



General Assembly

January Session, 2007

**Raised Bill No. 7184**

LCO No. 4197

\*04197\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT CONCERNING BOATING SAFETY.**

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

1 Section 1. Section 15-3a of the general statutes is repealed and the  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] (A) A vessel, scow,  
5 lighter or similar floating structure or part thereof, whether or not  
6 moored, anchored or made fast to shore, that is broken or altered to  
7 such an extent that it will not keep afloat with ordinary care; (B) a  
8 vessel, scow, lighter or similar floating structure or part thereof left  
9 unattended and afloat, anchored, moored, docked, submerged,  
10 beached or made fast to land in a position that interferes with or  
11 otherwise poses a danger to navigation, or is in a condition that creates  
12 a hazard to other vessels in a waterway, a hazard to public safety or a  
13 hazard to the property of another; or (C) a vessel, scow, lighter or  
14 similar floating structure or part thereof left unattended for more than  
15 twenty-four hours on public or private property without the consent of  
16 the property owner or without authorization by law;

17 (2) "Harbor" means a place on navigable waters, as defined by this  
18 section, where water-borne commercial or recreational traffic enters for  
19 the purpose of anchorage or docking or the unloading or receiving of  
20 cargo, supplies, equipment, fuel or passengers;

21 (3) "Navigable waters" means waters which are subject to the ebb  
22 and flow of the tide shoreward to their mean high-water mark;

23 (4) "Navigable waterways" means waters which are physically  
24 capable of supporting water-borne traffic, and subject to the ebb and  
25 flow of the tide;

26 (5) "Removing authority" means a harbor master, a deputy harbor  
27 master, a chief executive official of a municipality or such chief  
28 executive official's designee, a state police officer, the Commissioner of  
29 Transportation or said commissioner's designee, or the Commissioner  
30 of Environmental Protection or said commissioner's designee; and

31 (6) "Waters of this state" means all waters, including navigable  
32 waters, within the territorial limits of the state.

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 Section 15-9 of the general statutes is repealed and the  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

35 (a) When the [master or] owner or operator of or agent for such  
36 owner or operator for any vessel lying within the navigable waters of  
37 this state [, or the person having the same in charge,] wilfully neglects  
38 or refuses to obey the order of any harbor master performing [his] such  
39 harbor master's duties under the provisions of this chapter, such  
40 harbor master may cause such vessel to be removed at the expense of  
41 the owner. Any [such master,] owner, [or person] operator or agent in  
42 violation of this section shall be deemed to have committed an  
43 infraction and shall be fined eighty-five dollars.

44 (b) A harbor master may notify any officer attached to an organized  
45 police department or any state police officer that [a master or] an  
46 owner, owner's agent or operator of a vessel is in violation of the

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

72 (c) [The] (1) Upon receipt of a request for a hearing pursuant to  
73 subsection (b) of this section, the officer shall notify the chief executive  
74 [officer of each town may] official of the town from which the vessel  
75 was removed of the hearing request and such chief executive official  
76 shall appoint a suitable person [, who shall not be a member of any  
77 state or local police department,] to be a hearing officer to hear  
78 applications to determine whether or not the taking of the vessel was  
79 authorized under the provisions of this section. Two or more towns  
80 may join in appointing such officer; provided any such hearing shall

81 be held at a location which is as near to the town where such vessel  
82 was [~~located~~] ~~removed~~, as is reasonable and practicable. The  
83 [~~commissioner shall~~] Commissioner of Transportation may establish  
84 by regulation the qualifications necessary for hearing officers and  
85 procedures for the holding of such hearings. (2) The hearing shall be  
86 limited to a determination of the validity of the custody, removal or  
87 storage of the vessel under the provisions of this section. If it is  
88 determined at such hearing that the [~~owner or master was in violation~~  
89 ~~of subsection (a) of this section,~~] custody, removal or storage of the  
90 vessel was authorized under this section, the owner, [~~or master of~~]  
91 owner's agent, operator or person or entity claiming a legal or  
92 equitable interest in such vessel shall be liable for any expenses  
93 incurred as a result of such custody, removal [, or] or storage and the  
94 costs and expenses incident to such custody, removal [,] or storage,  
95 including legal expenses and court costs incurred in such [recovery]  
96 custody, removal or storage. If [~~it is determined at such hearing~~] the  
97 hearing officer determines that the [~~owner or master was not in~~  
98 ~~violation of subsection (a) of this section, the owner or master]~~  
99 custody, removal or storage of such vessel was not authorized under  
100 this section, the owner, owner's agent, operator or person or entity  
101 claiming a legal or equitable interest in the vessel shall not be liable for  
102 any expenses incurred as a result of such [removal] custody, removal  
103 or storage or for the costs and expenses incident to such [removal,]  
104 custody, removal or storage, including legal expenses and court costs  
105 incurred in such [recovery] custody, removal or storage. If, prior to the  
106 hearing officer's decision, the owner, owner's agent, operator or person  
107 or entity claiming a legal or equitable interest in the vessel reimburses  
108 the officer for all costs associated with the custody, removal or storage  
109 of the vessel and it is determined at the hearing that the custody,  
110 removal or storage of the vessel was not authorized under the  
111 provisions of this section, the officer shall reimburse the owner,  
112 owner's agent or operator or person or entity claiming a legal or  
113 equitable interest in the vessel the amount paid by such owner,  
114 owner's agent, operator or person or entity. Any person aggrieved by

115 the decision of such hearing officer may, within fifteen days of the  
116 notice of such decision, appeal to the superior court for the judicial  
117 district wherein such hearing was held.

118 (d) [The] Not earlier than fifteen days or more than thirty days after  
119 written notice has been made pursuant to subsection (b) of this section,  
120 the state or local police department [which has custody of the removed  
121 vessel shall have the power to] may sell such vessel at public auction in  
122 accordance with the provisions of this section. The state or local police  
123 department shall apply the [avails] proceeds of such sale, after  
124 satisfaction of any security interests filed with the Secretary of the  
125 State, toward the payment of its charges, any storage charges and the  
126 payment of any debt or obligation incurred by the officer who placed  
127 the [same] vessel in storage. Such sale shall be advertised twice in a  
128 newspaper published or having a circulation in the town where such  
129 vessel [is stored or other place is located three times] was removed,  
130 commencing at least five days before such sale; and, if the last place of  
131 abode of the owner, owner's agent or operator of such vessel is known  
132 to or may be ascertained by the state or local police by the exercise of  
133 reasonable diligence, notice of the time and place of sale shall be given  
134 him by mailing such notice to him in a registered or certified letter,  
135 postage paid, at such last usual place of abode, at least five days before  
136 the [time] day of the sale. [The state or local police department shall  
137 report the sales price, storing and towing charges, if any; buyer's name  
138 and address; identification of the vessel and such other information as  
139 may be required in regulations which shall be adopted by the  
140 Commissioner of Transportation in accordance with the provisions of  
141 chapter 54, to the commissioner within fifteen days after the sale of the  
142 vessel.] Notice of such sale shall be sent at least five days before the  
143 day of the sale to any person or entity who has filed with the Secretary  
144 of the State claiming a legal or equitable interest in the vessel. Notice of  
145 such sale shall be sent to the Commissioners of Environmental  
146 Protection and Motor Vehicles, and to the harbor master in the town in  
147 which the vessel was removed. Upon receipt of the notice, the  
148 Commissioner of Environmental Protection shall make a reasonable

149 attempt to determine if the vessel was stolen and shall provide such  
150 determination to the officer. The proceeds of such sale, after  
151 satisfaction of any security interests filed with the Secretary of the State  
152 and after deducting the amount due for [any] custody, removal and  
153 storage charges and all expenses connected with such sale [, including  
154 the expenses of the officer who placed such vessel in storage,] shall be  
155 paid to the owner, owner's agent or operator of such vessel or [his]  
156 such owner's, owner's agent's or operator's legal representatives, if  
157 claimed by [him or] them at any time within one year from the date of  
158 such sale. If such balance is not claimed within said period, it shall  
159 escheat to the municipality from which the vessel was removed. If the  
160 satisfaction of security interests filed with the Secretary of the State, the  
161 expenses incurred by the [municipality] state and local police  
162 department for such custody, removal, [and towing] storage and [the]  
163 sale of such vessel and any fines exceed the proceeds of such sale, the  
164 owner, owner's agent or operator of the vessel shall be liable for such  
165 excess [amount. A vessel may not be sold in accordance with the  
166 provisions of this section until: (1) The expiration of the time period  
167 under subdivision (3) of subsection (b) of this section, and (2) a final  
168 decision has been rendered in connection with an application filed  
169 pursuant to subdivision (4) of subdivision (b) of this section] expenses.

