



# Senate

General Assembly

**File No. 124**

February Session, 2016

Substitute Senate Bill No. 136

*Senate, March 22, 2016*

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 REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES.***

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

1 Section 1. Section 15-127 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this part unless the context otherwise requires:  
4 "Commissioner" means the Commissioner of Energy and  
5 Environmental Protection; "federal waters" means the navigable waters  
6 of the United States within the territorial limits of the state; "state  
7 waters" means all waters within the territorial limits of the state except  
8 federal waters; "vessel" means every description of watercraft, other  
9 than a seaplane on water, used or capable of being used as a means of  
10 transportation on water; "motorboat" means any vessel, not more than  
11 sixty-five feet in length and propelled by machinery, whether or not  
12 such machinery is the principal source of propulsion; "sailboat" means  
13 any vessel propelled by sail alone; "sailboard" means any sailboat  
14 whose unsupported mast is connected by a swivel or a flexible

15 universal joint to a hull similar to the hull of a surfboard; ["water-  
16 skiing"] "water skiing" includes [aquaplaning,] towing of any person  
17 behind a vessel under power, whether such person is connected by a  
18 towing line to such vessel or not, and similar forms of activity in which  
19 a passenger exits a vessel and uses the suction or wake of the  
20 underway vessel to engage in the activity; "operate" means to navigate  
21 or otherwise use a vessel; a vessel is "under way" when it is not  
22 moored, anchored, made fast to the shore or aground; "person" means  
23 any individual, partnership, firm, association, limited liability  
24 company, corporation or other entity; "town" includes city, town,  
25 borough and any other political subdivision of the state; "masthead  
26 light" means a white light placed over the fore and aft centerline of the  
27 vessel aft of and higher than the side lights and forward of the stern  
28 light showing an unbroken light over an arc of the horizon of 225  
29 degrees and so fixed as to show the light from right ahead to 22.5  
30 degrees abaft the beam on either side of the vessel; "side light" means a  
31 green light on the starboard side or a red light on the port side, placed  
32 forward of the stern light and as near as practicable to the bow of the  
33 vessel, each showing an unbroken light over an arc of the horizon of  
34 112.5 degrees and so fixed as to show the light from right ahead to 22.5  
35 degrees abaft the beam on its respective side, except that on a vessel of  
36 less than twenty meters in length the side lights may be combined in  
37 one lantern carried on the fore and aft centerline of the vessel; "stern  
38 light" means a white light placed as near as practicable to the stern  
39 showing an unbroken light over an arc of the horizon of 135 degrees  
40 and so fixed as to show the light 67.5 degrees from right aft on each  
41 side of the vessel; "all-around light" means a light showing an  
42 unbroken light over an arc of the horizon 360 degrees; "anchor light"  
43 means an all-around white light exhibited forward and displayed  
44 where it can best be seen; [and] "international regulations" means the  
45 International Regulations for Preventing Collisions at Sea, 1972,  
46 including annexes currently in force for the United States; and "jetted  
47 articulated vessel" or "JAV" means any vessel that consists of a base  
48 pumping unit used to generate water or other media under pressure,  
49 an articulated hose used to convey media under pressure or a jointed

50 or flexible conduit used to convey such media and a device through  
51 which high-pressure media is ejected for the purpose of propelling,  
52 elevating or submerging an operator or passenger.

53 Sec. 2. Section 15-134 of the 2016 supplement to the general statutes  
54 is repealed and the following is substituted in lieu thereof (*Effective*  
55 *from passage*):

56 (a) In addition to the requirements of section 15-140e concerning  
57 water skiing, no person shall:

58 (1) Operate a motorboat towing a water skier unless there is present  
59 in such motorboat, in addition to the operator, a responsible person at  
60 least twelve years of age assisting the operator and observing the  
61 progress of such water skier;

62 (2) Engage in water skiing and no person shall operate a motorboat  
63 towing a person so engaged on any water area on which water skiing  
64 is prohibited;

65 (3) Engage in water skiing from one-half hour after sunset until  
66 sunrise or when weather conditions restrict normal visibility to less  
67 than one hundred yards; [and]

