's proceeds toward the payment of its charges, any storage charges, and the payment of any debt or obligation incurred by the officer who

placed the vessel in storage. This sale must be advertised three times in a newspaper published or having a circulation in the town where the vessel is stored or located, beginning at least five days before the sale; and, if the state or local police know the vessel owner's last known address or it can be determined by exercising reasonable diligence, the police must provide the owner with notice of the time and place of sale by mailing notice to him or her in a registered or certified letter, postage paid, to the last known address, at least five days before the sale.

The state or local police department must report to the DOT commissioner (1) the sales price, storing, and towing charges, if any; (2) buyer's name and address; (3) identification of the vessel and such other information as the DOT commissioner may require by regulation, within 15 days after the vessel's sale. The rest of the sale proceeds must be paid to the owner of the vessel or his legal representatives, if claimed at any time within one year from the sale date. By law, if the balance is not claimed, it escheats to the municipality from which the vessel was removed. Under current law, if the expenses incurred by the municipality for removal, towing, vessel sale, and any fines exceed a sale's proceeds, the vessel owner is liable for that amount. A vessel may not be sold as above until (1) the required 10-day time period expires and (2) a final decision has been rendered for a requested hearing.

For such a sale, the bill specifies that, the state or local police department may sell the vessel at public auction no earlier than 30 days after written notice was sent. The state or local police department must apply the sale's proceeds, after paying any security interests filed with the secretary of the state, its charges, any storage charges, and any debt or obligation incurred by the officer who placed the vessel in storage. The sale must be advertised twice (instead of three times) in a newspaper published or having a circulation in the town where such vessel was removed, beginning at least five days before the sale. If the last place of residence of the owner, owner's agent or operator of the vessel is known or can be reasonably determined, the notice of the sale

must be given to him by sending notice to him by certified mail, return receipt requested, at his usual residence, at least five days before the sale date.

For such a sale, the bill requires the sales notice to be sent at least five days before the day of the sale to (1) any person or entity that has filed with the secretary of the state claiming a legal or equitable interest in the vessel, (2) the DEP and DMV commissioners, and (3) to the harbor master in the town from which the vessel was removed. The DEP commissioner must make a reasonable attempt to determine if the vessel was stolen and must report her determination to the officer. The sale proceeds must be used to satisfy any security interests filed with the secretary of the state; cover any custody, removal, and storage charges, and pay all expenses connected with the sale. After that, the vessel's owner, owner's agent or operator or their legal representatives, may receive the rest, if they make a claim one year from the sale date.

Municipal Liability. The bill provides that municipalities or their employees, officer, or agents are liable for damages caused by the custody, removal, and storage of a vessel. By law, municipalities are liable for damages caused by negligent acts or omissions of the municipality or any of its employees, officers, or agents acting within the scope of their employment or official duties; negligent performance of functions from which they derive profit or pecuniary benefit; or actions that create or contribute to in creating a nuisance. But, a municipality is not liable for (1) damages caused by acts or omissions that constitute criminal conduct, fraud, actual malice, or willful misconduct, or (2) acts or omissions that require the exercise of judgment or discretion as an official function of the authority granted by law.

Removing a Vessel Abandoned on State Waters or Public or Private Property

The bill sets up a similar process as above for abandoned vessels on (other than navigable) state waters or public or private property.

By law, no one may abandon a vessel on state waters or on public or private property without the consent of the property owner or without required authorization. The bill makes intentionally abandoning a vessel on state waters or on public or private property without the consent of the property owner or without authorization a class C misdemeanor. A person committing a class C misdemeanor is subject to up to three months imprisonment, up to a \$500 fine, or both.

Under current law, an authorized harbormaster must determine whether a vessel is a derelict vessel. The DOT commissioner, the harbormaster, or an authorized municipal representative may have the vessel removed at the owner's expense and may recover the cost upon the determination that it was abandoned. The bill instead specifies that the removing authority (1) determines if a vessel is abandoned, (2) may have it removed at the owner's expense if so, and (3) may recover the cost. By law, the vessel's last owner of record is responsible for the vessel. The bill eliminates a provision allowing the DOT and DEP commissioners to consider the abandonment as encroaching on dredging laws.

The bill requires the chief executive official of each municipality to provide the DEP commissioner the name, title, and contact information of his or her removal authority designee. The DEP commissioner must develop a training program for people responsible for removing abandoned vessels under the bill, within available appropriations.