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

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

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

179 (a) No person shall abandon a vessel on waters of this state or on  
180 public or private property without the consent of the property owner

181 or without authorization by law.

182 [(a) A duly authorized harbor master] (b) An officer who removes a  
183 vessel pursuant to section 15-9 shall determine whether a vessel is [a  
184 derelict] an abandoned vessel. Upon such determination, the  
185 [Commissioner of Transportation, such harbor master or a duly  
186 authorized representative of a municipality] removing authority may  
187 cause such [derelict] abandoned vessel to be removed at the expense of  
188 any owner, owner's agent or operator of such [derelict] abandoned  
189 vessel and may recover the expense of such removal, together with the  
190 costs and expenses incident to such removal, including legal expenses  
191 and court costs incurred in such recovery, from the owner, agent or  
192 operator of such vessel in an action founded upon this section. The last  
193 owner of record of such vessel shall be responsible for such vessel.  
194 [After consultation with the Commissioner of Transportation, the  
195 Commissioner of Environmental Protection may consider any such  
196 vessel to be an encroachment subject to the provisions of sections 22a-  
197 359 to 22a-363f, inclusive.]

198 (c) The chief executive official of each municipality shall provide the  
199 Commissioner of Environmental Protection the name, title and contact  
200 information of his or her designee for purposes of this section. Within  
201 existing appropriations, said commissioner shall develop a training  
202 program for persons responsible for removing abandoned vessels  
203 under this section.

204 [(b)] (d) Prior to removing and taking such [derelict] abandoned  
205 vessel into custody, the [Commissioner of Transportation, a duly  
206 authorized harbor master or a duly authorized representative of a  
207 municipality] removing authority shall make a reasonable attempt to  
208 notify the owner, owner's agent or operator of the vessel and any  
209 person or entity who has filed a legal or equitable interest claim in the  
210 vessel with the Secretary of the State and shall allow such owner,  
211 owner's agent or operator or such person or entity claiming a legal or  
212 equitable interest to make arrangements for removal of the vessel.

213 Such notification shall be sent certified mail, return receipt requested,  
214 and shall inform the owner, owner's agent or operator or person or  
215 entity claiming a legal or equitable interest in the vessel that, pursuant  
216 to this section, if the vessel is not removed within [twenty-four]  
217 seventy-two hours of notification, it [shall] may be removed, taken into  
218 custody and stored at the owner, agent or operator's expense or at the  
219 expense of any person or entity having a legal or equitable interest in  
220 the vessel.

221 [(c)] (e) Prior to removing [a derelict] and taking into custody an  
222 abandoned vessel, the [Commissioner of Transportation, a duly  
223 authorized harbor master or a duly authorized representative of a  
224 municipality] removing authority shall affix to such vessel a readily  
225 visible notification sticker. The notification sticker shall contain the  
226 following information: (1) The date and time the notification sticker  
227 was affixed to the vessel, (2) a statement that, pursuant to this section,  
228 if the vessel is not removed within [twenty-four] seventy-two hours of  
229 the time the sticker was affixed, it [shall] may be taken into custody  
230 and stored at the [owner's expense] owner's, owner's agents or  
231 operator's expense or at the expense of any person or entity having a  
232 legal or equitable interest in the vessel, (3) the location and telephone  
233 number where additional information may be obtained, and (4) the  
234 identity of the person who affixed the sticker.

235 [(d)] (f) If the [derelict] abandoned vessel is not removed by the  
236 owner, owner's agent or operator or person or entity having a legal or  
237 equitable interest in the vessel within the time period provided in  
238 subsection [(c)] (e) of this section, the [Commissioner of  
239 Transportation, a duly authorized harbor master or a duly authorized  
240 representative of a municipality] removing authority may direct that  
241 such vessel be removed and taken into custody and may cause the  
242 same to be stored in a suitable place.

243 [(e)] (g) If [a derelict] an abandoned vessel is removed and taken  
244 into custody pursuant to subsection [(d)] (f) of this section, the

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

268 (h) Upon receipt of a request for a hearing pursuant to subsection  
269 (g) of this section, the removing authority shall notify the chief  
270 executive official of the town in which the vessel was abandoned of the  
271 hearing request and such official shall appoint a suitable person as a  
272 hearing officer. The Commissioner of Transportation may establish by  
273 regulation the qualifications necessary for hearing officers and  
274 procedures for the holding of such hearings. The hearing shall be  
275 limited to a determination of the validity of the custody, removal and  
276 storage of the vessel under the provisions of this section. If it is  
277 determined at the hearing that the custody, removal and storage of the  
278 vessel was authorized under the provisions of this section, then the

279 owner, owner's agent or operator of the vessel or the person or entity  
280 having a legal or equitable interest therein shall be liable for  
281 reimbursing the removing authority for all costs associated with the  
282 custody, removal and storage of the vessel, as well as any other costs  
283 incurred by the removing authority under this subsection. If it is  
284 determined at the hearing that the custody, removal and storage of the  
285 vessel was not authorized under the provisions of this section, the  
286 owner, owner's agent or operator of the vessel or person or entity  
287 having a legal or equitable interest therein shall not be liable for  
288 reimbursing the removing authority. If the owner, owner's agent or  
289 operator of the vessel or person or entity having a legal or equitable  
290 interest therein, prior to the hearing officer's decision, reimburses the  
291 removing authority for all costs associated with the custody, removal  
292 and storage of the vessel and it is determined at the hearing that the  
293 custody, removal and storage of the vessel was not authorized under  
294 the provisions of this section, the removing authority shall reimburse  
295 the owner, owner's agent or operator of the vessel or person or entity  
296 having a legal or equitable interest therein for such amounts paid. The  
297 removing authority shall designate a suitable person who shall be  
298 responsible for the collection of data concerning abandoned vessels  
299 and the preparation and submission of periodic reports to the  
300 Commissioner of Environmental Protection, which reports shall  
301 contain such information as the commissioner may require. Any  
302 person aggrieved by the decision of a hearing officer under this section  
303 may, not later than fifteen days after receipt of notice of such decision,  
304 appeal such decision to the superior court for the judicial district  
305 where such hearing was held.

