



Senate

General Assembly

File No. 552

January Session, 2015

Substitute Senate Bill No. 699

Senate, April 8, 2015

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING A MINIMUM AGE FOR TOWING ANY PERSON BY VESSEL AND REQUIRING THE COMPLETION OF SAFE TOWING INSTRUCTION PRIOR TO THE ISSUANCE OF A SAFE BOATING CERTIFICATE.

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

1 Section 1. Section 15-140e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) No resident of the state, person owning real property in the state
4 or person owning a vessel in the state shall operate on the waters of the
5 state a vessel which is required to be registered or numbered pursuant
6 to this chapter unless such person has a valid vessel operator license
7 issued by the United States Coast Guard or has obtained a safe boating
8 certificate issued by the Commissioner of Energy and Environmental
9 Protection. No owner of a vessel shall knowingly authorize or permit a
10 person who is less than sixteen years of age who is required by this
11 section to obtain a safe boating certificate issued by the Commissioner
12 of Energy and Environmental Protection to operate such vessel on the

13 waters of the state without a safe boating certificate, unless such
14 person is under the direct onboard supervision of a person who is at
15 least eighteen years of age who has been issued a safe boating
16 certificate and who has held such certificate for at least two years. A
17 safe boating certificate may be suspended or revoked, pursuant to
18 section 15-132a, 15-133, 15-140l or 15-140n, and shall be valid for the
19 life of the person to whom it is issued unless otherwise suspended or
20 revoked. The provisions of this section shall not apply to any person
21 who, between one hour before sunrise and one hour after sunset,
22 operates a vessel propelled exclusively by an electric motor that is
23 rated at one hundred six pounds of thrust or less on the inland waters
24 of this state upon which motor powered vessels exceeding ten
25 horsepower are prohibited.

26 (b) A safe boating certificate shall be issued under subsection (a) of
27 this section to any applicant regardless of age who provides proof that
28 such applicant has: (1) Successfully completed a course in safe boating
29 operation approved by the Commissioner of Energy and
30 Environmental Protection, which courses may include those offered by
31 the United States Power Squadrons, Coast Guard Auxiliary or other
32 organizations, or (2) successfully passed an equivalency examination
33 testing knowledge of safe boating operation administered by the
34 commissioner.

35 (c) Notwithstanding subsection (a) of this section, any person who
36 purchases a new or used vessel may, upon vessel registration, apply to
37 the Department of Energy and Environmental Protection for a
38 temporary safe boating certificate which shall be valid for three
39 months from the date of registration. No person shall be issued more
40 than one temporary safe boating certificate.

41 (d) Any person operating a vessel other than a personal watercraft,
42 as defined in section 15-140j, which is rented for a period of fourteen
43 days or less from a boat livery need not obtain a certificate during the
44 rental period. An owner, agent or employee of a boat livery shall
45 furnish to each rental customer literature on safety and rules of

46 navigation as supplied by the commissioner.

47 (e) Any person enrolled in a course in safe boating operation
48 approved by the Commissioner of Energy and Environmental
49 Protection may operate a vessel without a safe boating certificate when
50 under the direct onboard supervision of a boating instructor holding a
51 valid instructor number issued by the Department of Energy and
52 Environmental Protection.

53 (f) Notwithstanding the provisions of subsection (a) of this section,
54 no resident of the state, person owning real property in the state or
55 person owning a vessel in the state shall operate on the waters of the
56 state a vessel that is required to be registered or numbered pursuant to
57 this chapter and that is engaged in the towing, by line, of any person
58 on any apparatus, or otherwise, unless such resident or person: (1) Is
59 not less than sixteen years of age, (2) has a valid vessel operator license
60 issued by the United States Coast Guard or has obtained a safe boating
61 certificate issued by the Commissioner of Energy and Environmental
62 Protection, and (3) has a safe towing endorsement on such license or
63 certificate that was issued by the Commissioner of Energy and
64 Environmental Protection upon such resident's or person's completion
65 of the safe towing instruction described in section 15-140f, as amended
66 by this act. The requirements of subdivision (3) of this subsection shall
67 not apply to any resident or person who, on or before the effective date
68 of this section, received a valid vessel operator license issued by the
69 United States Coast Guard or obtained a safe boating certificate issued
70 by the commissioner, provided any such resident or person may
71 acquire information on the safe operation of a vessel while engaged in
72 such towing from the online instruction in safe towing made available
73 by the commissioner pursuant to section 15-140f, as amended by this
74 act. No owner of a vessel shall knowingly authorize or permit a person
75 who is less than sixteen years of age to operate such vessel while
76 engaged in the towing, by line, of any person on any apparatus, or
77 otherwise, on the waters of the state. Nothing in this subsection shall
78 be construed to prohibit the towing of a person or a vessel during the
79 course of an emergency that poses a threat to human life or property.

80 [(f)] (g) Any person who violates any provision of this section shall
81 be fined not less than sixty or more than two hundred fifty dollars for
82 each such violation.

83 [(g)] (h) Any course in safe boating operation approved by the
84 Commissioner of Energy and Environmental Protection, as described
85 in subsection (b) of this section, shall include instruction on the proper
86 means of: (1) Inspecting a vessel and trailers used for transporting such
87 vessels for the presence of vegetation and aquatic invasive species, as
88 determined by the commissioner pursuant to subsection (a) of section
89 15-180; and (2) properly disposing of such vegetation and such aquatic
90 invasive species.

91 Sec. 2. Subsection (b) of section 15-140f of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective from*
93 *passage*):

94 (b) (1) The commissioner shall adopt regulations, in accordance with
95 the provisions of chapter 54, setting forth the content of safe boating
96 operation courses. Such regulations may include provisions for
97 examinations, issuance of safe boating certificates and establishment of
98 reasonable fees for the course and examination and for issuing
99 certificates, temporary certificates and duplicate certificates.

