



Senate Bill No. 824

Public Act No. 09-105

**AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS
AND YACHT BROKERS.**

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

Section 1. Section 15-141 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

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

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the term excludes a lessee under a lease not intended as security; "marine dealer" means a person engaged in the business of manufacturing, selling or repairing new or used vessels; [having an established place of business for the sale, trade, display or repair of motorboats;] "marine engine manufacturer" means a person engaged in the business of manufacturing, selling or repairing marine engines; [having an established place of business for the sale, trade, display or repair of marine engines;] "marine engine" means an engine manufactured for use or used in vessels; "marine surveyor" means a person who is certified by the National Association of Marine Surveyors or accredited by the Society of Accredited Marine Surveyors and who is engaged in the business of inspection, survey or examination of vessels or associated equipment to assess, monitor and report on the condition of the vessel or associated equipment; "yacht broker" means a marine dealer, as defined in this section, who, for compensation or an expectation of compensation, sells or negotiates to sell or offers to sell, buys or offers to buy, solicits or obtains listings of or negotiates the purchase, sale or exchange of vessels, but who is not an owner of such vessels; "federal Boat Safety Act of 1971" means an Act of Congress approved August 10, 1971, Public Law 92-75; and "boat livery" means a business that is engaged in the commercial rental of vessels, including, but not limited to, personal watercraft.

Sec. 2. Section 15-145 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) A marine dealer, [or] marine engine manufacturer or marine surveyor may obtain one or more marine dealer's registration numbers upon application to the Commissioner of Environmental Protection, [, and upon payment of a fee of fifty dollars for each number.]

(b) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, regarding: (1) The establishment of fees for each marine dealer registration number issued, (2) application for

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such numbers, (3) examination of a marine dealer, marine engine manufacturer or marine surveyor with respect to criteria for issuance of such numbers, and (4) issuance and display of marine dealer registration numbers. Such [funds] fees shall be deposited in the boating account of the Conservation Fund. Such application shall contain an affidavit stating that [(1)] (A) such marine dealer is a person engaged in the business of manufacturing, selling or repairing new or used vessels and that such person has an established place of business for the sale, trade, display or repair of such vessels, [or] unless specifically exempted in this subsection from the requirement to have an established place of business, [(2)] (B) such marine engine manufacturer is a person engaged in the business of manufacturing, selling or repairing marine engines and that such person has an established place of business for the sale, trade, display or repair of such engines, or (C) such marine surveyor is a person engaged in the inspection, surveying or examination of vessels and meets the definition of a "marine surveyor", as defined in section 15-141, as amended by this act. Yacht brokers shall not be required to have an established place of business. A marine dealer's, [or] marine engine manufacturer's or marine surveyor's registration certificate shall be denominated as such and shall state the dealer's, [or] engine manufacturer's or surveyor's name, residence address, business address, registration number, the expiration date of the certificate and such other information as the Commissioner of Environmental Protection may prescribe. The certificate, or a copy of the certificate, shall be carried aboard and shall be available for inspection upon each vessel which displays the marine dealer's, marine engine manufacturer's or marine surveyor's registration number whenever such vessel is in operation. A number or certificate may not be used on more than one vessel at a time. Each certificate shall be renewed on the first day of May of the year following the date of issue and shall expire on the last day of April of the year following such renewal, unless sooner terminated or surrendered. At least thirty days prior to the

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expiration date of each certificate, the Commissioner of Environmental Protection shall notify each marine dealer, [and] marine engine manufacturer and marine surveyor of such expiration. Within ninety days before its expiration, each marine dealer's, [or] marine engine manufacturer's or marine surveyor's certificate may be renewed upon application and upon payment of the fee [provided in this section] prescribed by the commissioner pursuant to this subsection. Each registration number assigned to a marine dealer, [or] marine engine manufacturer or marine surveyor shall remain the same as long as such dealer, [or] manufacturer or surveyor continues, under the same name, in the business described in such dealer's, [or] manufacturer's or surveyor's application affidavit as required pursuant to this subsection.