68 (4) Engage in water skiing in such manner as to strike or threaten to  
69 strike any person or vessel and no person shall operate a motorboat or  
70 manipulate a tow line or other towing device in such manner as to  
71 cause a water skier to strike or threaten to strike another person or  
72 vessel;

73 (5) Operate a vessel when the number of persons on board such  
74 vessel that is towing one or more water skiers, added together with the  
75 number of water skiers, exceeds the persons carrying capacity of such  
76 vessel, as indicated by the capacity label affixed to such vessel by the  
77 manufacturer; and

78 (6) Operate a vessel engaged in water skiing such that the wake  
79 associated with such vessel creates an injury to any person or damage

80 to any vessel or structure.

81 (b) The commissioner may modify or suspend the provisions of this  
82 section in respect to any person performing or competing in a bona  
83 fide race, regatta, water carnival or similar public event.

84 (c) (1) No individual, municipality, association or corporation shall  
85 place or cause to be placed on the waters of this state any marked  
86 course or jump ramp for use by any water skier or vessel without  
87 written authorization of the commissioner except on lakes or ponds  
88 owned by, and whose access is entirely under the control of, private  
89 landowners or lessees who all agree to the establishment of such  
90 course or ramp. On and after October 1, 1993, no new authorization  
91 shall be granted on any body of water with a surface area less than one  
92 hundred acres. Application for authorization shall be made on forms  
93 provided by the commissioner and shall be accompanied by: (A) A  
94 detailed map showing the proposed location of such marked course or  
95 jump ramp, (B) a detailed diagram of the proposed course markers or  
96 jump ramp, and (C) a detailed statement addressing the safety and  
97 environmental impact of such proposal.

98 (2) The commissioner shall hold an informational meeting in the  
99 town or one of the towns in which authorization is sought, giving all  
100 towns involved and all interested persons an opportunity to present  
101 their views regarding the proposed marked course or jump ramp. Any  
102 such informational meeting shall not be deemed to be a hearing under  
103 the provisions of chapter 54. Prior to issuing or denying such  
104 authorization the commissioner shall consider: (A) The completeness,  
105 accuracy and detail of the application, (B) public safety, (C) any  
106 environmental impacts directly related to the proposed marked course  
107 or jump ramp, and (D) the possible conflicts with other water uses.

108 (3) Any authorization issued by the commissioner pursuant to this  
109 subsection may contain such conditions as the commissioner deems  
110 necessary to safeguard public safety, welfare or the environment.

111 Sec. 3. Section 15-140j of the general statutes is repealed and the

112 following is substituted in lieu thereof (*Effective from passage*):

113 (a) As used in this section, "personal watercraft" is any inboard  
114 powered vessel less than sixteen feet in length [which] that has an  
115 internal combustion engine powering a water-jet pump as its primary  
116 source of motor propulsion and [which] that is designed to be  
117 operated by a person sitting, standing or kneeling on the vessel, rather  
118 than the conventional manner of sitting or standing inside the vessel,  
119 "jetted articulated vessel" or "JAV" has the same meaning as provided  
120 in section 15-127, as amended by this act, and "operator of a JAV"  
121 means any person who, in whole or in part, from such person's  
122 position on the JAV can: (1) Energize or de-energize the JAV, or (2)  
123 control or partially control the thrust, speed or direction of the JAV.

124 (b) No person shall operate a personal watercraft or a JAV unless  
125 such person has been issued a certificate of personal watercraft  
126 operation by the Commissioner of Energy and Environmental  
127 Protection. No person less than sixteen years of age shall operate a  
128 JAV. No owner of a personal watercraft or a JAV shall knowingly  
129 authorize or permit a person who is less than sixteen years of age who  
130 does not have a certificate of personal watercraft operation issued by  
131 the commissioner to operate such personal watercraft or JAV on the  
132 waters of the state. Notwithstanding the provisions of this section, the  
133 commissioner may modify or suspend, [requirements for a certificate  
134 of personal watercraft operation by written authorization with respect  
135 to any marine event authorized by the commissioner or upon receipt  
136 of] by written permission, any age or certification requirement set forth  
137 in this section for the purpose of a marine event held pursuant to  
138 section 15-140b. In those waters where the United States Coast Guard  
139 has jurisdiction over marine events, such permit shall not be valid  
140 unless and until the commissioner receives a copy of the United States  
141 Coast Guard authorization for a marine event.