Notice. The law requires the notification of a derelict vessel owner, his agent, or operator to allow for its removal. The notice must state that the person has 24 hours before the vessel will be removed, taken into custody, and stored at his or her expense. The bill gives the owner, his or her agent, the operator, or person or entity that has filed a legal or equitable interest claim in the vessel with the secretary of the state 72 hours instead of 24. The bill specifies that the notice is to be sent certified mail, return receipt requested, and must inform the person that removal, custody, and storage is possible.

Under current law, before removing a derelict vessel, the DOT

commissioner, an authorized harbormaster, or a duly authorized representative of a municipality must affix a readily visible notice to the vessel. The notification sticker must state:

1. the date and time the notification sticker was affixed to the vessel;
2. a statement that, if the vessel is not removed within 24 hours from the time the sticker was affixed, it will be taken into custody and stored at the owner's expense;
3. the location and telephone number where additional information may be obtained; and
4. the identity of the person who affixed the sticker.

The bill specifies that the removing authority must affix the sticker and changes the time to 72 hours.

Under the bill, the removing authority must provide a notice, similar to that for removing such a vessel from navigable waters and establishes a hearing process like that for navigable waters, and makes municipalities and political subdivisions liable as outlined above for removal of such vessels from navigable waters.

Proceeds. Unlike removal from navigable waters, the bill requires proceeds, if the owner or other party does not claim the proceeds remaining from a vessel sale after required payments have been made, to be deposited into the boating account in the state Conservation Fund. Under the bill, such an abandoned vessel in state waters or on public or private property cannot be sold under these provisions until a final decision has been rendered in response to a hearing requested by an owner, his or her agent, an operator, or any person or entity that has filed with the secretary of the state claiming a legal or equitable interest in the vessel

The bill provides that if no one purchases the vessel at the public auction, the removing authority may either retain or dispose of the

vessel. If the removing authority retains or disposes of the vessel because no one purchased it at the public auction, the owner, owner's agent or operator of the vessel remains liable for the satisfaction of security interests filed with the secretary of the state, all expenses incurred by the removing authority for the custody, removal and storage of the vessel, and any fines imposed.

The bill eliminates a provision allowing the DOT commissioner to require an owner, agent, or operator to furnish a performance bond in an amount sufficient to cover the estimated costs of removal as the commissioner determines.

Reimbursement. Under the bill, a removing authority that incurs expenses in carrying out these provisions is entitled, at the DEP commissioner's sole discretion, to reimbursement from the boating account, including funds collected under these provisions, for up to 90% of the actual costs incurred by such removing authority, when the owner of the abandoned vessel is either (1) unknown after a reasonable search effort or (2) is insolvent. The removing authority is responsible for at least 10% of actual costs. The DEP commissioner determines the reimbursement, if any. The DEP commissioner may adopt regulations to establish procedures for submitting requests for reimbursement, within existing appropriations, and criteria for allocating such funds.

Reports. The bill requires the removing authority to designate a suitable person to collect data concerning abandoned vessels, and prepare, and submit periodic reports to the DEP commissioner. The reports require information the commissioner may require.

Liability. Municipal liability is the same as discussed above.

RETAINING OR REGISTERING AN ABANDONED VESSEL (§ 12)

The bill allows a private property owner to retain or register a vessel in his or her name if the vessel has been abandoned on the property for more than four months and after fulfilling the bill's requirements.

To retain or register a vessel, the private property owner must

request the authority that would remove it to make a determination regarding whether the vessel is abandoned and to issue a determination report. The report must include, in addition to the determination regarding whether the vessel is an abandoned vessel, the name and contact information of the last owner of record of the vessel and any known or reasonably discoverable identification information regarding the vessel.

Upon determining that the vessel is abandoned, the removing authority must affix a readily visible notification sticker to the vessel. The notification sticker must contain the following information:

1. the date and time the sticker was affixed;
2. a statement that, if the vessel is not claimed and removed 30 days after the sticker was affixed, the vessel may be retained or registered by the owner of the private property where the vessel was abandoned;
3. the location and telephone number where additional information may be obtained; and
4. the identity of the person who affixed the sticker.

No later than two weeks after the determination, the private property owner must make a reasonable attempt to notify the vessel owner or the owner's agent and any person or entity claiming a legal or equitable interest in the vessel with the secretary of the state and must allow the owner, owner's agent, or person or entity claiming a legal or equitable interest to make arrangements for the vessel's removal. The notification the property owner sends must be by certified mail, return receipt requested, and must inform the vessel owner, the owner's agent, or the person or entity claiming a legal or equitable interest in the vessel that, under the bill, if the vessel is not claimed and removed no later than 30 days after the notification, the private property owner may retain the vessel or register the vessel in his or her name. The private property owner must send a simultaneous

notice of intent to retain or register the vessel to DEP and DMV commissioners. The bill requires the DEP commissioner to make reasonable efforts to determine if the vessel was stolen upon receipt of the notice of intent to retain or register. She must notify the private property owner and the DMV of her determination.

