



House of Representatives

General Assembly

File No. 312

February Session, 2008

Substitute House Bill No. 5806

House of Representatives, March 31, 2008

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

AN ACT CONCERNING BOATING SAFETY.

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

1 Section 1. Section 15-129 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) [The provisions of this section shall apply to vessels] Vessels
4 operated on state and federal waters shall comply with the federal and
5 state safety and equipment requirements contained in this chapter. The
6 federal requirements cited in this section are incorporated herein by
7 reference. (1) Every vessel shall [carry for each person on board, so
8 placed as to be readily accessible, at least one buoyant personal
9 flotation device. The operator or owner of any vessel being used for
10 recreational purposes, other than a vessel required to have a certificate
11 of inspection issued by the Coast Guard, shall require any child under
12 twelve years of age who is aboard such vessel to wear a personal
13 flotation device while such vessel is underway unless the child is
14 below deck or in an enclosed cabin. Sailboards shall be exempt from
15 carrying a personal flotation device if the mast of the sailboard is

16 secured to the hull by a leash or safety line] comply with the
17 requirements of 33 CFR Part 175, Subpart B, as amended from time to
18 time, regarding the number and type of personal flotation devices
19 required to be on board the vessel, including requirements regarding
20 the use of personal flotation devices by children. (2) Every [motorboat
21 with enclosed fuel storage space or an enclosed engine compartment
22 shall be equipped with devices for ventilating flammable or explosive
23 gases] vessel that has gasoline engines for electrical generation,
24 mechanical power or propulsion shall comply with the requirements
25 of 33 CFR Part 183, Subpart K, 33 CFR 175.201, and 46 CFR Subpart
26 25.40, as amended from time to time, regarding ventilation applicable
27 to the vessel. (3) Every [motorboat with a carbureted inboard engine
28 shall have the carburetor of such engine equipped with a flame
29 arrestor or backfire trap unless such engine is mounted in the
30 aftermost part of the vessel with no provisions for carrying passengers
31 behind the forward edge of the engine and the carburetor of such
32 engine has its intake opening above the gunwale line of the vessel in
33 the open atmosphere and mounted so backfire flames are directed to
34 the rear or vertically away from the vessel and its occupants] gasoline
35 engine installed in a motorboat after April 25, 1940, except outboard
36 motors, shall comply with the requirements of 46 CFR Subparts 25.35
37 and 58.10, as amended from time to time, regarding backfire flame
38 controls. (4) Every motorboat shall have its engine equipped with an
39 effective muffler or muffler system. (5) All [inboard] motorboats [, all
40 outboard motorboats twenty-six feet or over in length, and all
41 outboard motorboats less than twenty-six feet in length which have a
42 compartment in which gases may accumulate, shall be equipped with
43 a fire extinguisher] shall comply with the requirements of 46 CFR
44 Subpart 25.30, as amended from time to time, regarding fire
45 extinguishers applicable to the vessel. (6) Every [motorboat sixteen feet
46 or more in length shall be equipped with a whistle or horn-type sound-
47 producing device capable of producing a blast of two seconds or more
48 in duration. On motorboats sixteen feet or more but less than twenty-
49 six feet in length such device shall be mouth, hand or power-operated
50 and audible for at least one-half mile. On motorboats twenty-six feet or

