

# **Legislative Regulation Review Committee**

2011-010a

Department of Environmental Protection

**BOATING SAFETY REGULATIONS**

STATE OF CONNECTICUT  
**REGULATION**  
OF

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NAME OF AGENCY

Environmental Protection  
Concerning

**Amendment of Sections 15-121-A1, 15-121-B5, 15-121-B5a, 15-121-B14, 15-121-B18, 15-140f-2, 15-140f-3, 15-140f-4, 15-140f-5, 15-140j-1, 15-140j-2, and 15-140j-3; Addition of Section 15-121-B15o, and Repeal of Sections 15-121-A11 and 15-121-A12 of the Regulations of the Connecticut State Agencies (RCSA)**

Sections 1-4

**Sec. 1. Section 15-121-A1 of the Regulations of Connecticut State Agencies is amended by adding subsection (n) to subsection (p) as follows:**

(NEW) (n) "marine dealer" means a person engaged in the business of manufacturing, selling or repairing new or used vessels.

(NEW) (o) "marine engine manufacturer" means a person engaged in the business of manufacturing, selling or repairing marine engines.

(NEW) (p) "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.

**Sec. 2. Section 15-121-A11 of the Regulations of Connecticut State Agencies is repealed.**

**Sec. 3. Section 15-121-A12 of the Regulations of Connecticut State Agencies is repealed.**

**Sec. 4. Section 15-121-B5 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-121-B5. Criteria for the issuance of marine dealer registration numbers.

(a) The Commissioner may issue a marine dealer registration number to a marine dealer [or], marine engine manufacturer or marine surveyor who satisfies the following criteria, except a person who sells or manufacturers vessels not required to be numbered pursuant to Sections 15-142 and 15-143 of the Connecticut [general statutes] General Statutes such as non-motorized vessels including canoes, kayaks, sailboards and sailboats under 19 1/2 feet in length, shall not apply for or receive a marine dealer registration number:

- (1) Each marine dealer who applies for a marine dealer registration number shall keep written records of sales of vessels required to be numbered pursuant to Sections 15-142 and 15-143 of the [general statutes] Connecticut General Statutes. Each marine engine manufacturer, who applies for a marine dealer registration number, shall keep a written record of each marine engine manufactured, sold [and] or repaired by such manufacturer. Each marine surveyor shall keep a written record of each vessel surveyed by such marine surveyor. The aforementioned records shall be kept for a minimum of four years from the date of any such manufacture, sale, survey, or repair and made available to agency representatives for inspection upon request. Such records may consist of: listings, deposit receipts, canceled checks, trust records, or other documents showing manufacture, sales, survey, or repair transactions. Records of sales shall include: the name and address of the purchaser, the selling price, the date of sale and a description of the vessel or engine sold including but not limited to any previous registration number or documentation number and the hull identification

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number of all recreational vessels manufactured after November 1, 1973. Records of marine surveys shall include: the name and address of the owner and the person purchasing the survey, the purpose of the survey, the date of the survey, and a detailed description of the vessel surveyed including, but not limited to, the hull identification number.

- (2) A marine dealer shall have an established place of business with office space and vessel display area which is used [exclusively] for the sale or manufacture or both of vessels, unless specifically exempted from the requirement to have an established place of business pursuant to Section 15-145 of the Connecticut General Statutes. A marine engine manufacturer shall have an established place of business for the manufacture, sale, trade, display or repair of marine engines. The minimum size of the office and display area shall be 144 square feet. Such office and display area shall be accessible and open to the public. A vessel display area separate from the marine dealer's or marine engine manufacturer's office, such as a slip or mooring at a marina, which is rented, leased or owned in the business name of the marine dealer or marine engine manufacturer and used to facilitate the demonstration of vessels for sale or the testing or repair of marine engines, may be substituted for the required vessel display area at the established place of business.
  
