

Regulations of Connecticut State Agencies

TITLE 15. Navigation and Aeronautics

Agency

Department of Transportation

Subject

Hearing Process—Contesting Removal of a Vessel

Inclusive Sections

§§ 15-9-1—15-9-5

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Hearing Process—Contesting Removal of a Vessel

Sec. 15-9-1. Definitions

As used in sections 15-9-1 to 15-9-5, inclusive,

(a) “Hearing Officer” means a person duly and properly appointed, according to Section 15-9-2 and Section 15-9 of the Connecticut General Statutes to conduct hearings under the provisions of Section 15-9 of the Connecticut General Statutes.

(b) “Appointing official” means a person(s) authorized to appoint hearing officers pursuant to Section 15-9 of the Connecticut General Statutes.

(Effective October 5, 1993)

Sec. 15-9-2. Qualifications, appointment and removal of hearing officers

(a) Hearing officers shall be appointed by the chief executive officer of each town, except that when two or more towns join in making such appointment, they shall appoint one hearing officer among the several towns involved.

(b) No person shall be appointed to the position of hearing officer unless such person is:

(1) At least eighteen (18) years of age;

(2) In the opinion of the appointing official, a person capable of fairly administering the applicable provisions of law based on such person’s background and experience, including, but not limited to, his education and special skills and training in small boat handling and mooring systems;

(3) A person possessing basic knowledge and experience concerning small boat nomenclature, ground tackle as it relates to moorings, anchoring etiquette and the display of appropriate signals while anchored.

(c) The names and addresses of the hearing officers shall be sent by the appointing official to the Commissioner of Transportation.

(d) Any hearing officer whose personal interests do or may give the appearance of conflict with his official responsibilities herein enumerated shall remove himself from presiding over any such hearing, and in such case the appointing official shall appoint a substitute hearing officer for that hearing.

(e) Any hearing officer may be removed for cause at any time by the appointing official when such official deems sufficient.

(f) Each hearing officer shall serve a two (2) year term, subject to re-appointment.

(Effective October 5, 1993)

Sec. 15-9-3. Hearing procedures

(a) Upon receipt of an application for hearing pursuant to subsection (b) of Section 15-9 of the Connecticut General Statutes, the hearing officer shall promptly schedule a hearing.

(b) Any party may, for good cause, request a continuance of a hearing, but the decision to allow such continuance shall be at the reasonable discretion of the hearing officer.

(c) At the hearing, the owner or master of the vessel may produce any relevant evidence

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to show that the removal of his vessel was not authorized by Section 15-9 of the Connecticut General Statutes.

(d) At the hearing, the authority who made the decision to remove the vessel may produce any relevant evidence to show that such removal was authorized by Section 15-9 of the General Statutes.

(Effective October 5, 1993)

Sec. 15-9-4. Final decision

(a) The hearing officer shall proceed with reasonable dispatch to conclude any matter pending before him and render a decision.

(b) The hearing officer shall provide both parties with written notice of his decision, which shall state the reasons for his determination.

(Effective October 5, 1993)

Sec. 15-9-5. Report of sale of vessel removed and taken into custody

(a) Any State or local police department reporting the sale of a removed vessel to the Commissioner of Transportation pursuant to Section 15-9 of the Connecticut General Statutes shall include the following information in such report:

- (1) Sale price
- (2) Charges or expenses
 - (A) Towing charges
 - (B) Storage charges
 - (C) Other charges, debts or obligations incurred by custodian of vessel
 - (D) Buyer's name and address
 - (E) Name of the vessel
 - (F) Registration or documentation and hull numbers
 - (G) Length of vessel
 - (H) Year built
 - (I) Make, model and type of vessel
 - (J) Name and address of owner at the time it came into the custody of the State or local police department
 - (K) Name, address and date of the publication in which the notice of auction was published

(Effective October 5, 1993)

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Rates of Pilotage

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Rates of Pilotage

Sec. 15-14-1. Repealed

Repealed February 26, 1981.

Sec. 15-14-1a. Rates of Pilotage

Pilotage rates for Connecticut harbors and the Thames River and waters of Long Island Sound shall be as follows:

(a) Connecticut Harbors and Thames River

Minimum charges (each way)	Effective upon passage	Effective July 1, 2013	Effective July 1, 2014	Effective July 1, 2015
0 through 49 pilotage units	\$323.86	\$333.58	\$343.59	\$353.90
50 through 99 pilotage units	\$390.08	\$401.78	\$413.83	\$424.25

Effective upon passage, all vessels of 100 pilotage units and over shall pay three dollars and sixty-three cents (\$3.63) per pilotage unit, up to a maximum of \$1,815.00.

