



General Assembly

January Session, 2007

**Amendment**

LCO No. 7585

**\*SB0042907585HRO\***

Offered by:  
REP. MINER, 66<sup>th</sup> Dist.

To: Subst. Senate Bill No. 429      File No. 265      Cal. No. 617

**"AN ACT CONCERNING LAW ENFORCEMENT AND FIRE RESCUE VESSELS."**

1      Strike everything after the enacting clause and substitute the  
2      following in lieu thereof:

3      "Section 1. Section 15-154 of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective July 1, 2007*):

5      (a) Any harbor master, deputy harbor master, conservation officer,  
6      special conservation officer or state police officer and any municipal  
7      police officer, any special police officer appointed under sections 29-18  
8      and 29-19, any town marine officers appointed under section 15-154a  
9      and certified by the commissioner for marine police duty and any lake  
10     patrolman appointed under section 7-151b may enforce the provisions  
11     of this chapter and chapter 446k, except that only peace officers shall  
12     enforce the provisions of subsection (d) of section 15-133 and sections  
13     15-140l and 15-140n. In the enforcement of this chapter, such officer  
14     may arrest, without previous complaint and warrant, any person who  
15     fails to comply with the provisions of this chapter. Failure to appear in

16 court pursuant to such arrest, unless excused by the court or the state's  
17 attorney or assistant state's attorney, shall constitute sufficient cause  
18 for the suspension by the Commissioner of Motor Vehicles of the boat  
19 registration of the boat involved for not more than thirty days or until  
20 the matter is resolved by the court, whichever is sooner.

21 (b) When engaged in the enforcement of this chapter and chapter  
22 446k, such officer shall have the authority to stop and board any vessel  
23 which is under way or which is moored on the waters of this state for  
24 the purposes of (1) examining decals, certificates and other documents,  
25 (2) inspecting safety equipment and waste disposal systems, (3)  
26 determining if the operation of such vessel exceeds the noise levels  
27 established in subsection (b) of section 15-129, (4) searching when such  
28 officer has probable cause to believe that any provision of any law of  
29 this state or any rule or regulation of the Department of Environmental  
30 Protection relating to boating or water pollution has been violated, (5)  
31 determining compliance with sections 15-140l and 15-140n and  
32 subsections (d) and (e) of section 15-133, when such authorized officer  
33 has probable cause to believe said section or subsection has been  
34 violated, and (6) making arrests.

35 (c) No person operating a vessel shall refuse to stop such vessel or,  
36 if sea conditions make stopping in that area unsafe, refuse to take such  
37 vessel to a designated area after being requested or signalled to do so  
38 by such officer. Any person operating a vessel who refuses to stop or  
39 refuses to take such vessel to the designated area shall have committed  
40 an infraction. Any person, when signalled to stop by such officer in a  
41 law enforcement vessel using an audible signal device or flashing blue  
42 lights, who operates such vessel in disregard of such signal so as to (1)  
43 interfere with or endanger the operation of the law enforcement vessel  
44 or any other vessel, (2) endanger or cause damage to property or  
45 person, or (3) increase or maintain speed in an attempt to escape or  
46 elude such law enforcement officer shall be guilty of a class A  
47 misdemeanor. If such violation causes the death or serious physical  
48 injury of another person, the vessel operator shall be guilty of a class D  
49 felony, and such operator's safe boating certificate, certificate of

50 personal watercraft operation or right to operate a vessel that requires  
51 a certificate shall be suspended for one year. For any subsequent  
52 offense, such operator shall be guilty of a class D felony, except that if  
53 any prior offense by such operator under this section caused, and such  
54 subsequent offense causes, the death or serious physical injury of  
55 another person, such operator shall be guilty of a class D felony for  
56 which one year of the sentence imposed may not be suspended or  
57 reduced by the court, and such operator's safe boating certificate,  
58 certificate of personal watercraft operation or right to operate a vessel  
59 that requires a certificate shall be suspended for not less than eighteen  
60 months or more than two years. Proof of the registration number of the  
61 vessel shall be prima facie evidence in any prosecution that the owner  
62 was the operator. For purposes of this subsection, "serious physical  
63 injury" means physical injury which creates a substantial risk of death,  
64 or which causes serious disfigurement, serious impairment of health or  
65 serious loss or impairment of the function of any bodily organ.

66 (d) Upon the immediate approach of a law enforcement vessel using  
67 an audible signal device and flashing blue lights or a fire rescue vessel  
68 using an audible signal device and flashing red or yellow lights, any  
69 person operating a vessel shall immediately slow to a speed sufficient  
70 to maintain steerage only, shall alter course, within its ability, so as not  
71 to inhibit or interfere with the operation of the law enforcement vessel  
72 or fire rescue vessel, and shall proceed, unless otherwise directed by an  
73 officer in the law enforcement vessel or fire rescue vessel, at a reduced  
74 speed until beyond the area of operation of the law enforcement vessel  
75 or fire rescue vessel. Any person operating a vessel who wilfully or  
76 negligently obstructs or retards any law enforcement or fire rescue  
77 vessel answering an emergency call or in pursuit of fleeing law  
78 violators, shall be fined not more than two hundred dollars or  
79 imprisoned not more than seven days, or both.

80 (e) Any person operating a vessel passing within two hundred feet  
81 of a stationary law enforcement vessel or fire rescue vessel using  
82 flashing red or yellow lights shall reduce speed to a speed of slow-no-  
83 wake until there is a distance of more than two hundred feet between

84 such person's vessel and the law enforcement vessel or fire rescue  
 85 vessel. For purposes of this subsection, "slow-no-wake" means  
 86 operation of a vessel at a speed that does not produce more than a  
 87 minimum wake and is not greater than six miles per hour over ground,  
 88 unless a higher minimum speed is necessary to maintain steerage  
 89 when traveling with a strong current.

90 (f) A person who violates subsection (e) of this section shall be fined  
 91 not less than fifty dollars nor more than two hundred dollars.

92 ~~[(d)]~~ (g) The Commissioner of Environmental Protection shall  
 93 publish an enforcement manual, conduct training and educational  
 94 sessions, serve as liaison between the enforcement groups and the  
 95 Superior Court and shall be generally responsible for the overall  
 96 coordination of enforcement."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	15-154