100 (2) Not later than October 1, 2015, the commissioner shall amend the
101 regulations described in subdivision (1) of this subsection to set forth
102 the content for instruction on safe towing which shall be part of the
103 course in safe boating operation. Such safe towing content shall
104 include instruction on the safe operation of a vessel while engaged in
105 the towing, by line, of any person on any apparatus, or otherwise. Such
106 regulations shall include provisions for the issuance of a safe towing
107 endorsement to be placed on an operator license issued by the United
108 States Coast Guard or on a safe boating certificate, including, but not
109 limited to, provisions for including safe towing questions in the safe
110 boating certificate examination and revoking any such endorsement.
111 The commissioner shall make available on the department's Internet
112 web site online instruction in safe towing that provides equivalent

113 instruction on safe towing to such safe towing instruction provided as
 114 part of the course in safe boating operation and that is intended for any
 115 resident or person who, prior to the effective date of this section,
 116 received a vessel operator license issued by the United States Coast
 117 Guard or obtained a safe boating certificate issued by the
 118 commissioner.

119 Sec. 3. Section 15-140h of the general statutes is repealed and the
 120 following is substituted in lieu thereof (*Effective October 1, 2015*):

121 (a) No person less than twelve years of age shall operate a motor
 122 powered vessel exceeding ten horsepower unless accompanied on
 123 board by person at least eighteen years of age who has been issued a
 124 safe boating certificate.

125 (b) No person less than sixteen years of age shall operate on the
 126 waters of the state a vessel that is required to be registered or
 127 numbered pursuant to this chapter and that is engaged in the towing,
 128 by line, of any person on any apparatus or otherwise.

| | | |
|---|------------------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2015</i> | 15-140e |
| Sec. 2 | <i>from passage</i> | 15-140f(b) |
| Sec. 3 | <i>October 1, 2015</i> | 15-140h |

ENV Joint Favorable Subst.

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 16 \$ | FY 17 \$ |
|-------------------------------|----------------------|------------------|--------------------|
| Resources of the General Fund | GF - Revenue Gain | Less than 500 | Less than 1,000 |

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires the Department of Energy and Environmental Protection (DEEP) to amend regulations for safe boating operation courses by October 1, 2015. As the agency currently has staff and expertise within the boating division for this purpose, this provision has no fiscal impact.

Additionally, the bill requires DEEP to make online instruction available on its webpage. It is anticipated that DEEP could post a link on their website at no cost. Therefore, this provision also has no fiscal impact.

Violators of the above requirements are subject to a fine of between \$60 and \$250 for each violation. In FY 14, there were 55 violations of various safe boating certificate provisions, of which 36 resulted in revenue of \$3,650. Therefore, it is anticipated that violations of only safe towing violations may result in additional revenue of less than \$1,000 annually.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to the number of violations.

OLR Bill Analysis**sSB 699*****AN ACT ESTABLISHING A MINIMUM AGE FOR TOWING ANY PERSON BY VESSEL AND REQUIRING THE COMPLETION OF SAFE TOWING INSTRUCTION PRIOR TO THE ISSUANCE OF A SAFE BOATING CERTIFICATE.*****SUMMARY:**

This bill requires, with limited exceptions, a person who tows another person by line while operating a vessel, to:

1. be at least age 16,
2. hold a valid U.S. Coast Guard-issued vessel operator license or Department of Energy and Environmental Protection (DEEP)-issued safe boating certificate, and
3. hold a DEEP-issued safe towing endorsement obtained after completing safe towing instruction.

The bill also prohibits a vessel owner from knowingly allowing someone under age 16 to operate the vessel while towing another person by line.

Violators of the above requirements are subject to a fine of between \$60 and \$250 for each violation.

The above requirements do not apply during an emergency that threatens human life or property. The safe towing endorsement requirement also does not apply to anyone who held a valid vessel operator license or safe boating certificate before October 1, 2015.

The bill requires the DEEP commissioner to amend, by October 1, 2015, regulations that set out the content of safe boating operation courses. The revised regulations must (1) require the safe boating

courses to include content on the safe operation of a vessel while towing a person by line and (2) provide procedures for DEEP to issue and revoke safe towing endorsements. DEEP must include safe towing questions in the safe boating certificate examination.

The bill also requires the commissioner to publish on DEEP's website safe towing instruction equivalent to what is included in the safe boating certificate courses. This online instruction is intended for the benefit of anyone who held a valid vessel operator license or safe boating certificate before October 1, 2015.

EFFECTIVE DATE: October 1, 2015, except for the provision requiring the DEEP commissioner to amend the safe boating regulations, which is effective upon passage.

BACKGROUND

Minimum Age Requirements for Operating Motorboats

By law, a person must be at least age 12 to operate a motorboat with more than 10 horsepower (HP), unless the person is accompanied on board by someone who is at least age 18 and holds a safe boating certificate.

Table 1 describes whether a Connecticut resident is allowed under state law to operate a motorboat based on age and whether he or she has obtained a safe boating certificate (i.e., certified or uncertified).

Table 1: Motorboat Operating Privileges in Connecticut

| | <i>Motorboats 10 HP and Under</i> | <i>Motorboats Over 10 HP</i> |
|------------------------------|--|--|
| Under age 12, uncertified | Only with onboard certified adult supervisor | Only with onboard certified adult supervisor |
| Age 12 to 15, uncertified | Only with onboard certified adult supervisor | Only with onboard certified adult supervisor |
| Age 16 and over, uncertified | No | No |
| Under age 12, certified | Yes | Only with onboard certified adult supervisor |
| Age 12 and over, certified | Yes | Yes |

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/20/2015)