306 [(f) Ninety] (i) Thirty days or more after written notice has been  
307 given pursuant to subsection [(e)] (g) of this section, the  
308 [Commissioner of Transportation, a duly authorized harbor master or  
309 a duly authorized representative of a municipality] removing  
310 authority may sell [a derelict] an abandoned vessel at public auction in  
311 accordance with the provisions of this section. The [commissioner,  
312 harbor master or authorized agent of a municipality] removing

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

347 the State, expenses incurred by the [commissioner, harbor master or  
348 agent] removing authority for such custody, removal and storage and  
349 sale of such vessel and any fines exceed the proceeds of such sale, the  
350 owner, agent or operator of the vessel shall be liable for such excess  
351 expenses. If no one purchases the vessel at the public auction, the  
352 removing authority may either retain or dispose of the vessel. If the  
353 removing authority retains or disposes of the vessel because no one  
354 purchased the vessel at the public auction, the owner, owner's agent or  
355 operator of the vessel shall remain liable for the satisfaction of security  
356 interests filed with the Secretary of the State, all expenses incurred by  
357 the removing authority for the custody, removal and storage of such  
358 vessel and any fines imposed pursuant to section 15-9, as amended by  
359 this act.

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

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

378 (k) Liability for damages to persons or property caused by actions

379 pursuant to this section of political subdivisions of the state or any  
380 employee, officer or agent thereof shall be governed pursuant to  
381 section 52-557n.

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

384 (a) [The provisions of this section shall apply to vessels] Vessels  
385 operated on state and federal waters shall comply with the federal and  
386 state safety and equipment requirements contained in this chapter. The  
387 federal requirements cited in this section are incorporated herein by  
388 reference. (1) Every vessel shall [carry for each person on board, so  
389 placed as to be readily accessible, at least one buoyant personal  
390 flotation device. The operator or owner of any vessel being used for  
391 recreational purposes, other than a vessel required to have a certificate  
392 of inspection issued by the Coast Guard, shall require any child under  
393 twelve years of age who is aboard such vessel to wear a personal  
394 flotation device while such vessel is underway unless the child is  
395 below deck or in an enclosed cabin] comply with the requirements of  
396 33 CFR 175.11 to 175.25, inclusive, as amended from time to time,  
397 regarding the number and type of personal flotation devices required  
398 to be on board the vessel, including requirements regarding the use of  
399 personal flotation devices by children. Sailboards shall be exempt from  
400 carrying a personal flotation device if the mast of the sailboard is  
401 secured to the hull by a leash or safety line. (2) Every motorboat with  
402 enclosed fuel storage space or an enclosed engine compartment shall  
403 [be equipped with devices for ventilating flammable or explosive  
404 gases] comply with the requirements of 46 CFR Subpart 25.40 and 33  
405 CFR 175.201, as amended from time to time, regarding ventilation. (3)  
406 Every motorboat with a carbureted inboard engine shall [have the  
407 carburetor of such engine equipped with a flame arrestor or backfire  
408 trap unless such engine is mounted in the aftermost part of the vessel  
409 with no provisions for carrying passengers behind the forward edge of  
410 the engine and the carburetor of such engine has its intake opening  
411 above the gunwale line of the vessel in the open atmosphere and

412 mounted so backfire flames are directed to the rear or vertically away  
413 from the vessel and its occupants] comply with the requirements of 46  
414 CFR Subpart 25.35, as amended from time to time, regarding backfire  
415 flame controls. (4) Every motorboat shall have its engine equipped  
416 with an effective muffler or muffler system. (5) All [inboard]  
417 motorboats [, all outboard motorboats twenty-six feet or over in length,  
418 and all outboard motorboats less than twenty-six feet in length which  
419 have a compartment in which gases may accumulate, shall be  
420 equipped with a fire extinguisher] shall comply with the requirements  
421 of 46 CFR Subpart 25.30, as amended from time to time, regarding fire  
422 extinguishers. (6) Every [motorboat sixteen feet or more in length shall  
423 be equipped with a whistle or horn-type sound-producing device  
424 capable of producing a blast of two seconds or more in duration. On  
425 motorboats sixteen feet or more but less than twenty-six feet in length  
426 such device shall be mouth, hand or power-operated and audible for at  
427 least one-half mile. On motorboats twenty-six feet or more but less  
428 than forty feet in length such device shall be hand or power-operated  
429 and audible for at least one mile. On motorboats forty feet or more but  
430 less than sixty-five feet in length such device shall be power-operated  
431 and audible for at least one mile. Every motorboat twenty-six feet or  
432 more in length shall be equipped with a bell capable of producing a  
433 clear bell-like tone of full round characteristics] vessel shall comply  
434 with the requirements of 33 USC 2032 to 2037, inclusive, as amended  
435 from time to time, and 33 CFR Part 86, as amended from time to time,  
436 regarding sound signal appliances. (7) Every vessel operated on the  
437 waters of Long Island Sound or Fishers Island Sound between sunset  
438 and sunrise shall [carry] comply with the requirements of 33 USC 2037,  
439 as amended from time to time, 33 CFR Part 87, as amended from time  
440 to time, and 33 CFR 175.101 to 175.135, inclusive, as amended from  
441 time to time, regarding visual distress signals [suitable] required  
442 for night use. Every vessel [sixteen feet or more in length, except manually  
443 propelled vessels and open sailboats that are less than twenty-six feet  
444 in length, and are not equipped with propulsion machinery,] operated  
445 on the waters of Long Island Sound or Fishers Island Sound at any

446 time shall [carry visual distress signals suitable for day and night use]  
447 comply with the visual distress signal requirements of 33 USC 203, as  
448 amended from time to time, 33 CFR Part 87, as amended from time to  
449 time, and 33 CFR 175.101 to 175.135, inclusive, as amended from time  
450 to time, unless specifically exempted therefrom. [No] Each person,  
451 operator [or] and owner in a vessel shall [display or allow the display  
452 of a visual distress signal except when assistance is needed because of  
453 immediate or potential danger to persons aboard] comply with 33 CFR  
454 175.140, as amended from time to time, regarding restrictions on the  
455 use of visual distress signals.

456 (b) No person shall operate or give permission for the operation of  
457 any motorboat on the waters of this state unless such motorboat is at  
458 all times equipped with a muffler or muffler system which enables  
459 such motorboat to be operated in compliance with subsections (c) and  
460 (d) of this section and such muffler or muffler system is in use. For  
461 purposes of this section "muffler" or "muffler system" means a sound  
462 suppression device or system designed and installed to abate the  
463 sound of exhaust gases emitted from an internal combustion engine  
464 and causes such engine to operate in compliance with subsections (c)  
465 and (d) of this section. "Muffler system" includes, but is not limited to,  
466 an underwater through-the-propeller-hub exhaust outlet system.

467 (c) No person shall operate or give permission for the operation of  
468 any motorboat on the waters of this state in such a manner as to exceed  
469 the following noise levels: (1) For engines manufactured before  
470 January 1, 1993, a noise level of 90 dB(A) when subjected to a  
471 stationary sound level test as prescribed by Society of Automotive  
472 Engineers Specification Number J2005; (2) for engines manufactured  
473 on or after January 1, 1993, a noise level of 88 dB(A) when subjected to  
474 a stationary sound level test as prescribed by Society of Automotive  
475 Engineers Specification Number J2005. If a motorboat is equipped with  
476 more than one engine, the said noise levels shall apply when all such  
477 engines are simultaneously in operation.

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

482 (e) Any officer authorized to enforce the provisions of this chapter  
483 who has reason to believe that a motorboat is being operated in excess  
484 of the noise levels established in subsection (c) or (d) of this section  
485 may request the operator of such motorboat to submit the motorboat  
486 to an on-site test to measure noise levels, with the officer on board  
487 such motorboat if such officer chooses, and the operator shall comply  
488 with such request. If such motorboat exceeds the noise levels  
489 established in subsection (c) or (d) of this section, the officer may direct  
490 the operator to take immediate and reasonable measures to correct the  
491 violation, including returning the motorboat to a mooring and keeping  
492 the motorboat at such mooring until the violation is corrected or  
493 ceases.