If the vessel owner or the owner's agent is unknown, the private property owner must place a notice providing the following information in a newspaper published or having a circulation in the town where the vessel was abandoned. The property owner must place the notice at least twice during the two-week period following the notice he or she must send. The newspaper notice must contain (1) a description of the vessel, including any identifying numbers or markings; (2) the location where the vessel was found; and (3) a statement that if the vessel is not claimed and removed no later than 30 days after the date of the second newspaper notice, the private property owner may retain the vessel or register it in his or her name.

If the private property owner has complied with the bill's notice requirements and the vessel remains abandoned on his property after completion of the four-month period, the owner may either: (1) retain the vessel or (2) apply to DMV to register it in his or her name, on forms DMV provides. The private property owner must provide the following information to DMV in an affidavit, with proof that:

1. at least four months have elapsed since the date the determination report was issued;
2. a certified letter was mailed as the bill requires or a statement detailing unsuccessful steps taken to identify the name and address of the vessel owner, owner's agent or any person or entity who has filed a legal or equitable interest claim with the secretary of the state regarding the vessel;
3. the notice of intent to retain or register required under the bill was sent to the DEP and DMV commissioners, and that the DEP commissioner provided a determination of whether or not the

vessel was stolen; and

4. the property owner published the required newspaper notices as the bill requires.

DMV must register the vessel to the applicant when it receives the affidavit and any fees and taxes due.

A removing authority may retain or register a vessel abandoned on the removing authority's property by proceeding in the same manner as a private property owner under the bill.

FEDERAL REGULATIONS (§§ 4-5)

The boating safety and equipment requirements that the bill replaces with federal ones address:

1. required number and type of adult and child onboard flotation devices (the bill specifies that DEP can adopt more stringent regulations),
2. ventilation devices for flammable and explosive gases,
3. navigation and anchor lights,
4. backfire flame control for carbureted inboard engines,
5. fire extinguishers for motorboats,
6. motorboat sound signals, and
7. visual distress signals for vessels operating on Long Island Sound or Fishers Island Sound.

With respect to navigation lights, the bill allows sailboats and power-driven vessels to comply with applicable federal or international regulations. Current law allows them to comply with applicable state requirements or international regulations.

BOATING ACCIDENT NOTIFICATION (§ 6)

Under current law, when two or more vessels are involved in a collision, accident or other casualty, the operator of each, so far as he or she can do without danger to his or her vessel or to its crew or passengers, must assist the other vessel, its operator, crew, and passengers as may be feasible and necessary to save them from danger caused by the collision. The vessel operator must stay by the other vessel until he or she has determined that there is no need of further assistance. Each vessel operator involved must also give the other operator his or her name; address; and the identification number, if any, of his or her vessel. Under the law, an operator's failure to comply with these requirements, unless reasonable cause for such failure is shown, is evidence that on its face the collision was caused by his ore her wrongful act, neglect, or default.

Under the bill, each vessel operator who is knowingly involved in an accident that causes serious physical injury or results in another person's death must stop immediately so far as possible without danger to his or her vessel or to its crew or passengers, and assist as feasible and necessary the other vessel, its operator, crew and passengers to save them from danger the accident caused. As under current law, the vessel operator must stay by the other vessel until he or she has determined that there is no need of further assistance. The bill requires each vessel operator to also give his or her name; address; and vessel identification number, if any to the operator of the other vessel, the person injured, any law enforcement officer, or any witness to the accident. By law, "serious physical injury" means physical injury that creates a substantial risk of death or causes serious (1) disfigurement, (2) health impairment, or (3) bodily organ function loss or impairment.

Under the bill, if the operator of the vessel that caused the death or serious physical injury is unable to give the operator's name, address, and identification number to those required under the bill, for any reason or cause, he or she must (1) immediately report the death or serious physical injury of any person to the nearest law enforcement agency having jurisdiction over the accident and (2) state in the report

the location and circumstances of the accident causing the death or serious physical injury and his or her name; address; and vessel identification number, if any.

The bill makes anyone who violates these notification requirements guilty of a class D felony. By law, a person committing a class D felony is subject to from one to five years imprisonment, a fine of up to \$5,000, or both.