142 (c) A certificate of personal watercraft operation shall be issued  
143 under subsection (b) of this section to any applicant who provides  
144 proof that such applicant has: (1) Successfully completed a combined

145 course in safe boating operation and safe personal watercraft handling  
146 approved by the commissioner, which courses include, but are not  
147 limited to, courses offered by the United States Power Squadrons,  
148 Coast Guard Auxiliary or other similar organization, (2) been issued or  
149 has satisfied the requirements for issuance of a safe boating certificate  
150 and successfully completed a course in safe personal watercraft  
151 handling approved by the commissioner, which include, but are not  
152 limited to, courses offered by the United States Power Squadrons,  
153 Coast Guard Auxiliary or other similar organization, or (3) successfully  
154 passed an equivalency examination testing knowledge of safe boating  
155 operation and safe personal watercraft handling administered by the  
156 commissioner.

157 (d) The commissioner may adopt regulations, in accordance with  
158 the provisions of chapter 54, establishing the content of courses in safe  
159 personal watercraft handling. Such regulations may include provisions  
160 for examinations, issuance of certificates of personal watercraft  
161 operation and establishment of a reasonable fee for such course and  
162 examination and for the issuance of a certificate and duplicate  
163 certificate.

164 (e) Notwithstanding subsection (b) of this section, any person who  
165 purchases a new or used personal watercraft may, upon vessel  
166 registration, apply to the Commissioner of Energy and Environmental  
167 Protection for a temporary certificate of personal watercraft operation  
168 [which] that shall be valid for three months from the date of  
169 registration, provided the applicant has successfully completed a  
170 course in safe personal watercraft handling prior to application for the  
171 temporary certificate. No person shall be issued more than one  
172 temporary certificate of personal watercraft operation.

173 (f) The commissioner may enter into a reciprocal agreement with  
174 any other state [which] that has a similar safe personal watercraft  
175 handling certificate program [which] that the commissioner deems  
176 acceptable for purposes of this subsection. Any person who  
177 successfully completes a course in safe personal watercraft handling

178 and holds a certificate or license from another state [which] that has  
179 such a reciprocal agreement with the commissioner may operate a  
180 personal watercraft on the waters of this state.

181 (g) Any person required to obtain a certificate of personal watercraft  
182 operation pursuant to this section shall have such certificate on board  
183 at all times while operating a personal watercraft. On demand of an  
184 officer authorized to enforce the provisions of this chapter, such person  
185 shall exhibit the certificate to the officer.

186 (h) No passenger shall be permitted to ride in front of the operator  
187 on a personal watercraft. No passenger shall be permitted to ride upon  
188 a personal watercraft unless the passenger is able to securely hold onto  
189 the person in front of them or to the handholds on the personal  
190 watercraft, and is able to keep both feet on the deck of the personal  
191 watercraft so as to maintain balance while the personal watercraft is in  
192 operation.

193 (i) Unless otherwise authorized by the commissioner pursuant to  
194 section 15-140b, no person shall operate a JAV in any slow-no-wake  
195 area except to transit such slow-no-wake area. No person shall operate  
196 a JAV within two hundred feet of any dock, shore, pier or fixed  
197 structure or within one hundred feet of any vessel except to directly  
198 transit the area of such dock, shore, pier, fixed structure or vessel.

199 [(i)] (j) No person shall teach a course in safe personal watercraft  
200 handling that satisfies the requirements for issuance of a certificate of  
201 personal watercraft operation unless the commissioner has approved  
202 such course.

203 [(j)] (k) No Department of Energy and Environmental Protection  
204 agent or employee shall use department safe personal watercraft  
205 handling course materials for personal financial gain.