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

499 (g) No person shall operate or give permission for the operation of  
500 any motorboat on the waters of this state that is equipped with a  
501 muffler or muffler system cutout, bypass or similar device which  
502 prevents the proper operation of or diminishes the operating capacity  
503 of the muffler, or causes the motorboat to be operated in violation of  
504 subsection (c) or (d) of this section except that the commissioner shall  
505 allow the installation and operation of those muffler system cutouts,  
506 bypasses or similar devices that are demonstrated to the satisfaction of  
507 the commissioner to operate in accordance with the provisions of  
508 subsection (c) or (d) of this section.

509 (h) No person shall remove a muffler or muffler system from a

510 motorboat or alter a muffler or muffler system on a motorboat so as to  
511 prevent the operation of such motorboat in compliance with  
512 subsections (c) and (d) of this section.

513 (i) No person shall sell or offer for sale any motorboat which is not  
514 equipped with a muffler or muffler system which enables such  
515 motorboat to be operated in compliance with subsections (c) and (d) of  
516 this section. This subsection shall not apply to the sale or offer for sale  
517 of a motorboat which will be operated solely for the purpose of  
518 competing in marine races or regattas, provided upon the sale of a  
519 motorboat which is not equipped with such a muffler or muffler  
520 system, the seller shall provide to the purchaser, and the purchaser  
521 shall date and sign, the following statement: "I understand that this  
522 motorboat may not be operated for any purposes other than competing  
523 in a marine race or regatta authorized under section 15-140b of the  
524 Connecticut general statutes". Such statement shall include the hull  
525 identification number of the motorboat being purchased. Not later  
526 than five days after the sale, the seller shall submit to the commissioner  
527 a copy of such signed and dated statement. The seller and purchaser  
528 shall each retain a copy of the statement.

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

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

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

542 (m) Any person who violates any provision of subsection (a) of this  
543 section shall have committed an infraction. Any person who fails to  
544 comply with a request or direction of an officer made pursuant to  
545 subsection (e) of this section shall be fined not less than three hundred  
546 fifty dollars or more than five hundred fifty dollars and shall be fined  
547 not less than four hundred fifty dollars or more than six hundred fifty  
548 dollars for each subsequent offense. Any person who violates the  
549 provisions of any other subsection of this section shall be fined not less  
550 than one hundred dollars or more than five hundred dollars.

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

553 [(a) Every vessel using state or federal waters, when underway in all  
554 weathers from sunset to sunrise, shall display the following prescribed  
555 lights: (1) A power-driven vessel, the construction of which was  
556 started after December 24, 1981, 12 meters (39'4") or more in length and  
557 less than 20 meters (65'6") in length shall exhibit side lights, a stern  
558 light, and a masthead light forward except that any masthead light  
559 need not be exhibited forward of midships but shall be exhibited as far  
560 forward of midships as is practicable and such vessel may exhibit an  
561 aft masthead light higher than the forward masthead light; (2) a  
562 power-driven vessel, the construction of which was started before  
563 December 25, 1981, less than 20 meters (65'6") in length and any  
564 power-driven vessel less than 12 meters (39'4") in length may exhibit  
565 those lights prescribed for a vessel, the construction of which was  
566 started after December 24, 1981, 12 meters (39'4") or more in length  
567 and less than 20 meters (65'6") in length, or in lieu of such combination  
568 of lights such vessels may exhibit side lights and an all-around white  
569 light at the stern; (3) a sailboat, under sail alone, 7 meters (22'10") or  
570 more in length and less than 20 meters (65'6") in length shall exhibit  
571 side lights and a stern light and such sailboat may exhibit at or near the  
572 top of the mast, where they can best be seen, two all-around lights in a  
573 vertical line, the upper red and the lower green. Such sailboat may  
574 have the side lights and stern lights combined in one lantern carried at

575 or near the top of the mast where it can best be seen but if a combined  
576 lantern is used, the two all-around red and green mast lights shall not  
577 be exhibited in conjunction with the combined lantern; (4) a sailboat,  
578 under sail alone, of less than 7 meters (22'10") in length and all vessels  
579 under oars shall, if practicable, exhibit the lights prescribed for a  
580 sailboat 7 meters (22'10") or more in length and less than 20 meters  
581 (65'6") in length or shall have aboard and ready at hand an electric  
582 torch or lighted lantern showing a white light which shall be exhibited  
583 in sufficient time to prevent collision. In lieu of the lights required by  
584 this section, a power-driven vessel or a sailboat may display the lights  
585 prescribed by international regulations, in the manner and under the  
586 condition provided therein.]

587 (a) Every vessel using state or federal waters shall comply with the  
588 following federal requirements, which are incorporated by reference,  
589 regarding the use of navigation lights: (1) 33 USC 2023, as amended  
590 from time to time, regarding power-driven vessels; and (2) 33 USC  
591 2025, as amended from time to time, regarding sailing vessels  
592 underway and vessels under oars. In lieu of the lights required by this  
593 section, a power-driven vessel or a sailboat may display the lights  
594 prescribed by international regulations, in the manner and under the  
595 condition provided by such regulations.

596 (b) The visibility for the lights required by this section shall [be as  
597 follows: (1) All stern lights, two miles; (2) all white, red or green all-  
598 around lights, two miles; (3) side lights on a vessel less than 12 meters  
599 (39'4") in length, one mile; (4) side lights on a vessel 12 meters (39'4") or  
600 greater in length, two miles; (5) masthead lights on a vessel less than 12  
601 meters (39'4") in length, two miles; (6) masthead lights on a vessel 12  
602 meters (39'4") or greater in length, three miles; and (7) anchor light,  
603 two miles. For the purposes of this section, visibility means visible on a  
604 dark night with clear atmosphere] comply with 33 USC 2022, as  
605 amended from time to time.

606 (c) When lights are required pursuant to subsection (a) of this

607 section, no other lights shall be exhibited, except lights that (1) cannot  
608 be mistaken for the lights required pursuant to this section and do not  
609 impair the visibility or distinctive character of such required lights,  
610 and (2) do not interfere with the keeping of a proper lookout.

611 [(d) Power driven and sailing vessels less than 20 meters but more  
612 than 7 meters in length at anchor between sunset and sunrise shall  
613 display an anchor light. Vessels less than 7 meters in length shall not  
614 be required to display an anchor light except when anchored in or near  
615 a narrow channel, fairway or anchorage or where other vessels  
616 normally navigate. Vessels less than 20 meters in length when at  
617 anchor in a special anchorage area as designated by the United States  
618 Secretary of Transportation shall not be required to exhibit an anchor  
619 light.]

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

623 (e) Flashing lights shall not be used by any vessel except as  
624 provided in this subsection. Flashing blue lights may be used by law  
625 enforcement vessels of the United States, this state or a political  
626 subdivision of this state when such vessels are engaged in law  
627 enforcement activities or when identification of such vessels is  
628 necessary for safety reasons. Flashing white lights may be used on any  
629 vessel in accordance with rules and regulations of the United States  
630 Coast Guard.