The bill establishes the same procedures and notification requirements for accidents that physically injure a person or damage property, including notification to those injured or whose property was damaged. But it makes anyone who violates these requirements guilty of a class A misdemeanor. By law, (1) "physical injury" means impairment of physical condition or pain and (2) a person committing a class A misdemeanor is subject to up to one year imprisonment, a fine of up to \$2,000, or both.

SAFE BOATING AND PERSONAL WATERCRAFT CERTIFICATES (§§ 7 & 9)

By law, anyone operating a vessel in the state must generally have a valid U.S. Coast Guard vessel operator license or DEP-issued safe boating certificate. The bill prohibits anyone in constructive control of a vessel from knowingly allowing someone age 16 or younger who is required to have a safe boating certificate to operate the vessel on state waters without such a certificate, with one exception. A person age 16 or less may operate a vessel if he or she is under the direct onboard supervision of someone at least age 18 who (1) has received a safe boating certificate and (2) has held the certificate for at least two years.

Similarly, the law requires anyone operating a personal watercraft to have received a DEP-issued personal watercraft operation certificate. The bill however prohibits anyone in control of a personal watercraft from knowingly allowing anyone age 16 or younger who does not have a certificate from operating a personal watercraft on state waters.

The bill shortens from six to three months the validity period of a temporary safe boating and personal watercraft operation certificate. The law allows the owner of a newly purchased new or used vessel or personal watercraft to apply for and receive a temporary certificate from DEP when registering such a vessel or personal watercraft. The timing of such a certificate begins at the time of registration, as under current law. The law requires a person registering such a personal watercraft to have completed safe personal watercraft handling course to receive the temporary certificate. The law prohibits anyone from receiving more than one temporary boating or personal watercraft certificate.

The bill requires DEP to issue a personal watercraft operation certificate to any applicant who provides proof that he or she has:

1. successfully completed a combined course in safe boating operation and safe personal watercraft handling approved by DEP's commissioner, which include courses offered by the U.S. Power Squadrons, Coast Guard Auxiliary, or other similar organization;
2. been issued or has satisfied the requirements for safe boating certificate issuance and successfully completed a DEP commissioner-approved course in safe personal watercraft handling, which include courses offered by the U.S. Power Squadrons, Coast Guard Auxiliary, or other similar organization; or
3. successfully passed an equivalency examination, which the commissioner administers, that tests the knowledge of safe boating operation and safe personal watercraft handling.

COMMERCIAL RENTAL OF VESSELS, INCLUDING PERSONAL WATERCRAFT (§ 10 & 11)

The bill defines "boat livery" as a business engaged in the commercially renting vessels, including personal watercraft.

By law, a liveryman or woman must keep a record of the name and address of every person who rents a vessel; its registration number, if applicable; the departure date and time; and the expected time of return. The liveryperson must preserve the record for at least one year. Under the law, neither the owner nor any agent or employee of a boat livery may permit any rented vessel to depart from the livery premises unless it is provided, either by the owner or lessee, with safety devices and equipment as the law may require. By law, violations are an infraction.

Under the bill, any operator of a vessel rented from a boat livery must carry with him or her on board the original or a copy of the written rental agreement for the rental. The agreement must state the rental period, the identity of the person who rented the vessel, and the vessel number which appears on the certificate of number, if required. By law, to operate certain vessels on state waters, owners must hold a valid (1) certificate of number from Connecticut, another state, or the U.S. government that is displayed on each side of the vessel or (2) marine document issued by the U.S. Coast Guard. The law requires that all boats with motors, regardless of size, and sailboats 19.5 feet or longer (powered only by sail), be registered with the DMV and numbered before launching.

The bill requires the vessels' boat livery agents or employees rent, which will leave dock, to be registered and numbered properly, if required by law as above.

The bill prohibits a boat livery owner or any agent from allowing a rented vessel operator to depart from the boat livery without a safe boating certificate or certificate of personal watercraft operation, when required (for rental periods longer than 14 days). By law, a person can operate a rented vessel, other than a personal watercraft, which is rented for a period of 14 days or less. People or organizations engaged in the commercial rental of vessels must furnish each rental customer literature on safety and rules of navigation as supplied by the DEP commissioner.

BACKGROUND

Derelict Vessels

Current law establishes procedures for an official to take a derelict vessel into custody after 24 hours and move it to a place of storage. It also allows the official to sell it after a specific period of time has passed. The current procedures are similar those governing towing of an apparently abandoned or unregistered motor vehicles from public highways, but do not include a provision for a hearing to contest the validity of the seizure or the sale.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/23/2007)