- (3) A marine dealer or marine engine manufacturer shall erect a sign at his or her place of business, unless a marine dealer is specifically exempted from the requirement to have an established place of business pursuant to Section 15-145 of the Connecticut General Statutes. The sign shall be a minimum of 250 square inches in size and legibly display the business name of the marine dealer or marine engine manufacturer, as applicable. The sign shall be erected in a conspicuous place so that it comes to the attention of the general public. A marine dealer or marine engine manufacturer substituting a separate display area as described in subdivision 15-121-B5(a)(2), shall also display, in a conspicuous location, on the vessel for sale or on a vessel used to test or repair marine engines, or at its slip or mooring, a sign not less than 144 square inches in size, bearing the marine dealer's or marine engine manufacturer's business name and business telephone number. Such name and telephone number shall be legible and discernible from a distance of not less than fifty feet. Yacht brokers shall display, in a conspicuous location, on the vessel for sale, and while bearing the marine dealer registration number of the yacht broker, a sign not less than 144 square inches in size, bearing the yacht broker's business name and business telephone number and the words "For Sale By Broker". Such information shall be legible and discernible from a distance of not less than fifty feet.
  
- (4) A marine dealer, [or] marine engine manufacturer or marine surveyor shall have a telephone number listed with the telephone company in its business name and published in the telephone company directory for public information.
  
- (5) Each marine dealer, marine engine manufacturer or marine surveyor who applies for marine dealer registration numbers and who has not previously been issued such numbers or who is reapplying after failing to meet the renewal criteria set forth in this section shall do so on a form specified by the Commissioner. Such marine dealer or marine engine manufacturer shall pay an examination fee of one hundred and forty dollars. A marine dealer [or], marine engine manufacturer or marine surveyor shall sign a statement under oath indicating that he or she has complied with the

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requirements and criteria for the issuance of marine dealer registration numbers and that he or she agrees to display the marine dealer registration number in the case of a marine dealer, [solely] on vessels used solely pursuant to Section [15-145(d)] 15-145(e) of the Connecticut General Statutes, or in the case of a marine engine manufacturer, on vessels used solely for the [sole] purpose of testing or demonstrating a marine engine manufactured or repaired by such manufacturer, or in the case of a marine surveyor, on vessels used solely for the purpose of performing a marine survey, and agrees not to display the marine dealer registration number on vessels operated for any other reason.

(b) The Commissioner may renew a marine dealer registration number if he or she is satisfied that the marine dealer or marine engine manufacturer continues to meet the criteria of subsection 15-121-B5(a) and that the marine dealer or marine engine manufacturer also satisfied at least [on] one of the following criteria during the year prior to the application for renewal:

- (1) Manufacture or sale of more than five vessels required to be numbered or registered pursuant to Section 15-142 of the [general statutes] Connecticut General Statutes;
- (2) Manufacture or sale of two to five vessels required to be numbered or registered pursuant to Section 15-142 of the [general statutes] Connecticut General Statutes, of not less than \$50,000 total gross value where the gross value credited by any vessel towards the \$50,000 minimum is no more than \$25,000;
- (3) Not less than fifty percent of the adjusted gross income of a marine dealer as determined for purposes of federal income tax is derived from vessel sales subject to proof satisfactory to the Commissioner;
- (4) Not less than fifty percent of a marine engine manufacturer's adjusted gross income, as determined for purpose of federal income tax, is derived from the manufacture, sale and repair of marine engines by such manufacturer. Subject to proof satisfactory to the Commissioner, a marine engine manufacturer shall provide records to the Commissioner demonstrating that such manufacturer's income complies with the requirements of this subdivision; or
- (5) The manufacture, sale or repair of more than five marine engines by a marine engine manufacturer.

(c) The fee for each marine dealer registration number shall be one hundred dollars per year.

[(c)] (d) No person applying for a marine dealer registration number who fails to meet the criteria for the issuance of such number shall reapply for a number for a period of one year from the date of such person's last application.

[(d)] (e) Yacht brokers, as defined in Section 15-145 of the Connecticut General Statutes, who meet the requirements of subsection 15-121-B5(a)(1), (4) and (5) and who have not previously been issued a marine dealer registration number may be issued one marine dealer registration number. The Commissioner may renew the marine dealer registration number of a yacht broker who meets the requirements of subsections 15-121-B5(a)(1), (4) and (5) and 15-121-B5(b)(1), (2) or (3). Yacht brokers may apply for additional marine dealer registration numbers concurrent with their application for renewal of their marine dealer registration number subject to the conditions set forth in this subsection. Yacht brokers who fail to meet the criteria for renewal of

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their marine dealer registration number are subject to the requirements of subsection (d) of this section. A yacht broker shall make any and all documents or records required to be maintained pursuant to this subsection and Section 15-145(d) of the Connecticut General Statutes available for inspection by the Commissioner at a place designated by the Commissioner within five business days of the Commissioner's request to review such documents or records. A yacht broker who meets the criteria for issuance of marine dealer registration numbers shall only display such numbers on vessels operated pursuant to subsection [(d)] (e) of [section] Section 15-145 of the Connecticut General Statutes.