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

632 Sec. 6. Section 15-132 of the general statutes is repealed and the  
633 following is substituted in lieu thereof (*Effective October 1, 2007*):

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

636 (a) Each operator of a vessel who is knowingly involved in an

637 accident that causes serious physical injury, as defined in section 53a-3,  
638 or results in the death of another person shall at once stop so far as [he]  
639 such operator can do so without danger to [his] such operator's vessel  
640 or to its crew or passengers, shall render to the other vessel, its  
641 operator, crew and passengers such assistance as may be practicable  
642 and necessary to save them from danger caused by such collision and  
643 [he] shall stay by such other vessel until [he] such operator has  
644 ascertained that there is no need of further assistance. Each such  
645 operator shall also give to the operator of the other vessel, [his] to the  
646 person injured or to any law enforcement officer or witness to the  
647 accident such operator's name, address and the identification number,  
648 if any, of his or her vessel. If such operator of the vessel causing the  
649 death or serious physical injury of any person is unable to give the  
650 operator's name, address and identification number to the operator of  
651 the other vessel, to the person injured or to any witness or officer, for  
652 any reason or cause, such operator shall immediately report such  
653 death or serious physical injury of any person to the nearest law  
654 enforcement agency having jurisdiction over the accident and shall  
655 state in such report the location and circumstances of the accident  
656 causing the death or serious physical injury of any person and the  
657 operator's name, address and identification number.

658 (b) Each operator of a vessel who is knowingly involved in an  
659 accident which causes physical injury, as defined in section 53a-3, to  
660 any other person or damage to property shall at once stop so far as the  
661 operator can do so without danger to the operator's vessel or to its  
662 crew or passengers, shall render to the other vessel, its operator, crew  
663 and passengers such assistance as may be practicable and necessary to  
664 save them from danger caused by such collision and shall stay by such  
665 other vessel until the operator has ascertained that there is no need of  
666 further assistance. Each such operator shall give to the operator of the  
667 other vessel, to the person injured or to the owner of the damaged  
668 property and to any officer or witness to the accident, the operator's  
669 name, address and the identification number, if any, of such operator's  
670 vessel. If the operator of the vessel involved in the accident is unable to

671 give his or her name, address and identification number to the  
672 operator of the other vessel, the person injured or the owner of the  
673 property damaged or to any witness or officer, for any reason or cause,  
674 such operator shall immediately report such physical injury of any  
675 person or damage to property to the nearest law enforcement agency  
676 having jurisdiction over the accident and shall state in such report the  
677 location and circumstances of the accident causing the physical injury  
678 of any person or damage to property and the operator's name, address  
679 and identification number, if any, of such operator's vessel.

680 (c) Failure of an operator to comply with the requirements of this  
681 section, unless reasonable cause for such failure is shown, shall be  
682 prima facie evidence that the collision was caused by his wrongful act,  
683 neglect or default.

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

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

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

690 (a) [On and after the following dates, no] No resident of the state,  
691 person owning real property in the state or person owning a vessel in  
692 the state shall operate on the waters of the state a vessel which is  
693 required to be registered or numbered pursuant to this chapter unless  
694 such person has a valid vessel operator license issued by the United  
695 States Coast Guard or has obtained a safe boating certificate issued by  
696 the Commissioner of Environmental Protection. [; For operators who  
697 are less than twenty years of age, June 23, 1993; for operators who are  
698 less than twenty-five years of age, October 1, 1993; for operators who  
699 are less than thirty years of age, October 1, 1994; for operators who are  
700 less than thirty-five years of age, October 1, 1995; for operators who are  
701 less than forty years of age, October 1, 1996; and for all operators forty

702 years of age or older, October 1, 1997. Notwithstanding the provisions  
703 of this section, the commissioner may issue a certificate to a person  
704 who has successfully completed a course in safe boating operation  
705 approved by the commissioner before the date such person is required  
706 to take the exam under this section.] No owner or person in  
707 constructive control of a vessel shall knowingly authorize or permit a  
708 person who is less than sixteen years of age who is required by this  
709 section to obtain a safe boating certificate issued by the Commissioner  
710 of Environmental Protection to operate such vessel on the waters of the  
711 state without a safe boating certificate, unless such person is under the  
712 onboard supervision of a person who is at least eighteen years of age  
713 who has been issued a safe boating certificate and who has held such  
714 certificate for at least two years. A safe boating certificate may be  
715 suspended or revoked, pursuant to section 15-133, 15-140l or 15-140n,  
716 and shall be valid for the life of the person to whom it is issued unless  
717 otherwise suspended or revoked.

718 (b) A safe boating certificate shall be issued under subsection (a) to  
719 any applicant regardless of age who provides proof that [he] such  
720 applicant has: (1) [successfully] Successfully completed a course in safe  
721 boating operation approved by the Commissioner of Environmental  
722 Protection, which may include those offered by the United States  
723 Power [Squadron] Squadrons, Coast Guard Auxiliary or other  
724 organizations, or (2) successfully passed an equivalency examination  
725 testing knowledge of safe boating operation administered by the  
726 commissioner. [, (3) owned a vessel which was registered or numbered  
727 pursuant to this chapter in his name as an individual during any  
728 period in the five years preceding October 1, 1992, or (4) been a  
729 member during any period in the five years preceding October 1, 1992,  
730 of the United States Power Squadron or United States Coast Guard  
731 Auxiliary. On and after October 1, 1997, no certificate shall be issued  
732 pursuant to subdivisions (3) and (4) of this subsection.]

733 (c) Notwithstanding subsection (a) of this section, any person who  
734 purchases a new or used vessel [after July 11, 1991,] may, upon vessel

735 registration, apply to the [department] Department of Environmental  
736 Protection for a temporary safe boating certificate which shall be valid  
737 for [six] three months from the date of registration. No person shall be  
738 issued more than one temporary safe boating certificate.

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

746 (e) Any person enrolled in a course in safe boating operation  
747 approved by the Commissioner of Environmental Protection may  
748 operate a vessel without a safe boating certificate when under the  
749 onboard supervision of a boating instructor holding a valid instructor  
750 number issued by the Department of Environmental Protection.

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

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

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

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

764 (b) The commissioner shall adopt regulations, in accordance with

765 the provisions of chapter 54, setting forth the content of safe boating  
766 operation courses. Such regulations may include provisions for  
767 examinations, issuance of safe boating certificates and establishment of  
768 reasonable fees for the course and examination and for issuing  
769 certificates, temporary certificates and duplicate certificates. Any fees  
770 collected pursuant to such regulations shall be deposited in the boating  
771 account established pursuant to section 15-155.

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

776 (d) Any Department of Environmental Protection agent who uses  
777 Department of Environmental Protection safe boating operation course  
778 materials for personal financial gain shall have committed an  
779 infraction.

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

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

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

791 (b) ~~[On and after June 23, 1993, no]~~ No person shall operate a  
792 personal watercraft unless ~~[he]~~ such person has ~~[successfully~~  
793 ~~completed a course in safe personal watercraft handling approved by~~  
794 ~~the Commissioner of Environmental Protection and has]~~ been issued a

795 certificate of personal watercraft operation by the Commissioner of  
796 Environmental Protection. No owner or person in constructive control  
797 of a personal watercraft shall knowingly authorize or permit a person  
798 who is less than sixteen years of age who does not have a certificate of  
799 personal watercraft operation issued by the Commissioner of  
800 Environmental Protection to operate such personal watercraft on the  
801 waters of the state. Notwithstanding the provisions of this section, the  
802 commissioner may modify or suspend requirements for a certificate of  
803 personal watercraft operation by written authorization with respect to  
804 any marine event authorized by the commissioner or upon receipt of a  
805 copy of the United States Coast Guard authorization for a marine  
806 event.