51 more but less than forty feet in length such device shall be hand or
52 power-operated and audible for at least one mile. On motorboats forty
53 feet or more but less than sixty-five feet in length such device shall be
54 power-operated and audible for at least one mile. Every motorboat
55 twenty-six feet or more in length shall be equipped with a bell capable
56 of producing a clear bell-like tone of full round characteristics] vessel
57 shall comply with the requirements of 33 USC 2032 to 2038, inclusive,
58 as amended from time to time, and 33 CFR Part 86, as amended from
59 time to time, regarding sound signal appliances applicable to the
60 vessel. (7) Every vessel shall comply with the requirements of 33 USC
61 2037, as amended from time to time, and 33 CFR Part 87, as amended
62 from time to time, regarding visual distress signals and the use thereof.
63 Every vessel operated on the waters of Long Island Sound or Fishers
64 Island Sound [between sunset and sunrise] shall [carry] comply with
65 the requirements of 33 USC 2037, as amended from time to time, and
66 33 CFR Part 175, Subpart C, as amended from time to time, regarding
67 visual distress signals [suitable for night use. Every vessel sixteen feet
68 or more in length, except manually propelled vessels and open
69 sailboats that are less than twenty-six feet in length, and are not
70 equipped with propulsion machinery, operated on the waters of Long
71 Island Sound or Fishers Island Sound at any time shall carry visual
72 distress signals suitable for day and night use. No] applicable to the
73 vessel, unless specifically exempted therefrom. Each person, operator
74 [or] and owner in a vessel shall [display or allow the display of a visual
75 distress signal except when assistance is needed because of immediate
76 or potential danger to persons aboard] comply with 33 CFR 175.140, as
77 amended from time to time, regarding restrictions on the use of visual
78 distress signals.

79 (b) No person shall operate or give permission for the operation of
80 any motorboat on the waters of this state unless such motorboat is at
81 all times equipped with a muffler or muffler system which enables
82 such motorboat to be operated in compliance with subsections (c) and
83 (d) of this section and such muffler or muffler system is in use. For
84 purposes of this section "muffler" or "muffler system" means a sound
85 suppression device or system designed and installed to abate the

86 sound of exhaust gases emitted from an internal combustion engine
87 and causes such engine to operate in compliance with subsections (c)
88 and (d) of this section. "Muffler system" includes, but is not limited to,
89 an underwater through-the-propeller-hub exhaust outlet system.

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

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

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

117 (f) Any officer who conducts a motorboat sound level test as
118 provided in this section shall be qualified in motorboat noise testing by

119 the Department of Environmental Protection. Such qualification shall
120 include, without limitation, instruction in selection of the measurement
121 site and in the calibration and use of noise testing equipment.

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

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

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

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

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

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

165 (m) Any person who violates any provision of subsection (a) of this
166 section shall have committed an infraction. Any person who fails to
167 comply with a request or direction of an officer made pursuant to
168 subsection (e) of this section shall be fined not less than three hundred
169 fifty dollars or more than five hundred fifty dollars and shall be fined
170 not less than four hundred fifty dollars or more than six hundred fifty
171 dollars for each subsequent offense. Any person who violates the
172 provisions of any other subsection of this section shall be fined not less
173 than one hundred dollars or more than five hundred dollars.

174 Sec. 2. Section 15-129a of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

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

210 (a) Every vessel using state or federal waters shall comply with the
211 following federal requirements, which are incorporated herein by
212 reference, regarding the use of navigation lights: 33 USC 2020 to 2021,
213 inclusive, as amended from time to time, 33 USC 2023 to 2029,
214 inclusive, as amended from time to time, 33 USC 2038, as amended
215 from time to time, and 33 CFR Part 84, as amended from time to time.

216 (b) The visibility for the lights required by this section shall [be as
217 follows: (1) All stern lights, two miles; (2) all white, red or green all-

218 around lights, two miles; (3) side lights on a vessel less than 12 meters
219 (39'4") in length, one mile; (4) side lights on a vessel 12 meters (39'4") or
220 greater in length, two miles; (5) masthead lights on a vessel less than 12
221 meters (39'4") in length, two miles; (6) masthead lights on a vessel 12
222 meters (39'4") or greater in length, three miles; and (7) anchor light,
223 two miles. For the purposes of this section, visibility means visible on a
224 dark night with clear atmosphere] comply with 33 USC 2022 and 2038,
225 as amended from time to time and 33 CFR Part 84, as amended from
226 time to time, which federal requirements are incorporated herein by
227 reference.

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

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

242 (d) Every vessel shall comply with the requirements of 33 USC 2030,
243 as amended from time to time, which requirements are incorporated
244 herein by reference, regarding the exhibition of anchor lights when a
245 vessel is at anchor or aground.