### **Sec. 5. Section 15-121-B5 of the Regulations of Connecticut State Agencies is amended by adding subsection (f) as follows:**

(NEW) (f) Marine surveyors who possess current and valid certification or accreditation acceptable to the Commissioner as defined in Section 15-141 of the Connecticut General Statutes may be issued one marine dealer registration number. The Commissioner may renew the marine dealer registration number of a marine surveyor who possesses a marine dealer registration number provided the marine surveyor possesses current and valid certification or accreditation acceptable to the Commissioner and the Commissioner is satisfied that the marine surveyor continues to meet the criteria of subsection 15-121-B5(a) at the time the application for renewal of the marine dealer registration number is submitted to the Commissioner.

### **Sec. 6. Section 15-121-B5a of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-121-B5a. Marine dealer registration numbers: application and display.

(a) The description of the vessel [will] shall be omitted from a marine dealer identification number application and from the certificate of number since the numbers and certificate of number may be transferred from one vessel to another.

(b) The marine [dealer's] dealer registration number(s) assigned by the Commissioner to a marine dealer, [or] marine engine manufacturer, or marine surveyor shall be painted on or attached to a removable sign. The [marine dealer] sign shall be temporarily but firmly mounted upon or attached to the vessel which is used pursuant to subsection [(d)] (e) of [section] Section 15-145 of the Connecticut General Statutes, or which is used by a marine engine manufacturer for the sole purpose of testing marine engines manufactured or repaired by such manufacturer provided the display meets the requirements of Section 15-121-B4 of the Regulations of the Connecticut State Agencies. If a marine dealer, [or] marine engine manufacturer, or marine surveyor demonstrates to the Commissioner's satisfaction that such display may be unsafe or impracticable, the Commissioner may substitute the display requirements of this subsection with a satisfactory alternative. The Commissioner shall notify the marine dealer, [or] marine engine manufacturer, or marine surveyor in writing of the substitution and such written notice shall be carried on board whenever the vessel is in use. Pursuant to Section 15-121-B5(a)(3) of the Regulations of the Connecticut State Agencies, yacht brokers shall display, in a conspicuous location, on the vessel for sale, and while bearing the marine dealer registration number of the yacht broker, a sign not less than 144 square inches in size, bearing the yacht broker's business name and business telephone number and the words "For Sale By Broker". Such information shall be legible and discernible from a distance of not less than fifty feet.

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(c) The number assigned to a marine dealer [will] shall contain the suffix "DL." An example of such number is "CT-1234-DL." The number assigned to a marine engine manufacturer [will] shall contain the suffix "XP". An example of such number is "CT-1234-XP". The number assigned to a yacht broker shall contain the suffix "YB". An example of such number is "CT-1234-YB". The number assigned to a marine surveyor shall contain the suffix "MS". An example of such number is "CT-1234-MS".

(d) All the requirements of law and regulation governing equipment, lights, and operation shall apply to vessels operated by a marine dealer, or a marine engine manufacturer who has obtained an identification number pursuant to Section 15-121-B5.

(e) No marine dealer or his or her employee shall display a marine dealer number on any vessel that is not owned by the dealership except as provided in subsection [(b)] (c) of Section 15-145 of the Connecticut General Statutes. No person, other than the marine dealer to whom the number is issued or his or her employee, shall display such marine dealer number except as provided in subsections 15-145[(b)] (c), [(c)](d), and [(d)] (e) of the Connecticut General Statutes.

(f) No marine engine manufacturer shall display a marine dealer number on any vessel that is not being used pursuant to subsections [(b)] (c) and [(c)] (d) [section] of Section 15-145 of the Connecticut General Statutes for the sole purpose of testing or repairing an engine manufactured or repaired by such manufacturer. A marine engine manufacturer may only utilize an engine in a vessel not owned by such manufacturer, if:

- (1) The engine is being used for experimental purposes only; and
- (2) Such marine engine manufacturer carries on board such vessel a copy of the engine test agreement between the marine engine manufacturer and the manufacturer of the vessel.