807 (c) A certificate of personal watercraft operation shall be issued  
808 under subsection (b) of this section to any applicant who provides  
809 proof that such applicant has: (1) Successfully completed a combined  
810 course in safe boating operation and safe personal watercraft handling  
811 approved by the commissioner, which courses include, but are not  
812 limited to, courses offered by the United States Power Squadrons,  
813 Coast Guard Auxiliary or other organizations approved by the  
814 commissioner, (2) been issued or has satisfied the requirements for  
815 issuance of a safe boating certificate and successfully completed a  
816 course in safe personal watercraft handling approved by the  
817 commissioner, which include, but are not limited to, courses offered by  
818 the United States Power Squadrons, Coast Guard Auxiliary or other  
819 organizations approved by the commissioner, or (3) successfully  
820 passed an equivalency examination testing knowledge of safe boating  
821 operation and safe personal watercraft handling administered by the  
822 commissioner.

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

828 course and examination and for the issuance of a certificate and  
829 duplicate certificate. Any fee collected pursuant to regulations adopted  
830 under this section shall be deposited in the boating account established  
831 pursuant to section 15-155.

832 [(d)] (e) Notwithstanding subsection (b) of this section, any person  
833 who purchases a new or used personal watercraft after May 20, 1994,  
834 may, upon vessel registration, apply to the Commissioner of  
835 Environmental Protection for a temporary certificate of personal  
836 watercraft operation which shall be valid for [six] three months from  
837 the date of registration, provided the applicant has successfully  
838 completed a course in safe personal watercraft handling prior to  
839 application for the temporary certificate. No person shall be issued  
840 more than one temporary certificate of personal watercraft operation.

841 [(e)] (f) The commissioner may enter into a reciprocal agreement  
842 with any other state which has a similar safe personal watercraft  
843 handling certificate program which the commissioner deems  
844 acceptable for purposes of this subsection. Any person who  
845 successfully completes a course in safe personal watercraft handling  
846 and holds a certificate or license from another state which has such a  
847 reciprocal agreement with the commissioner may operate a personal  
848 watercraft on the waters of this state.

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

854 [(g)] (h) No passenger shall be permitted to ride in front of the  
855 operator on a personal watercraft. No passenger shall be permitted to  
856 ride upon a personal watercraft unless the passenger is able to securely  
857 hold onto the person in front of them or to the handholds on the  
858 personal watercraft, and is able to keep both feet on the deck of the  
859 personal watercraft so as to maintain balance while the personal

860 watercraft is in operation.

861 (i) No person shall teach a course in safe personal watercraft  
862 handling that satisfies the requirements for issuance of a certificate of  
863 personal watercraft operation unless the commissioner has approved  
864 such course.

865 (j) No Department of Environmental Protection agent shall use  
866 department safe personal watercraft handling course materials for  
867 personal financial gain.

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

871 [(i)] (l) A certificate of personal watercraft operation may be  
872 suspended or revoked in accordance with the provisions of section 15-  
873 133, 15-140l or 15-140n.

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

876 As used in this part, unless the context otherwise requires:  
877 "Commissioner" means the Commissioner of Environmental  
878 Protection; "vessel" means every description of watercraft, other than a  
879 seaplane on water, used or capable of being used as a means of  
880 transportation on water, exclusive of any such watercraft used  
881 primarily for purposes of transporting commercial cargo; "motorboat"  
882 means any watercraft fitted with propulsion machinery, whether or  
883 not such machinery is the principal source of propulsion; "horsepower"  
884 means the rated brake horsepower of an engine at maximum operating  
885 revolutions per minute; "operate" means to navigate or otherwise use a  
886 vessel; "person" means any individual, partnership, firm, association,  
887 limited liability company, corporation or other entity; "owner" means a  
888 person, other than a lien holder, having property in or title to a vessel.  
889 The term includes a person entitled to use or possession of a vessel

890 subject to an interest in another person reserved or created by  
891 agreement and securing payment or performance of an obligation, but  
892 the term excludes a lessee under a lease not intended as security;  
893 "marine dealer" means a person engaged in the business of  
894 manufacturing, selling or repairing new or used vessels having an  
895 established place of business for the sale, trade, display or repair of  
896 motorboats; "marine engine manufacturer" means a person engaged in  
897 the business of manufacturing, selling or repairing marine engines  
898 having an established place of business for the sale, trade, display or  
899 repair of marine engines; "marine engine" means an engine  
900 manufactured for use or used in vessels; "federal Boat Safety Act of  
901 1971" means an Act of Congress approved August 10, 1971, Public Law  
902 92-75; and "boat livery" means a business that is engaged in the  
903 commercial rental of vessels, including, but not limited to, personal  
904 watercraft.

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

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

912 (b) Any operator of a vessel rented from a boat livery shall carry on  
913 board such vessel the original or a copy of the written rental agreement  
914 for such rental stating the period of such rental, the identity of the  
915 person who rented the vessel and the vessel number which appears on  
916 the certificate of number, if required.

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

921 (d) Neither the owner nor any agent or employee of a boat livery  
922 shall permit any vessel which is rented to depart from the livery unless  
923 such vessel is registered and numbered properly as a livery boat.

924 (e) Neither the owner nor any agent or employee of a boat livery  
925 shall permit an operator of any vessel which is rented to depart from  
926 the boat livery without a safe boating certificate or certificate of  
927 personal watercraft operation, if such operator is required by section  
928 15-140e, as amended by this act, and section 15-140j, as amended by  
929 this act, to have a safe boating certificate or certificate of personal  
930 watercraft operation.

931 ~~[(c)]~~ (f) Violation of any provision of this section shall be an  
932 infraction.

933 Sec. 12. Section 22a-359 of the general statutes is repealed and the  
934 following is substituted in lieu thereof (*Effective from passage*):

935 (a) The Commissioner of Environmental Protection shall regulate  
936 dredging and the erection of structures and the placement of fill, and  
937 work incidental thereto, in the tidal, coastal or navigable waters of the  
938 state waterward of the high tide line. Any decisions made by the  
939 commissioner pursuant to this section shall be made with due regard  
940 for indigenous aquatic life, fish and wildlife, the prevention or  
941 alleviation of shore erosion and coastal flooding, the use and  
942 development of adjoining uplands, the improvement of coastal and  
943 inland navigation for all vessels, including small craft for recreational  
944 purposes, the use and development of adjacent lands and properties  
945 and the interests of the state, including pollution control, water quality,  
946 recreational use of public water and management of coastal resources,  
947 with proper regard for the rights and interests of all persons  
948 concerned.

949 [(b) After consultation with the Commissioner of Transportation,  
950 the Commissioner of Environmental Protection may consider any  
951 sunken or grounded vessel, scow, lighter or similar structure lying

952 within the tidal, coastal or navigable waters of the state to be an  
953 encroachment subject to the provisions of this section and sections 22a-  
954 360 to 22a-363, inclusive.]

955 [(c)] (b) As used in this section and sections 22a-360 to 22a-363,  
956 inclusive, "high tide line" means a line or mark left upon tide flats,  
957 beaches, or along shore objects that indicates the intersection of the  
958 land with the water's surface at the maximum height reached by a  
959 rising tide. The mark may be determined by (1) a line of oil or scum  
960 along shore objects, (2) a more or less continuous deposit of fine shell  
961 or debris on the foreshore or berm, (3) physical markings or  
962 characteristics, vegetation lines, tidal gauge, or (4) by any other  
963 suitable means delineating the general height reached by a rising tide.  
964 The term includes spring high tides and other high tides that occur  
965 with periodic frequency but does not include storm surges in which  
966 there is a departure from the normal or predicted reach of the tide due  
967 to the piling up of water against a coast by strong winds such as those  
968 accompanying a hurricane or other intense storm.