246 (e) [Flashing lights shall not be used by any vessel except as
247 provided in this subsection.] Flashing blue lights may be used by law
248 enforcement vessels of the United States, this state or a political
249 subdivision of this state [when such vessels are engaged in law
250 enforcement activities or when identification of such vessels is

251 necessary for safety reasons. Flashing white lights may be used on any
252 vessel in accordance with rules and regulations of the United States
253 Coast Guard] in accordance with 33 CFR 88.11, as amended from time
254 to time, which is incorporated herein by reference.

255 (f) Flashing red and yellow light signals may be used by vessels
256 engaged in government sanctioned public safety activities and
257 commercial vessels performing similar functions in accordance with 33
258 CFR 88.12, which is incorporated herein by reference.

259 ~~[(f)]~~ (g) Violation of any provision of this section shall be an
260 infraction.

261 Sec. 3. Section 15-130 of the general statutes is repealed and the
262 following is substituted in lieu thereof (*Effective October 1, 2008*):

263 The [commissioner] Commissioner of Environmental Protection
264 may modify or suspend any requirement of sections 15-129 and 15-
265 129a in respect to any class of vessels or vessels using any water or
266 class of waters upon finding that such requirement does not materially
267 aid boating safety and is unduly burdensome and inconvenient. If,
268 however, any requirement of section 15-129, as amended by this act, or
269 15-129a, as amended by this act, is a federal standard, the
270 commissioner may not modify or suspend such requirement unless: (1)
271 The Secretary of the United States Coast Guard has issued an
272 exemption under 46 USC 4305 or the state of Connecticut is exempted
273 from preemption under 33 CFR 175.5, or (2) the modification or
274 suspension of the federal standard is necessary to meet uniquely
275 hazardous conditions or circumstances. In the event the Secretary of
276 the United States Coast Guard has not disapproved of a modification
277 or suspension under 46 USC 4306, the commissioner may modify such
278 standards under section 15-129, as amended by this act, or section 15-
279 129a, as amended by this act.

280 Sec. 4. Section 15-140e of the general statutes is repealed and the
281 following is substituted in lieu thereof (*Effective October 1, 2008*):

282 (a) [On and after the following dates, no] No resident of the state,
283 person owning real property in the state or person owning a vessel in
284 the state shall operate on the waters of the state a vessel which is
285 required to be registered or numbered pursuant to this chapter unless
286 such person has a valid vessel operator license issued by the United
287 States Coast Guard or has obtained a safe boating certificate issued by
288 the Commissioner of Environmental Protection. [For operators who
289 are less than twenty years of age, June 23, 1993; for operators who are
290 less than twenty-five years of age, October 1, 1993; for operators who
291 are less than thirty years of age, October 1, 1994; for operators who are
292 less than thirty-five years of age, October 1, 1995; for operators who are
293 less than forty years of age, October 1, 1996; and for all operators forty
294 years of age or older, October 1, 1997. Notwithstanding the provisions
295 of this section, the commissioner may issue a certificate to a person
296 who has successfully completed a course in safe boating operation
297 approved by the commissioner before the date such person is required
298 to take the exam under this section.] No owner of a vessel shall
299 knowingly authorize or permit a person who is less than sixteen years
300 of age who is required by this section to obtain a safe boating
301 certificate issued by the Commissioner of Environmental Protection to
302 operate such vessel on the waters of the state without a safe boating
303 certificate, unless such person is under the direct onboard supervision
304 of a person who is at least eighteen years of age who has been issued a
305 safe boating certificate and who has held such certificate for at least
306 two years. A safe boating certificate may be suspended or revoked,
307 pursuant to section 15-133, 15-140/ or 15-140n, and shall be valid for
308 the life of the person to whom it is issued unless otherwise suspended
309 or revoked.