**Sec. 7. Section 15-121-B14 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-121-B14. Restricted speed limit.

(a) No person shall operate a motorboat at a speed in excess of Slow-No-Wake within one hundred feet of shore, or of a dock, pier, float, or anchored or moored vessel, unless such motorboat is approaching such float, dock or shore for the purpose of enabling a person engaged in waterskiing to take off or land.

(b) The [commissioner] Commissioner may temporarily limit vessel speed to Slow-No-Wake in a construction area or in association with a marine event authorized by the Commissioner pursuant to Section 15-121-A6. Uniform State Waterway Marking System controlled area regulatory markers may be placed to indicate the Slow-No-Wake area.

(c) Violation of subsection (a) of this section shall be an infraction.

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## Section 7-10

(d) This section shall not preempt town ordinances or regulations which are adopted in accordance with Section 15-136 of the Connecticut General Statutes and which have more stringent speed limits or distance from shore limits.

### **Sec. 8. The Regulations of Connecticut State Agencies are amended by adding Section 15-121-B15o as follows:**

(NEW) No person shall operate a vessel in excess of Slow-No-Wake in 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 shall be 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".

### **Sec. 9. Subsection (a) of section 15-121-B18 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-121-B18. Modification of regulations during marine events. Exemption for law enforcement and emergency vessels.

(a) Section 15-121-B12 through Section 15-121-B15, inclusive, Sections 15-121-B15a through [15-121-B15m] 15-121-B15o, inclusive, and Section 15-121-B16 shall not apply to:

- (1) A law enforcement or emergency vessel owned by a federal, state or municipal agency while such vessel is being used in the performance of official duties in connection with law enforcement or an emergency, or;
- (2) A non emergency vessel owned by a federal, state or municipal agency when such vessel is being used in connection with official functions, if compliance with such sections would impede the performance of those functions, or;
- (3) An emergency vessel eligible for assistance referrals from the U.S. Coast Guard or from a state or municipal law enforcement agency while such vessel is responding to an emergency.

### **Sec. 10. Section 15-140f-2 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-140f-2. Proctored examinations for safe boating certificates.

- (a) Any person taking an approved course in safe boating operation as the prerequisite for issuance of a safe boating certificate shall also be required to pass a proctored closed book examination to be given at the conclusion of such course. In the case of a course in safe boating operation taught by Department of Environmental Protection personnel or its agents, such examination shall consist of no fewer than fifty questions prepared by the Commissioner. The minimum score to pass such examination shall be eighty percent correct answers.

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## Section 10-11

(b) As provided by [Connecticut General Statutes] Section 15-140e(b)(2) of the Connecticut General Statutes, any person may take an equivalency examination [taken as] in order to satisfy the prerequisite for issuance of a safe boating certificate. Such examination may be taken only one time. The equivalency examination shall be taken upon application, in person at a place and at a time designated by the Commissioner [upon application therefore. Such equivalency examination] and shall consist of a closed book examination of no fewer than fifty questions prepared by the Commissioner. The minimum score to pass such examination shall be eighty percent correct answers. Any person who fails to pass such examination shall be required to successfully complete an approved course in safe boating operation as identified in Section 15-140f-1 or 15-140j-2(c)(1) of the Regulations of the Connecticut State Agencies as a prerequisite to receiving a safe boating certificate.

**Sec. 11. Section 15-140f-3 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-140f-3. Issuance of safe boating certificates.

- (a) Any person required by subsection (a) of [section] Section 15-140e of the Connecticut General Statutes to obtain a safe boating certificate shall apply to the [commissioner] Commissioner for such certificate on a form provided by the [commissioner] Commissioner. The applicant shall provide the following information on the form: the applicant's name, address, date of birth, place of birth, phone number, sex, hair color, eye color, and height. Proof of identity shall be required as provided in subsection (a) of [section] Section 14-137-67 of the Regulations of Connecticut State Agencies, except that a valid Connecticut motor vehicle operator's license with photograph of the applicant, or an acknowledgment of the identity of the applicant, taken by a person authorized by [section] Section 1-29 of the Connecticut General Statutes to take such acknowledgment, if submitted as part of the application shall be conclusive proof of the identity of the applicant.
- (b) A safe boating certificate issued to any person less than twelve years of age shall have a notation thereon that the holder of such certificate shall not operate a vessel with a motor of greater than ten horsepower unless he is under the on-board supervision of a person at least eighteen years of age who has been issued a safe boating certificate.
- (c) Each safe boating certificate issued by the [commissioner] Commissioner shall be assigned a boat operator number unique to the person to whom such certificate is issued and the same number shall be assigned to any duplicates of such certificate. Only one safe boating certificate and boat operator number shall be assigned to any person and no person shall apply for or obtain more than one such certificate or number.
- (d) No person shall make a material false statement on an application to obtain a safe boating certificate or duplicate certificate and every statement made on any such application shall be upon oath or affirmation. The certificate of any person who knowingly makes a material false statement, or provides insufficient funds for payment of applicable fees, or obtains any certificate to which he is not entitled, shall be null and void.