[(b)] (c) A marine dealer's registration number shall be displayed in such manner as the Commissioner of Environmental Protection prescribes on vessels: [operated] (1) Operated for the purpose of sale, trade, repair or transport and on any vessel sold by such dealer for not more than five days after the date of such sale, [and] (2) on any vessel used by a marine engine manufacturer for the sole purpose of testing or demonstrating marine engines manufactured or repaired by such person, and (3) on any vessel used by a marine surveyor for the purpose of inspecting, surveying or examining such vessel or associated equipment to assess, monitor and report on the condition of such vessel or associated equipment. Any vessel displaying a marine dealer's registration number shall be presumed to be properly registered.

[(c)] (d) No marine dealer, [or] marine engine manufacturer [may] or marine surveyor shall (1) rent, or allow or cause to be rented, (2) operate, or allow or cause to be operated, for hire, or (3) use, or allow or cause to be used, for the purpose of conveying passengers or merchandise or freight for hire, any vessel registered with a marine

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dealer's, [or] marine engine manufacturer's or marine surveyor's number and certificate. No marine dealer or marine engine manufacturer may loan a number certificate to any person except (A) for the purpose of demonstrating a vessel; (B) when a vessel owned by or lawfully in the custody of such person is undergoing repairs; or (C) when such person has purchased a vessel, the registration of which has not yet been completed and in any case for not more than five consecutive days. Each marine dealer or marine engine manufacturer shall keep a record of each loaned number certificate showing the date loaned, the vessel hull identification number (HIN) of the vessel on which such number is displayed, the date returned and the name and address of the person operating any vessel with such loaned number certificate. Such dealer or engine manufacturer shall give a copy of this record to each person to whom such number certificate is loaned, which copy shall be carried in the vessel at all times when operated. This record shall be retained by the dealer or engine manufacturer for a period of six months from the date on which the number certificate was loaned and such record shall be available during business hours for examination by any police officer, marine officer or conservation officer. A marine surveyor shall not loan a number certificate to any person.

[[d]] (e) Any marine dealer may operate, or cause to be operated by a bona fide full-time employee, a vessel with a marine dealer's registration number (1) while a potential purchaser or customer is aboard, (2) when running a new vessel from an import terminal to the dealer's place of business, (3) when test running a new vessel after receiving it from the manufacturer, (4) when delivering a sold vessel to the new owner, (5) when running a trade-in vessel from a buyer, (6) when test running a trade-in vessel before it is made available for sale, (7) when running a vessel to, and using a vessel in, a fishing tournament, (8) when test running a vessel after repairs, maintenance or winter storage, (9) when used in connection with the business of the

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marine dealer, (10) when running the vessel to obtain or deliver parts for the repair of the vessel or another vessel, and (11) for the personal use of the marine dealer. Any marine surveyor may operate, or cause to be operated by a bona fide full-time employee, a vessel with a marine dealer's registration number when performing an inspection, survey or examination of such vessel or associated equipment provided the marine surveyor has been contracted by written agreement to perform such work and a copy of the written agreement is carried on the vessel while the marine surveyor's registration number is displayed on the vessel. Each marine dealer and marine surveyor shall maintain a record of the following: (A) Each marine number certificate issued by the commissioner to such dealer, (B) the name, address and occupation of any bona fide full-time employee to whom such certificate has been assigned, (C) the date of assignment of such certificate, and (D) the exact location of each unassigned certificate. For the purposes of this subsection, "bona fide full-time employee" means a person who is employed by a marine dealer or marine surveyor for not less than thirty-five hours per week and who appears on the records of such marine dealer as an employee for whom tax is withheld for Social Security, federal income tax and any other withholding or deductions from salary required by law.

[(e)] (f) No person may use a vessel with a marine dealer's_z [or] marine engine manufacturer's or marine surveyor's registration number for any purpose other than the purposes described in this section. The commissioner may revoke any marine dealer's_z [or] marine engine manufacturer's or marine surveyor's registration number under this section if any vessel with a number issued to such dealer_z [or] engine manufacturer or surveyor is used in violation of this section.

Approved June 3, 2009