310 (b) A safe boating certificate shall be issued under subsection (a) to
311 any applicant regardless of age who provides proof that [he] such
312 applicant has: (1) [successfully] Successfully completed a course in safe
313 boating operation approved by the Commissioner of Environmental
314 Protection, which courses may include those offered by the United
315 States Power [Squadron] Squadrons, Coast Guard Auxiliary or other
316 organizations, or (2) successfully passed an equivalency examination

317 testing knowledge of safe boating operation administered by the
318 commissioner. [(3) owned a vessel which was registered or numbered
319 pursuant to this chapter in his name as an individual during any
320 period in the five years preceding October 1, 1992, or (4) been a
321 member during any period in the five years preceding October 1, 1992,
322 of the United States Power Squadron or United States Coast Guard
323 Auxiliary. On and after October 1, 1997, no certificate shall be issued
324 pursuant to subdivisions (3) and (4) of this subsection.]

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

331 (d) Any person operating a vessel other than a personal watercraft,
332 as defined in section 15-140j, which is rented for a period of fourteen
333 days or less from a [person or organization engaged in the commercial
334 rental of vessels] boat livery need not obtain a certificate during the
335 rental period. [Persons or organizations engaged in the commercial
336 rental of vessels] An owner, agent or employee of a boat livery shall
337 furnish to each rental customer literature on safety and rules of
338 navigation as supplied by the commissioner.

339 (e) Any person enrolled in a course in safe boating operation
340 approved by the Commissioner of Environmental Protection may
341 operate a vessel without a safe boating certificate when under the
342 direct onboard supervision of a boating instructor holding a valid
343 instructor number issued by the Department of Environmental
344 Protection.

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

348 [(f)] (g) Any course in safe boating operation approved by the

349 Commissioner of Environmental Protection, as described in subsection
350 (b) of this section, shall include instruction on the proper means of: (1)
351 Inspecting a vessel and trailers used for transporting such vessels for
352 the presence of vegetation; and (2) properly disposing of such
353 vegetation.

354 Sec. 5. Section 15-140f of the general statutes is repealed and the
355 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

358 (b) The commissioner shall adopt regulations, in accordance with
359 the provisions of chapter 54, setting forth the content of safe boating
360 operation courses. Such regulations may include provisions for
361 examinations, issuance of safe boating certificates and establishment of
362 reasonable fees for the course and examination and for issuing
363 certificates, temporary certificates and duplicate certificates. Any fees
364 collected pursuant to such regulations shall be deposited in the boating
365 account established pursuant to section 15-155.

366 (c) No person shall teach a course in safe boating operation that
367 satisfies the requirements for issuance of a safe boating certificate if the
368 commissioner has not approved such course.

369 (d) No Department of Environmental Protection employee or agent
370 shall use Department of Environmental Protection safe boating course
371 materials for personal gain.

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

375 (f) Any person who violates any provision of this section shall be
376 fined not less than sixty dollars or more than two hundred fifty dollars
377 for each violation.

378 Sec. 6. Section 15-140j of the general statutes is repealed and the

379 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

386 (b) [On and after June 23, 1993, no] No person shall operate a
387 personal watercraft unless [he] such person has [successfully
388 completed a course in safe personal watercraft handling approved by
389 the Commissioner of Environmental Protection and has] been issued a
390 certificate of personal watercraft operation by the Commissioner of
391 Environmental Protection. No owner of a personal watercraft shall
392 knowingly authorize or permit a person who is less than sixteen years
393 of age who does not have a certificate of personal watercraft operation
394 issued by the commissioner to operate such personal watercraft on the
395 waters of the state. Notwithstanding the provisions of this section, the
396 commissioner may modify or suspend requirements for a certificate of
397 personal watercraft operation by written authorization with respect to
398 any marine event authorized by the commissioner or upon receipt of a
399 copy of the United States Coast Guard authorization for a marine
400 event.