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Section 11-12

- (e) No person shall alter or deface a safe boating certificate or a duplicate certificate, and no person shall exhibit to any enforcement officer identified in [section] Section 15-154 of the Connecticut General Statutes, a certificate or duplicate certificate which has been altered or defaced, or a certificate or duplicate certificate other than the one issued to him.
- (f) Duplicates of safe boating certificates may be issued by the [commissioner] Commissioner only to applicants who change their legal name or to applicants whose certificate is lost, stolen, or destroyed upon application to the [commissioner] Commissioner on a form provided by the [commissioner] Commissioner. Every statement made on any such application shall be upon oath or affirmation. Information to be provided by the applicant may include any or all of the items which the [commissioner] Commissioner, in his sole discretion, deems required for issuance of an original certificate. Any person to whom a duplicate certificate is issued who subsequently finds or has returned to him the original or previous duplicate of such certificate shall, within five days, return his last-issued certificate to the Boating Division of the Department of Environmental Protection.
- (g) Temporary safe boating certificates shall be subject to the same provisions regarding issuance of safe boating certificates set forth in subsections (a) through (f) of this section. Each application for a temporary certificate shall be accompanied by a certificate of number or certificate of decal issued to the applicant for his vessel on the date of vessel registration. Temporary certificates shall expire in [six] three months from the date of vessel registration as is provided for in [section] Section 15-140e(c) of the Connecticut General Statutes. No person shall be issued more than one temporary safe boating certificate and issuance of a temporary certificate shall not entitle the holder thereof to issuance of a lifetime certificate as provided for by subsection (a) of [section] Section 15-140e of the Connecticut General Statutes.
- (h) Any person applying for a safe boating certificate by providing proof that he has successfully completed an approved course in safe boating operation shall provide with his application the original document demonstrating successful course completion, or a copy thereof, or an original statement, written on the letterhead of and signed by an authorized representative of the agency or organization which gave such course, attesting to the existence of records which show that the applicant successfully completed such course. The Commissioner may waive such requirement of proof when verification is obtained from records of the Commissioner which show such approved course in safe boating operation was successfully completed.
- (i) Any person applying for a safe boating certificate by providing proof that he has successfully passed an equivalency examination shall provide with his application the original document demonstrating that the applicant passed such examination. The [commissioner] Commissioner may waive such requirement of proof when verification is obtained from records of the [commissioner] Commissioner which show such examination was passed.

**Sec. 12. Section 15-140f-4 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-140f-4. Fees for safe boating certificate courses and examinations and for issuing safe boating certificates, temporary safe boating certificates and duplicate certificates.

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## Section 12-14

- (a) There shall be no fee for [the] an approved course in safe boating [certificate course] operation taught by Department of Environmental Protection personnel or its agents.
- (b) The fee for a safe boating certificate equivalency examination shall be [twenty-five] seventy five dollars for any person taking such examination [for the first time and shall be ten dollars for each time thereafter].
- (c) The fee for issuance of a safe boating certificate or temporary safe boating certificate shall be [twenty-five] fifty dollars.
- (d) The Commissioner may set a fee for issuance of a duplicate safe boating certificate [shall be] of [ten] twenty dollars.
- (e) Duplicate certificates issued because of name change due to marriage or divorce shall be free of charge.
- (f) The fee payable under this section for an equivalency examination shall be paid prior to taking such examination. Fees for issuance of certificates payable under this section shall accompany the application for a safe boating certificate, temporary safe boating certificate or duplicate certificate.

**Sec. 13. Section 15-140f-5 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-140f-5. Reciprocal agreements with other states.