969 Sec. 13. Subsection (d) of section 22a-361 of the general statutes is  
970 repealed and the following is substituted in lieu thereof (*Effective from*  
971 *passage*):

972 (d) (1) The Commissioner of Environmental Protection may issue a  
973 general permit for any minor activity regulated under sections 22a-28  
974 to 22a-35, inclusive, or sections 22a-359 to 22a-363f, inclusive, if the  
975 commissioner determines that such activity would (A) cause minimal  
976 environmental effects when conducted separately, (B) cause only  
977 minimal cumulative environmental effects, (C) not be inconsistent with  
978 the considerations and the public policy set forth in sections 22a-28 to  
979 22a-35, inclusive, and section 22a-359, as applicable, (D) be consistent  
980 with the policies of the Coastal Management Act, and (E) constitute an  
981 acceptable encroachment into public lands and waters. Such activities  
982 may include routine minor maintenance and routine minor repair of  
983 existing structures, fill, obstructions, encroachments or excavations;

984 substantial maintenance consisting of rebuilding, reconstructing or  
985 reestablishing to a preexisting condition and dimension any structure,  
986 fill, obstruction, encroachment or excavation; maintenance dredging of  
987 areas which have been dredged and continuously maintained as  
988 serviceable; activities allowed pursuant to a perimeter permit; the  
989 removal of structures, [derelict vessels,] debris, rubbish or similar  
990 discarded material or unauthorized fill material; minor alterations or  
991 amendments to authorized activities consistent with the authorization  
992 for such activities; activities which have been required or allowed by  
993 an order of the commissioner; open water marsh management by or  
994 under the supervision of the Department of Public Health or  
995 Department of Environmental Protection; conservation activities of or  
996 under the supervision or direction of the Department of  
997 Environmental Protection; construction of individual residential docks  
998 which do not create littoral or riparian conflicts, navigational  
999 interference, or adverse impacts to coastal resources as defined by  
1000 section 22a-93, which are not located in tidal wetlands as defined by  
1001 section 22a-29 and which extend no further than forty feet waterward  
1002 of mean high water or to a depth of minus four feet mean low water,  
1003 whichever point is more landward; installation of scientific measuring  
1004 or monitoring devices; survey activities including excavation of test  
1005 pits and core sampling and driving of test pilings; construction of  
1006 utility lines; aquacultural activities; and installation and removal of  
1007 small seasonal structures including floats and moorings. Any person  
1008 conducting an activity for which a general permit has been issued shall  
1009 not be required to obtain an individual permit or certificate under any  
1010 other provision of sections 22a-28 to 22a-35, inclusive, or sections 22a-  
1011 359 to 22a-363f, inclusive, for that activity except as provided in  
1012 subdivision (3) of this subsection. A general permit shall clearly define  
1013 the activity covered thereby and may include such conditions and  
1014 requirements as the commissioner deems appropriate, including, but  
1015 not limited to, construction timing, methodologies and durations,  
1016 resource protection practices, management practices, and verification  
1017 and reporting requirements. The general permit may require any

1018 person proposing to conduct any activity under the general permit to  
1019 register such activity, including obtaining approval from the  
1020 commissioner, before the general permit becomes effective as to such  
1021 activity. Registrations and applications for approval under the general  
1022 permit shall be submitted on forms prescribed by the commissioner.  
1023 Any approval by the commissioner under a general permit may  
1024 include conditions specific to the proposed activity to ensure  
1025 consistency with the requirements for issuance of the general permit.  
1026 The commissioner shall prepare, and annually amend, a list of holders  
1027 of general permits under this section, which list shall be made  
1028 available to the public.

1029 (2) Notwithstanding any other procedures specified in sections 22a-  
1030 28 to 22a-35, inclusive, and sections 22a-359 to 22a-363f, inclusive, any  
1031 regulations adopted thereunder, and chapter 54, the commissioner  
1032 may issue a general permit in accordance with the following  
1033 procedures: (A) The commissioner shall publish in a newspaper  
1034 having a substantial circulation in the affected area or areas notice of  
1035 intent to issue a general permit; (B) the commissioner shall allow a  
1036 comment period of thirty days following publication of such notice  
1037 during which interested persons may submit written comments  
1038 concerning the permit to the commissioner and the commissioner shall  
1039 hold a public hearing if, within said comment period, he receives a  
1040 petition signed by at least twenty-five persons; (C) the commissioner  
1041 may not issue the general permit until after the comment period; (D)  
1042 the commissioner shall publish notice of any permit issued in a  
1043 newspaper having substantial circulation in the affected area or areas;  
1044 and (E) summary suspension may be ordered in accordance with  
1045 subsection (c) of section 4-182. Any person may request that the  
1046 commissioner issue, modify or revoke a general permit in accordance  
1047 with this subsection.

1048 (3) Subsequent to the issuance of a general permit, the commissioner  
1049 may require any person whose activity is or may be covered by the  
1050 general permit to apply for and obtain an individual permit or

1051 certificate under the provisions of sections 22a-28 to 22a-35, inclusive,  
1052 or sections 22a-359 to 22a-363f, inclusive, for all or any portion of the  
1053 activities covered by the general permit, if the commissioner  
1054 determines that an individual permit is necessary to assure consistency  
1055 with purposes and policies of such sections, and the Coastal  
1056 Management Act. The commissioner may require an individual permit  
1057 under this subdivision in cases including, but not limited to, the  
1058 following: (A) The permittee is not in compliance with the conditions  
1059 of the general permit; (B) an individual permit or certificate is  
1060 appropriate because of circumstances specific to the site; (C)  
1061 circumstances have changed since the time the general permit was  
1062 issued so that the permitted activity is no longer acceptable under the  
1063 general permit; or (D) a change has occurred in relevant law. The  
1064 commissioner may require an individual permit or certificate under  
1065 this section only if the affected person has been notified in writing that  
1066 an individual permit or certificate is required. The notice shall include  
1067 a brief statement of the reasons for the decision.

1068 (4) The commissioner may adopt regulations, in accordance with the  
1069 provisions of chapter 54, to carry out the purposes of this section.

1070 (5) Notwithstanding any provision of sections 22a-359 to 22a-363f,  
1071 inclusive, pending issuance of a general permit for aquaculture  
1072 activities by the commissioner in accordance with this section, no  
1073 permit or certificate shall be required for the placement, maintenance  
1074 or removal of (A) individual structures used for aquaculture, as  
1075 defined in section 22-416, including, but not limited to, cages or bags,  
1076 which are located on designated state or municipal shellfish beds  
1077 which structures create no adverse impacts on coastal resources or  
1078 navigation over their location; or (B) any buoys used to mark such  
1079 structures. Upon issuance of a general permit for aquaculture activities  
1080 in accordance with this section, any aquaculture activities shall comply  
1081 with the terms of such general permit or other applicable provisions of  
1082 sections 22a-359 to 22a-363f, inclusive.