401 (c) A certificate of personal watercraft operation shall be issued
402 under subsection (b) of this section to any applicant who provides
403 proof that such applicant has: (1) Successfully completed a combined
404 course in safe boating operation and safe personal watercraft handling
405 approved by the commissioner, which courses include, but are not
406 limited to, courses offered by the United States Power Squadrons,
407 Coast Guard Auxiliary or other similar organization, (2) been issued or
408 has satisfied the requirements for issuance of a safe boating certificate
409 and successfully completed a course in safe personal watercraft
410 handling approved by the commissioner, which include, but are not
411 limited to, courses offered by the United States Power Squadrons,

412 Coast Guard Auxiliary or other similar organization, or (3) successfully
413 passed an equivalency examination testing knowledge of safe boating
414 operation and safe personal watercraft handling administered by the
415 commissioner.

416 [(c)] (d) The commissioner may adopt regulations, in accordance
417 with the provisions of chapter 54, establishing the content of courses in
418 safe personal watercraft handling. Such regulations may include
419 provisions for examinations, issuance of certificates of personal
420 watercraft operation and establishment of a reasonable fee for such
421 course and examination and for the issuance of a certificate and
422 duplicate certificate. Any fee collected pursuant to regulations adopted
423 under this section shall be deposited in the boating account established
424 pursuant to section 15-155.

425 [(d)] (e) Notwithstanding subsection (b) of this section, any person
426 who purchases a new or used personal watercraft [after May 20, 1994,]
427 may, upon vessel registration, apply to the Commissioner of
428 Environmental Protection for a temporary certificate of personal
429 watercraft operation which shall be valid for [six] three months from
430 the date of registration, provided the applicant has successfully
431 completed a course in safe personal watercraft handling prior to
432 application for the temporary certificate. No person shall be issued
433 more than one temporary certificate of personal watercraft operation.

434 [(e)] (f) The commissioner may enter into a reciprocal agreement
435 with any other state which has a similar safe personal watercraft
436 handling certificate program which the commissioner deems
437 acceptable for purposes of this subsection. Any person who
438 successfully completes a course in safe personal watercraft handling
439 and holds a certificate or license from another state which has such a
440 reciprocal agreement with the commissioner may operate a personal
441 watercraft on the waters of this state.

442 [(f)] (g) Any person required to obtain a certificate of personal
443 watercraft operation pursuant to this section shall have such certificate
444 on board at all times while operating a personal watercraft. On

445 demand of an officer authorized to enforce the provisions of this
446 chapter, such person shall exhibit the certificate to the officer.

447 [(g)] (h) No passenger shall be permitted to ride in front of the
448 operator on a personal watercraft. No passenger shall be permitted to
449 ride upon a personal watercraft unless the passenger is able to securely
450 hold onto the person in front of them or to the handholds on the
451 personal watercraft, and is able to keep both feet on the deck of the
452 personal watercraft so as to maintain balance while the personal
453 watercraft is in operation.

454 (i) No person shall teach a course in safe personal watercraft
455 handling that satisfies the requirements for issuance of a certificate of
456 personal watercraft operation unless the commissioner has approved
457 such course.

458 (j) No Department of Environmental Protection agent or employee
459 shall use department safe personal watercraft handling course
460 materials for personal financial gain.

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

464 [(i)] (l) A certificate of personal watercraft operation may be
465 suspended or revoked in accordance with the provisions of section 15-
466 133, 15-140l or 15-140n.

467 Sec. 7. Section 15-141 of the general statutes is repealed and the
468 following is substituted in lieu thereof (*Effective October 1, 2008*):

469 As used in this part, unless the context otherwise requires:
470 "Commissioner" means the Commissioner of Environmental
471 Protection; "vessel" means every description of watercraft, other than a
472 seaplane on water, used or capable of being used as a means of
473 transportation on water, exclusive of any such watercraft used
474 primarily for purposes of transporting commercial cargo; "motorboat"
475 means any watercraft fitted with propulsion machinery, whether or