- (a) Any person who possesses a safe boating or a personal watercraft operation certificate issued by a state having an agreement of reciprocity with the [commissioner] Commissioner may present evidence of said certificate to satisfy the educational requirements, as described in [sections] Sections 15-140e and 15-140j of the Connecticut General Statutes, for the issuance of a Connecticut safe boating certificate or a certificate of personal watercraft operation.
- (b) Any person who is required to possess a safe boating certificate under Section 15-140e of the Connecticut General Statutes, or a certificate of personal watercraft operation under Section 15-140j of the Connecticut General Statutes, and who possesses a safe boating certificate or certificate of personal watercraft operation issued by a state having an agreement of reciprocity with the Commissioner, shall obtain a safe boating certificate or certificate of personal watercraft operation issued by the Commissioner within ninety days of becoming a resident of this state.

**Sec. 14. Section 15-140j-1 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-140j-1. Issuance of certificates of personal watercraft operation.

- (a) A certificate of personal watercraft operation required by subsection (b) of Section 15-140j of the Connecticut General Statutes shall be a safe boating certificate as described in

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subsection (a) of Section 15-140e of the Connecticut General Statutes, with a notation thereon that the person to whom it is issued may operate a personal watercraft. For purposes of the Regulations of Connecticut State Agencies, "personal watercraft" shall be defined as that term is defined in [section] Section 15-140j of the Connecticut General Statutes, as amended.

(b) Any person required to obtain a certificate of personal watercraft operation shall apply for such certificate to the Commissioner on a form provided by the Commissioner. The application shall contain the items of information required by subsection (a) of 15-140f-3 of the Regulations of Connecticut State Agencies for issuance of a safe boating certificate. The applicant shall also provide with [his] the application:

(1) the original or a photocopy of the document demonstrating successful completion of the course specified in Section 15-140j-2(c)(1) of the Regulations of Connecticut State Agencies, [or a copy thereof,] or an original statement, written on the letterhead of and signed by an authorized representative of the agency or organization which gave such course, attesting to the existence of records which show that the applicant successfully completed such course; [and] or

(2) the original or a photocopy of the document demonstrating successful completion of the course specified in Section 15-140j-2(a) of the Regulations of Connecticut State Agencies and the original [of his] lifetime safe boating certificate or duplicate of such certificate issued pursuant to Section 15-140f-3 of the Regulations of Connecticut State Agencies, or other verification obtained from the records of the Commissioner that such certificate was issued, or proof as specified in subsection (h)[,] or (i)[, or (j)] of Section 15-140f-3 of the Regulations of Connecticut State Agencies of [his] eligibility to be issued such certificate[.]; or

(NEW) (3) the original or a photocopy of the document demonstrating successful passing of the equivalency examination specified in Section 15-140j-2(c)(2) of the Regulations of the Connecticut State Agencies.

(NEW) (4) The Commissioner may waive such requirements if the records of the Commissioner demonstrate that a course as specified in this subsection was successfully completed or an equivalency examination as specified in this subsection was passed.

(c) Issuance of certificates of personal watercraft operation shall be subject to the same provisions regarding issuance set forth for safe boating certificates in subsections (b) through (f) of Section 15-140f-3 of the Regulations of Connecticut State Agencies.

(d) Any person eligible upon completion of requirements to be issued a certificate of personal watercraft operation who has previously been issued a safe boating certificate shall surrender such safe boating certificate and any duplicate thereof to the Commissioner prior to issuance of the certificate of personal watercraft operation.

(e) Temporary certificates of personal watercraft operation shall be subject to the same provisions regarding issuance set forth for certificates of personal watercraft operation in subsections (a) through (d) of this section. Each application for a temporary certificate of

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personal watercraft operation shall be accompanied by a certificate of number or certificate of decal issued to the applicant for his personal watercraft vessel registration. Each applicant must provide with his application for a temporary certificate of personal watercraft operation the original document demonstrating successful completion of [the] an approved course specified in Section 15-140j-2(a) of the Regulations of Connecticut State Agencies, or a copy thereof, or an original statement, written on the letterhead of and signed by an authorized representative of the agency or organization which gave such course, attesting to the existence of records which show that the applicant successfully completed such course. The Commissioner may waive such requirement when documentation demonstrating that such classroom course was successfully completed may be obtained from records of the Commissioner. A temporary certificate shall expire in [six] three months from the date of the vessel registration, as is provided for in Section 15-140j(d) of the Connecticut General Statutes. No person shall be issued more than one temporary certificate of personal watercraft operation. The issuance of a temporary certificate does not entitle the holder thereof to issuance of a certificate of personal watercraft operation issued by the Commissioner pursuant to subsection (b) of Section 15-140j of the Connecticut General Statutes.