1083 Sec. 14. Subsection (a) of section 22a-363b of the general statutes is  
1084 repealed and the following is substituted in lieu thereof (*Effective from*  
1085 *passage*):

1086 (a) Routine maintenance of permitted structures, fill, obstructions or  
1087 encroachments or routine maintenance of structures, fill, obstructions  
1088 or encroachments in place prior to June 24, 1939, and continuously  
1089 maintained and serviceable since that date shall be exempt from the  
1090 requirements of obtaining certificates of permission or permits  
1091 pursuant to section 22a-363a, this section or section 22a-361, as  
1092 amended by this act. The following activities may be eligible for a  
1093 certificate of permission, in accordance with the provisions of  
1094 subsections (c) and (d) of this section: (1) Substantial maintenance or  
1095 repair of existing structures, fill, obstructions or encroachments  
1096 authorized pursuant to section 22a-33 or section 22a-361, as amended  
1097 by this act; (2) substantial maintenance of any structures, fill,  
1098 obstructions or encroachments in place prior to June 24, 1939, and  
1099 continuously maintained and serviceable since such time; (3)  
1100 maintenance dredging of areas which have been dredged and  
1101 continuously maintained and serviceable as authorized pursuant to  
1102 section 22a-33 or section 22a-361, as amended by this act; (4) activities  
1103 allowed pursuant to a perimeter permit and requiring authorization by  
1104 the commissioner; (5) the removal of derelict structures; [or vessels;]  
1105 (6) minor alterations or amendments to permitted activities consistent  
1106 with the original permit; (7) minor alterations or amendments to  
1107 activities completed prior to June 24, 1939; (8) placement of temporary  
1108 structures for water-dependent uses, as defined in section 22a-93; (9)  
1109 open water marsh management and conservation activities undertaken  
1110 by or under the supervision of the Department of Environmental  
1111 Protection; and (10) the placement or reconfiguration of piers, floats,  
1112 docks or moorings within existing waterward boundaries of  
1113 recreational marinas or yacht clubs which have been authorized  
1114 pursuant to section 22a-33 or 22a-361, as amended by this act.  
1115 Notwithstanding the provisions of sections 22a-29 to 22a-35, inclusive,  
1116 the commissioner may issue a certificate of permission for activities

1117 enumerated in this subsection which are to be conducted in tidal  
1118 wetlands. Upon issuance, such certificate shall be in lieu of the permit  
1119 required pursuant to section 22a-32.

1120       Sec. 15. (NEW) (*Effective from passage*) (a) A private property owner  
1121 may retain or register a vessel in such owner's name if the vessel has  
1122 been abandoned on such owner's property for more than four months.

1123       (b) To retain or register a vessel pursuant to subsection (a) of this  
1124 section, the private property owner shall request the authority that  
1125 removed the vessel to make a determination regarding whether the  
1126 vessel is an abandoned vessel and to issue a determination report,  
1127 which report shall include, in addition to the determination regarding  
1128 whether the vessel is an abandoned vessel, the name and contact  
1129 information of the last owner of record of the vessel and any known or  
1130 reasonably discoverable identification information regarding the  
1131 vessel. Upon determining that the vessel is abandoned, the removing  
1132 authority shall affix a readily visible notification sticker to the vessel.  
1133 The sticker shall contain the following information: (1) The date and  
1134 time the sticker was affixed to the vessel, (2) a statement that, pursuant  
1135 to this section, if the vessel is not claimed and removed thirty days  
1136 after the sticker was affixed, the vessel may be retained or registered  
1137 by the owner of the private property on which the vessel was  
1138 abandoned, (3) the location and telephone number where additional  
1139 information may be obtained, and (4) the identity of the person who  
1140 affixed the sticker.

1141       (c) Not later than two weeks after the issuance of a determination  
1142 pursuant to subsection (b) of this section, the private property owner  
1143 shall make a reasonable attempt to notify the vessel owner or the  
1144 owner's agent and any person or entity that has filed a legal or  
1145 equitable interest claim regarding the vessel with the Secretary of the  
1146 State and shall allow such owner, owner's agent or person or entity  
1147 making a legal or equitable interest claim to make arrangements for  
1148 removal of the vessel. Such notification shall be sent certified mail,

1149 return receipt requested, and shall inform the vessel owner or the  
1150 owner's agent or person or entity that has filed a legal or equitable  
1151 interest claim regarding the vessel that, pursuant to this section, if the  
1152 vessel is not claimed and removed not later than thirty days after the  
1153 notification, the private property owner may retain the vessel or  
1154 register it in his or her name. The private property owner shall send a  
1155 simultaneous notice of intent to retain or register the vessel to the  
1156 Commissioners of Environmental Protection and Motor Vehicles.  
1157 Upon receipt of the notice of intent to retain or register, the  
1158 Commissioner of Environmental Protection shall make reasonable  
1159 efforts to determine if the vessel has been stolen and shall notify the  
1160 private property owner and the Department of Motor Vehicles of such  
1161 determination.

1162 (d) If the owner or the owner's agent of the vessel is unknown, the  
1163 private property owner shall place a notice providing the following  
1164 information in a newspaper published or having a circulation in the  
1165 town where such vessel was abandoned at least twice during the two-  
1166 week period following the notice provided in subsection (c) of this  
1167 section: (1) A description of the vessel, including any identifying  
1168 numbers or markings; (2) the location where the vessel was found; and  
1169 (3) a statement that if the vessel is not claimed and removed not later  
1170 than thirty days after the date of the second newspaper notice, the  
1171 private property owner may retain the vessel or register it in such  
1172 owner's name.

1173 (e) If the private property owner has complied with the notice  
1174 requirements of this section and the vessel remains abandoned on such  
1175 owner's property after completion of the four-month period, such  
1176 owner may either: (1) Retain the vessel, or (2) apply to the Department  
1177 of Motor Vehicles to register it in such owner's name, on forms  
1178 provided by the Department of Motor Vehicles. Such private property  
1179 owner shall provide the following information to the Department of  
1180 Motor Vehicles in the form of an affidavit: (A) A statement that at least  
1181 four months have elapsed since the date the vessel abandonment

1182 determination was issued pursuant to subsection (b) of this section, (B)  
 1183 proof that a certified letter was mailed pursuant to subsection (c) of  
 1184 this section or a statement detailing unsuccessful steps taken to  
 1185 identify the name and address of the vessel owner, owner's agent or  
 1186 any person or entity who has filed a legal or equitable interest claim  
 1187 with the Secretary of the State regarding the vessel, (C) proof the notice  
 1188 of intent to retain or register required by subsection (c) of this section  
 1189 was sent to the Commissioners of Environmental Protection and Motor  
 1190 Vehicles, and that the Commissioner of Environmental Protection  
 1191 provided a response regarding a determination if the vessel was  
 1192 stolen, and (D) proof that the notice required by subsection (d) of this  
 1193 section was published following the notice provided in subsection (c)  
 1194 of this section and that the second newspaper notice required by  
 1195 subsection (d) of this section was published at least thirty days before  
 1196 the application for registration was submitted by the private property  
 1197 owner to the Department of Motor Vehicles.

1198 (f) Upon receipt of the affidavit pursuant to subsection (e) of this  
 1199 section and any fees and taxes due, the Department of Motor Vehicles  
 1200 shall register the vessel to the applicant.

1201 (g) A removing authority may retain or register a vessel abandoned  
 1202 on the removing authority's property by proceeding in the same  
 1203 manner as a private property owner pursuant to this section.

1204 Sec. 16. Sections 15-133a and 15-140c of the general statutes are  
 1205 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>	22a-359
Sec. 13	<i>from passage</i>	22a-361(d)
Sec. 14	<i>from passage</i>	22a-363b(a)
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To expand the scope of and streamline abandoned vessel statutes, to specify hearing and appeal procedures regarding abandoned vessels, to amend boating statutes to incorporate by reference federal safety, navigational, lighting and equipment requirements, to specify procedures to be followed in cases of boating collisions and accidents, to hold a person in control of a boat or personal watercraft responsible for permitting a person under sixteen years of age to operate a boat or personal watercraft without a safe boating certificate or certificate of personal watercraft operation, to authorize the Department of Environmental Protection to penalize persons teaching unapproved boating courses, to define the term "boat livery" and place certain restrictions on persons who rent and persons who operate rental boats and to update state law to coincide with Federal Energy Regulatory Commission requirements regarding safety controls and warning devices on approaches to dams on the Housatonic River.

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