476 not such machinery is the principal source of propulsion; "horsepower"
477 means the rated brake horsepower of an engine at maximum operating
478 revolutions per minute; "operate" means to navigate or otherwise use a
479 vessel; "person" means any individual, partnership, firm, association,
480 limited liability company, corporation or other entity; "owner" means a
481 person, other than a lien holder, having property in or title to a vessel.
482 The term includes a person entitled to use or possession of a vessel
483 subject to an interest in another person reserved or created by
484 agreement and securing payment or performance of an obligation, but
485 the term excludes a lessee under a lease not intended as security;
486 "marine dealer" means a person engaged in the business of
487 manufacturing, selling or repairing new or used vessels having an
488 established place of business for the sale, trade, display or repair of
489 motorboats; "marine engine manufacturer" means a person engaged in
490 the business of manufacturing, selling or repairing marine engines
491 having an established place of business for the sale, trade, display or
492 repair of marine engines; "marine engine" means an engine
493 manufactured for use or used in vessels; "federal Boat Safety Act of
494 1971" means an Act of Congress approved August 10, 1971, Public Law
495 92-75, and "boat livery" means a business that is engaged in the
496 commercial rental of vessels, including, but not limited to, personal
497 watercraft.

498 Sec. 8. Section 15-150 of the general statutes is repealed and the
499 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

505 (b) Any operator of a vessel rented from a boat livery shall carry on
506 board such vessel and make available for inspection the original or a
507 copy of the written rental agreement for such rental, signed by the
508 owner of the boat livery or such owner's agent and by the person

509 renting the vessel, stating the length of time for which such vessel is
 510 being rented, the identity of the person who rented the vessel and the
 511 vessel number which appears on the certificate of number, if vessel
 512 registration is required.

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

517 (d) Neither the owner nor any agent or employee of a boat livery
 518 shall permit any vessel which is rented to depart the boat livery unless
 519 such vessel is registered and numbered properly as a livery boat, if
 520 required. Except as provided in subsection (a) of section 15-144, if the
 521 vessel is required to be registered and numbered as a livery boat, the
 522 certificate of number shall be carried aboard and made available for
 523 inspection upon the vessel for which it is issued.

524 (e) Neither the owner nor any agent or employee of a boat livery
 525 shall permit an operator of any vessel which is rented to depart from
 526 the boat livery without a safe boating certificate or certificate of
 527 personal watercraft operation, if such operator is required by section
 528 15-140e, as amended by this act, and section 15-140j, as amended by
 529 this act, to have a safe boating certificate or certificate of personal
 530 watercraft operation.

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

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2008	15-129
Sec. 2	October 1, 2008	15-129a
Sec. 3	October 1, 2008	15-130
Sec. 4	October 1, 2008	15-140e
Sec. 5	October 1, 2008	15-140f
Sec. 6	October 1, 2008	15-140j

Sec. 7	<i>October 1, 2008</i>	15-141
Sec. 8	<i>October 1, 2008</i>	15-150

ENV *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Environmental Protection	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in minimal revenues to the General Fund through the Department of Environmental Protection (DEP) for newly created civil penalties. Penalties range between \$60 and \$250 per violation.

Section 5 makes it an infraction for any person to teach a safe boating course which has not been approved by the DEP commissioner. This section also creates an infraction for any department agent who uses safe boating operation course materials for personal financial benefit.

The bill also makes various clarifying and technical changes, which have no impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of infractions cited.

OLR Bill Analysis**sHB 5806*****AN ACT CONCERNING BOATING SAFETY.*****SUMMARY:**

The bill replaces state boating safety rules and regulations with federal standards as amended periodically in several boating categories.

It also:

1. with some exceptions, requires vessel and personal watercraft operators to take safety courses approved by the Department of Environmental Protection (DEP) in order to obtain the necessary operator licenses;
2. prohibits owners from allowing unlicensed youth under age 16 to operate vessels and personal watercraft in most instances;
3. prohibits DEP employees from profiting from DEP safe boating or personal watercraft operation materials;
4. regulates boat and personal watercraft rental businesses; and
5. makes several technical changes to the environmental statutes.

