



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 7, 2011  
Environment Committee

Testimony Submitted by Acting Commissioner Susan Frechette  
Department of Environmental Protection

**Committee House Bill No. 6160 - AN ACT CONCERNING SAFE BOATING  
CERTIFICATES AND THE RENTAL OF VESSELS BY LIVERY PERSONS**

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Thank you for the opportunity to present testimony regarding Committee House Bill No. 6160 - AN ACT CONCERNING SAFE BOATING CERTIFICATES AND THE RENTAL OF VESSELS BY LIVERY PERSONS. The Department of Environmental Protection (Department) offers the following testimony.

This bill seeks to require all persons who rent vessels to obtain a safe boating certificate as a prerequisite to operating the rented vessel. While the Department is a champion of boating education, this bill, if implemented as written, will result in unintended and objectionable consequences. The Department therefore opposes this bill.

Under Connecticut law, any resident who operates a motorized vessel must have obtained a *Safe Boating Certificate*, gained either through passing a course and subsequent examination, or by passing an *equivalency examination*. A Safe Boating Certificate is good for life, and as the issuing agency, the Department maintains the Safe Boating Certificate records. A non-resident is not required to obtain a Connecticut Safe Boating Certificate, and may operate a motorized vessel without one.

The Department calls your attention to the terms "*Safe Boating Certificate*" and "*equivalency examination*" because these have specific definitions and carry with them specific and pre-existing associations within boating law. Additionally, residents and non-residents who operate non-motorized vessels are generally not required to have a Safe Boating Certificate.

The Department is concerned that the language and construction of this bill borrows existing terms from other parts of the law, resulting in unusual and unintended consequences. Under Committee House Bill No. 6160, a person who rents *any* vessel, including a non-registered and non-motorized vessel, would be required to obtain a Safe Boating Certificate as a prerequisite to operate a vessel. The State has never required the operator of an un-motorized canoe, kayak, rowing vessel, or small sailboat to obtain a Safe Boating Certificate and the Department does not contemplate asking for such a requirement.

Furthermore, this bill requires that the renter of a vessel have a safe boating certificate issued by the Commissioner. It ignores lawful and pre-existing reciprocal agreements with other states regarding acceptance of Safe Boating Certificates issued by their state.

This bill also requires that the livery administer an "Equivalency Examination." Under current law, the equivalency examination is a bright-line test which if passed, qualifies the recipient for a lifetime Safe Boating Certificate. It is a proctored examination consisting of fifty questions, takes approximately one-half hour to forty five minutes to complete, and is administered only by the Department thus - ensuring the integrity of the test. This bill, as written, inadvertently equates what the Department infers to be a lesser test with the existing Equivalency Examination.

This bill requires that the livery issue a Safe Boating Certificate after the passage of an equivalency examination, and requires the livery to maintain records of such for one year. Under present law, a Safe Boating Certificate is issued only after passing the rigorous equivalency examination described above, or by completing a minimum of eight hours of classroom instruction at an approved course. The Department retains records of class participation and performance indefinitely. The Department objects to the pathway to obtaining a Safe Boating Certificate that this bill inadvertently creates.

When a person passes an equivalency examination or an approved classroom course, that person then applies to the Department for their Safe Boating Certificate. A fee of fifty dollars is collected at that time, and a "*limited durational*" certificate is issued to the applicant for use while their permanent card is prepared. This bill lacks any provision for the authority to collect a fee for the issuance of a Safe Boating Certificate.

The Department believes that the bill, as written, will have a negative fiscal effect on small businesses that generate income by renting vessels, and will discourage impact the Department's goal of making the waters of the state available to residents and non-residents alike.

In summary, the Department opposes Bill No. 6160 because the intention of the Committee to allow liveries to issue *Safe Boating Certificates* equivalent to those issued by the Department will result in unintended and objectionable consequences. However, the Department would welcome the opportunity to work with the proponents of this bill to discuss the possibility of a separate, temporary and lesser class of *Safe Boating Certificate* for renters of motorized vessels to further improve boating safety in this state.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).