**Sec. 15. Section 15-140j-2 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-140j-2. Content for courses taken to obtain a [Certificate] certificate of personal watercraft operation [course the content].

- (a) Any person required by subsection (b) of Section 15-140j of the Connecticut General Statutes to obtain a certificate of personal watercraft operation, in addition to providing proof as described in subdivision (2) of subsection (b) of Section 15-140j-1 of the Regulations of Connecticut State Agencies that such person has been issued or is eligible to be issued a lifetime safe boating certificate, shall successfully complete a classroom course in safe personal watercraft handling which has been approved by the Commissioner. Such course [will] shall provide [a minimum of two hours] instruction in the following subjects:
- (1) safe personal watercraft operation;
  - (2) courtesy to other users of the waters; and
  - (3) applicability of boating law to personal watercraft.
- (b) Any person required to successfully complete the course described in subsection (a) of this section shall also pass an examination to be given at the conclusion of such course. The examination shall consist of not less than ten questions pertaining to those subject areas listed in subdivisions (1), (2) and (3) of subsection (a) of this section. The minimum score to pass such examination shall be eighty percent correct answers.
- (c) The following may be substituted in lieu of the requirements of subsections (a) and (b) of this section: (1) [any] Any person required by subsection (b) of Section 15-140j of the Connecticut General Statutes to obtain a certificate of personal watercraft operation may complete a combined basic boating and safe personal watercraft handling course which has been approved by the [commissioner] Commissioner. Such combined course shall contain all topic areas designated in subdivisions (1), (2) and (3) of subsection (a) of this section and subsection (a) of Section 15-140f-1 of the Regulations of Connecticut State

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

## REGULATION OF

NAME OF AGENCY

Environmental Protection

### Section 15-16

Agencies. Any person who successfully completes the combined basic boating and safe personal watercraft handling course shall also pass a proctored closed book examination given at the conclusion of the course. Such examination shall consist of not less than fifty questions covering all required topic areas. The minimum score to pass such examination shall be eighty percent correct answers[.]; or (2) upon application, any person may take an equivalency examination which tests their knowledge of safe personal watercraft handling. Such equivalency examination shall be administered by the Commissioner and may be taken only once. The examination shall be taken in person at a place and time designated by the Commissioner. The examination shall be a closed book examination with no fewer than fifty questions prepared by the Commissioner. The minimum score to pass such examination shall be eighty percent correct answers. Any person who passes such examination shall be qualified to receive a certificate of personal watercraft operation. Any person who fails to pass such examination shall be required to successfully complete a personal watercraft course as identified in subsections (a) and (b) of this section or in subdivision (1) of subsection (c) of this section as a prerequisite to receiving a certificate of personal watercraft operation.

**Sec. 16. Section 15-140j-3 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Sec. 15-140j-3. Fees for certificate of personal watercraft operation courses and for issuing certificates of personal watercraft operation, [~~Temporary Certificates~~] temporary certificates of [Personal Watercraft Operation] personal watercraft operation and duplicate certificates.

- (a) There shall be no fee for the certificate of personal watercraft operation course taught pursuant to Section 15-140j-2(a) of the Regulations of the Connecticut State Agencies by Department of Environmental Protection personnel or its agents.
- (b) The fee for a certificate of personal watercraft operation equivalency examination shall be seventy five dollars.
- [(b)] (c) The fee for issuance of a certificate of personal watercraft operation or temporary certificate of personal watercraft operation shall be [~~twenty-five~~] fifty dollars.
- [(c)] (d) The Commissioner may set a fee of twenty dollars for issuance of a duplicate certificate of personal watercraft operation [~~shall be ten dollars~~].
- [(d)] (e) Duplicate certificates issued because of name change due to marriage or divorce shall be free of charge.
- [(e)] (f) The fee payable under this section for an equivalency examination shall be paid prior to taking such examination. Fees for issuance of certificates and duplicate certificates payable under this section shall accompany the application for a certificate of personal watercraft operation or duplicate certificate.