206 [(k)] (l) Any person who violates any provision of this section shall  
207 be fined not less than sixty dollars or more than two hundred fifty  
208 dollars for each such violation.

209 [(l)] (m) A certificate of personal watercraft operation may be  
 210 suspended or revoked in accordance with the provisions of section 15-  
 211 132a, 15-133, 15-140l or 15-140n.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	15-127
Sec. 2	<i>from passage</i>	15-134
Sec. 3	<i>from passage</i>	15-140j

**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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Under 1,000	Under 1,000

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill (1) extends the definition of water skiing to include watersports performed behind a vessel regardless of tethering, (2) establishes that the aggregate number of water skiers and vessel occupants cannot exceed the boat's specified carrying capacity, and (3) establishes new requirements for operators and passengers of jetted articulated vehicles (JAVs).

Any revenue generated from violations of these new and expanded watercraft provisions is anticipated to generate less than \$1,000 annually. In FY 14 and FY 15, violations of personal watercraft operation generated an average of \$3,865 in revenue.

#### **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 136*****AN ACT REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES.*****SUMMARY:**

This bill establishes requirements for operators of jetted articulated vessels (JAVs) similar to the requirements for operators of personal watercraft (PWC, e.g., jet skis). Violators of the requirements are subject to a \$60 to \$250 fine for each violation.

The bill defines a JAV as a watercraft with a base pumping unit – often a modified PWC – that uses an articulated hose or jointed or flexible conduit to convey water or other media under pressure through a device that ejects the high-pressure media to propel, elevate, or submerge the operator or passenger. A JAV operator includes anyone on the JAV who can energize or de-energize it or control its thrust, speed, or direction.

Under the bill, in order to operate a JAV, a person must be at least age 16 and hold a certificate of personal watercraft operation (CPWO) (see BACKGROUND). The bill prohibits a JAV owner from knowingly allowing someone under age 16 without a CPWO to operate a JAV. But it allows the Department of Energy and Environmental Protection (DEEP) commissioner to modify or suspend the age requirement in writing for certain authorized marine events (e.g., parades, exhibitions, tournaments). By law, he may already suspend or modify the CPWO requirement for marine events.

The bill prohibits a person from operating a JAV in a slow-no-wake area except to transit the area, unless the DEEP commissioner allows it for a marine event. It also prohibits a person from operating a JAV within 200 feet of a dock, shore, pier, or fixed structure or within 100

feet of any vessel, except to transit the area.

The bill also extends the definition of water skiing to include watersports performed behind a vessel whether or not the person is connected by a towing line to the vessel (e.g., wake surfing). By doing so, it subjects such watersport participants to existing water skiing requirements (see below). The bill prohibits a person from operating a vessel engaged in water skiing (1) in a way that causes wakes to damage or injure property or people or (2) if the aggregate number of water skiers and vessel occupants exceeds the vessel manufacturer's specified carrying capacity.

EFFECTIVE DATE: Upon passage

### **WATER SKIING**

Under the bill, "water skiing" includes towing someone behind a vessel, whether or not the person is connected to the vessel by a towing line, and similar activities in which a passenger exits the vessel and uses the vessel's suction or wake to engage in the activity.

By law, no one may:

1. operate a motorboat towing a water skier unless there is a responsible person at least age 12 on board assisting the operator and observing the water skier's progress,
2. water ski or operate a motorboat engaged in water skiing anywhere that water skiing is prohibited or in a way that strikes or threatens to strike another person or vessel, or
3. water ski from one-half hour after sunset to sunrise or when weather conditions limit visibility to less than 100 yards.

### **BACKGROUND**

#### ***Obtaining a CPWO***

To obtain a CPWO from DEEP, an applicant must:

1. complete a course in safe boating operation and safe PWC

handling approved by the DEEP commissioner,

2. meet the requirements for a safe boating certificate and complete a safe PWC handling course approved by the commissioner, or
3. pass an equivalency examination administered by the commissioner testing the applicant's knowledge of safe boating operation and safe PWC handling.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 16    Nay 12    (03/04/2016)