



General Assembly

Substitute Bill No. 136

February Session, 2016



**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 Section 15-127 of the general statutes is repealed and the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.*