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## REGULATION OF

NAME OF AGENCY

Environmental Protection

**Statement of purpose:** The proposed amendment of various sections of the boating regulations is proffered for the purpose of broadening access to marine dealer registration numbers, broadening the types of safe boating courses the Commissioner may approve that lead to certification and change the rules for equivalency examinations that lead to certification, establishing a broad Slow-No-Wake zone on the Mystic River, clarifying various existing sections that are subject to misinterpretation, adding a section that is missing, and updating or removing sections that have been rendered obsolete by superseding laws or regulations. The proposed changes to the regulations are summarized as follows:

- a. RCSA Section 15-121-A1 is amended to include definitions of the terms “marine dealer”, “marine engine manufacturer” and “marine surveyor”;
- b. RCSA Sections 15-121-A11 and 15-121-A12, which deal with personal flotation devices and fire extinguishers, are repealed because they have been rendered obsolete by changes in state law;
- c. RCSA Section 15-121-B5 and 15-121-B5a are amended, and RCSA Section 15-121-B5(f) is added to implement changes regarding the acquisition and renewal of marine dealer registration numbers. In combination these changes provide marine surveyors access to marine dealer registration numbers and increase the access of yacht brokers to such numbers by waiving the requirement that a qualifying broker maintain an established place of business. An annual \$100 fee is established for each marine dealer registration number, an increase from the current fee of \$50 and consistent with the doubling of fees required under Connecticut Public Act (PA) 09-3. Also, a one-time examination fee of \$140 is established for a first-time applicant for a marine dealer registration number;
- d. RCSA Section 15-121-B14 is amended to express the Commissioner’s authority to make a temporary speed zone in association with a permitted marine event and in the interest of public safety;
- e. RCSA Section 15-121-B15o is added at the request of the local Harbor Management Commission to make the entire Mystic River a Slow-No-Wake zone;
- f. Subsection (a) of RCSA section 15-121-B18 is amended to expand the list of waterbodies where law enforcement agencies or other governmental vessels being used in the performance of official duties or an emergency are exempt from speed limits or other local constraints;
- g. RCSA Sections 15-140f-3, 15-140f-4, and 14-140j-3 are changed to accommodate long range plans to shift DEP’s role from teaching boating safety to providing education oversight, to codify the doubling of fees set by regulation as required by PA 09-3, and to track and issue safe boating certificates and certificates of personal watercraft operation through DEP’s online sportsmen licensing system;
- h. RCSA Section 15-140f-5 is amended to require residents of the state who hold reciprocal-state boating credentials to also obtain Connecticut-issued boating credentials within 90 days of obtaining residency; and,
- i. RCSA Sections 15-140f-2, 15-140f-4, 15-140j-1, 15-140j-2 and 15-140j-3 are amended to change the rules for equivalency examinations so that a person may sit for such an examination only once, and to raise the fee for such examination from \$25 to \$75.

### CERTIFICATION

Be it known that the foregoing: (check one)

Regulations  Emergency Regulations

Are:  Adopted  Amended as hereinabove stated  Repealed

By the aforesaid agency pursuant to:

Sections 22a-6, 15-121, 15-140f, 15-140j and 15-145 of the General Statutes

Section \_\_\_\_\_ of the General Statutes, as amended by Public Act No. \_\_\_\_ of the \_\_\_\_\_ Public Acts.  
(enter year)

Public Act Number \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.  
(enter year)

(If applicable) After Publication in the *Connecticut Law Journal* on May 18, 2010 of the  
notice of proposal to: (enter publication date)

Adopt  Amend  Repeal such regulations

(If applicable) And the holding of an advertised public hearing on June 29, 2010  
(enter date)

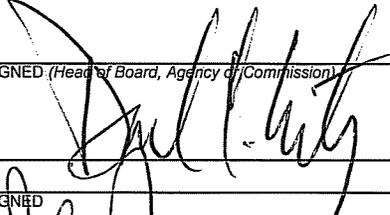
WHEREFORE, the foregoing regulations are hereby:

Adopted  Amended as hereinabove stated  Repealed

EFFECTIVE: (check one, and complete as applicable)

When filed with the Secretary of the State  
(OR)

The \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

In Witness Whereof:	DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
	5/20/11		

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, of C.G.S.	SIGNED	OFFICIAL TITLE, DULY AUTHORIZED
	 5/31/11	ASSOC. ATTY. GENERAL

For Regulation Review Committee Use Only

- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Section 4-170, as amended, of the General Statutes	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY

### INSTRUCTIONS

- One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
- Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes
- Each Regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
- Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language underlined or in capital letters and deleted language in brackets. Section 4-179 of the General Statutes.
- Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>