EFFECTIVE DATE: October 1, 2008

FEDERAL SAFE BOATING RULES AND REGULATIONS

The bill replaces state boating safety rules and regulations with federal standards. These federal safety rules and regulations vary little from the current Connecticut safety laws, and relate to:

1. personal flotation devices, including requirements regarding the

- use of personal flotation devices by children;
- 2. venting for gasoline engines, backfire flame controls, and fire extinguishers;
- 3. signal sound appliances;
- 4. visual distress signals;
- 5. navigation lights;
- 6. light visibility;
- 7. anchor lights when a vessel is at anchor or aground; and
- 8. flashing blue lights and flashing red and yellow signal lights.

As under current law, violations of rules and regulations are infractions.

The bill also prohibits the DEP commissioner from suspending or modifying the federal rules and regulations adopted in the above areas, unless (1) this is necessary to meet uniquely hazardous conditions or circumstances, (2) the Coast Guard has issued a statutory exemption or withholds disapproval of the modification or suspension, or (3) a federal regulation exempts the state from preemption. The commissioner retains the right to suspend or modify other Connecticut boating requirements when she determines that they are burdensome, inconvenient, or do not aid boating safety.

SAFE BOATING CERTIFICATES AND PERSONAL WATERCRAFT OPERATION LICENSES

The law requires operators of registered or numbered vessels and personal watercraft in Connecticut and federal waters to have either (1) a valid vessel operator license issued by the Coast Guard, or (2) a safe boating certificate or a personal watercraft operation license issued by the DEP Commissioner. Under the bill, applicants for the safe boating certificate must successfully complete a course in boating safety approved by the commissioner, or successfully pass an

equivalency examination testing knowledge of boating safety administered by the commissioner. Applicants for the personal watercraft operation license must either successfully complete a combined course of personal watercraft and boating safety approved by the commissioner, or have a boating safety certificate and successfully complete a personal watercraft operation course approved by the commissioner. The bill also prohibits from teaching courses for the certificate or license, if the (1) people commissioner has not approved such a course, and (2) agents of employees of the DEP from profiting from DEP safe boating or personal watercraft operation materials. Violators are subject to fines between \$60 and \$250.

The bill prohibits owners from allowing youth under age 16 from operating a vessel or personal watercraft on Connecticut waters, unless they (1) have a safe boating certificate or personal watercraft operation license, or (2) are under the direct supervision of a person who (a) is at least 18 years old, (b) possesses of a safe boating certificate or personal watercraft operation license, and (c) has had such certificate or license for at least two years. Violators are subject to fines between \$60 and \$250.

The bill allows people enrolled in a course in safe boating operation to operate a vessel without a safe boating certificate, provided they are under the direct supervision of a boating instructor holding a valid DEP instructor number. The bill reduces the period that temporary safe boating certificates or personal watercraft operation licenses, issued to any person who purchases a new or used vessel or watercraft upon registration, are valid, from six to three months.

BOAT LIVERY OPERATION

The bill defines a boat livery as a business that is engaged in the commercial rental of vessels, including personal watercraft. It requires operators of vessels rented from a boat livery to carry the rental agreement on board and make it available upon request. The owner or agent of the boat livery and the person renting the vessel must sign the rental agreement. The agreement must also state the length of time for

which the vessel is being rented, the name of the person renting the vessel, and the vessel number if vessel registration is required.

The bill prohibits owners and agents of boat liveries from permitting a vessel to leave the boat livery unless the vessel is properly registered with the state as both a vessel and a boat livery vessel. If the vessel is required to be registered and numbered as a livery boat, the certificate number must be carried aboard and made available for inspection. The owners or agents of boat liveries must also ensure that operators of rented vessels possess a safe boating certificate or personal watercraft operation license, if necessary. By law, those renting vessels for 14 days or less do not need certificates, but must be given DEP literature on safety and navigation rules.

Violations are infractions and subject to fines.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/12/2008)