



House of Representatives

File No. 822

General Assembly

January Session, 2011

(Reprint of File No. 470)

House Bill No. 5300
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 20, 2011

**AN ACT CONCERNING THE SPEED LIMITS OF BOATS ON THE
MYSTIC RIVER.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) No person shall operate
2 a vessel in excess of Slow-No-Wake on the Mystic River within the
3 following two areas: (1) Between the entrance to the Mystic Harbor
4 and Red Navigation Marker No. 22, excluding Beebe Cove, where the
5 entrance to Mystic Harbor shall be a line beginning at the
6 southernmost tip of Mouse Island, then east to Red Navigation Buoy
7 "4", known as Whale Rock, then generally northeasterly to Green
8 Navigation Buoy "9" to the northern tip of Ram Island and to the
9 southernmost tip of Mason Point, and (2) from Red Navigation Buoy
10 "26" northward to Green Navigation Buoy "53".

11 (b) Any violation of subsection (a) of this section shall be an
12 infraction. The Commissioner of Environmental Protection shall
13 administer the provisions of this section in accordance with chapter
14 268 of the general statutes.

15 Sec. 2. Subsection (a) of section 15-154 of the general statutes is
16 repealed and the following is substituted in lieu thereof (*Effective from*
17 *passage*):

18 (a) Any harbor master, deputy harbor master, conservation officer,
19 special conservation officer or state police officer and any municipal
20 police officer, any special police officer appointed under sections 29-18
21 and 29-19, any town marine officers appointed under section 15-154a
22 and certified by the commissioner for marine police duty and any lake
23 patrolman appointed under section 7-151b may enforce the provisions
24 of section 1 of this act, this chapter and chapter 446k, except that only
25 peace officers shall enforce the provisions of section 15-132a,
26 subsection (d) of section 15-133 and sections 15-140l and 15-140n. In the
27 enforcement of this chapter, such officer may arrest, without previous
28 complaint and warrant, any person who fails to comply with the
29 provisions of this chapter. Failure to appear in court pursuant to such
30 arrest, unless excused by the court or the state's attorney or assistant
31 state's attorney, shall constitute sufficient cause for the suspension by
32 the Commissioner of Motor Vehicles of the boat registration of the boat
33 involved for not more than thirty days or until the matter is resolved
34 by the court, whichever is sooner.

35 Sec. 3. Section 15-16 of the general statutes is repealed. (*Effective from*
36 *passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	15-154(a)
Sec. 3	<i>from passage</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Department of Environmental Protection	GF - Potential Revenue Gain	Less than 5,000	Less than 5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the Department of Environmental Protection (DEP) to enforce provisions of a Slow-No-Wake zone within two certain areas on the Mystic River. To the extent DEP, or other certain officers issue citations for violations of these provisions, there may be a minimal revenue gain to the state of not more than \$100 for each violation. It is anticipated that there would be less than \$5,000 generated in both FY 12 and FY 13 from this type of violation.

House "A" strikes the underlying bill and results in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations that occur.

OLR Bill Analysis**HB 5300 (as amended by House "A")******AN ACT CONCERNING THE SPEED LIMITS OF BOATS ON THE MYSTIC RIVER.*****SUMMARY:**

This bill repeals current law regarding the speed of vessels on specified rivers. By repealing the law, vessel speed limits will be regulated under existing Department of Environmental Protection (DEP) boating safety regulations.

The bill establishes a "slow-no-wake zone" on two portions of the Mystic River. It makes a violation of the zone an infraction and requires the DEP commissioner to administer the provision. It authorizes various people to enforce the slow-no-wake zone, including harbor masters, deputy harbor masters, conservation officers, police officers, town marine officers certified for marine police duty, and lake patrolmen.

*House Amendment "A" replaces the original file (File 470), which required boats on the Mystic River to comply with regulations to be promulgated by the DEP regarding speed limits. The amendment repeals the current law on speed of vessels on specified rivers, imposes a "slow-no-wake zone" on two portions of the Mystic River, and specifies those people who can enforce the requirement.

EFFECTIVE DATE: Upon passage

MYSTIC RIVER SLOW-NO-WAKE ZONE

The bill prohibits people from operating vessels in excess of "slow-no-wake" on the Mystic River within the following two areas: (1) between the entrance to the Mystic Harbor and Red Navigation

Marker No. 22, excluding Beebe Cove, where the entrance to Mystic Harbor is a line beginning at the southernmost tip of Mouse Island, then east to Red Navigation Buoy "4", known as Whale Rock, then generally northeasterly to Green Navigation Buoy "9" to the northern tip of Ram Island and to the southernmost tip of Mason Point, and (2) from Red Navigation Buoy "26" northward to Green Navigation Buoy "53".

"Slow-no-wake" is defined in DEP boating safety regulations. It means that a vessel must not produce more than a minimum wake and must not attain speeds greater than six miles per hour over the ground unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. In no case can the wake produced by the vessel be such that it creates a danger of injury to people or damage to vessels or structures (Conn. Agencies Regs. § 15-121-A1(j)).

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime and violators can pay the fine by mail without making a court appearance. These mail-in procedures automatically apply to infractions (CGS §§ 51-164m and 51-164n).

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/21/2011)

Transportation Committee

Joint Favorable

Yea 31 Nay 0 (04/19/2011)