Effective July 1, 2013, all vessels of 100 pilotage units and over shall pay three dollars and seventy-four cents (\$3.74) per pilotage unit, up to a maximum of \$1,870.00.

Effective July 1, 2014, all vessels of 100 pilotage units and over shall pay three dollars and eighty-five cents (\$3.85) per pilotage unit, up to a maximum of \$1,925.00.

Effective July 1, 2015, all vessels of 100 pilotage units and over shall pay three dollars and ninety-six cents (\$3.96) per pilotage unit, up to a maximum of \$1,980.00.

(b) Connecticut waters of Long Island Sound

Effective upon passage, all vessels shall pay eight dollars and eleven cents (\$8.11) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of \$4,055.00.

Effective January 1, 2014, all vessels shall pay eight dollars and twenty-seven cents (\$8.27) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of \$4,135.00.

Effective January 1, 2015, all vessels shall pay eight dollars and forty-four cents (\$8.44) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of \$4,220.00.

Effective January 1, 2016, all vessels shall pay eight dollars and sixty cents (\$8.60) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of \$4,300.00.

Effective January 1, 2017, all vessels shall pay eight dollars and eighty-six cents (\$8.86) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a

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maximum of five hundred (500) units with a maximum of \$4,430.00.

(Effective February 26, 1981; Amended February 1, 2008; Amended August 1, 2013)

Sec. 15-14-1b. Docking and Undocking Fees

All vessels shall pay a docking/undocking fee of one dollar and twelve cents (\$1.12) per pilotage unit with a minimum fee of two hundred and twenty-five dollars (\$225.00) to be paid by any vessel under two hundred (200) units.

(Adopted effective February 1, 2008; Amended August 1, 2013)

Sec. 15-14-1c. Additional Fees

The following additional pilotage fees shall be imposed as appropriate:

(a) A fee of one hundred and seventy dollars (\$170.00) for each hour of pilotage in excess of eight (8) hours.

(b) A fee of one hundred and seventy dollars (\$170.00) for each hour of detention aboard a vessel at platforms or at anchor.

(c) A fee of one hundred and seventy dollars (\$170.00) for each hour in excess of one hour (1) if a vessel arrives or departs late unless a four hour (4) notice of a change to the time of arrival or departure is provided to the Joint Rotation Administrator, as defined in Section 15-15a-6 of the Regulations of Connecticut State Agencies.

(d) A cancellation fee of five hundred and sixty dollars (\$560.00) unless a four hour (4) notice is provided to the Joint Rotation Administrator, as defined in Section 15-15a-6 of the Regulations of Connecticut State Agencies.

(e) A fee of one thousand one hundred and twenty dollars (\$1,120.00) for the first day, five hundred and sixty dollars (\$560.00) for each additional day and the cost of return first class travel expenses should a pilot be carried away.

(f) A base pilot boat fuel surcharge of two hundred dollars (\$200.00) shall be paid by the vessel to the pilot boat operator. Adjustments to the base pilot boat fuel surcharge shall be calculated by the Joint Rotation Administrator and with the permission of the Commissioner of Transportation be applied every calendar quarter commencing January 1, 2013. The adjustment shall be determined by calculating the percentage change between the base price per gallon of marine diesel fuel of three dollars and four cents (\$3.04) and the average cost per gallon of marine diesel fuel during the quarter and applying the percentage change to the base pilot boat fuel surcharge.

On the first day of January, April, July and October of each year and no later than the fifteenth of each of these months, the Joint Rotation Administrator shall notify and obtain permission from the commissioner for the newly calculated pilot boat fuel surcharge.

(g) A fee of six hundred and seventy-five dollars (\$675.00) for a shift of a vessel within any harbor, except a shift less than 25 nautical miles in Long Island Sound, which will be charged at two-thirds the harbor shift fee established in this subsection. The harbor shift fee is in addition to the docking and undocking fee as set forth in Section 15-14-1b of the Regulations of Connecticut State Agencies.

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(h) A fee of twenty dollars (\$20.00) per pilot boat transit from shore to an authorized pilot transfer station, or from an authorized pilot transfer station to shore, for the purposes of boarding or disembarking a Connecticut state licensed marine pilot shall be paid into a pilot training and safety equipment account by the vessel and held in escrow by the Joint Rotation Administrator. Connecticut state licensed marine pilots operating within the waters, as defined in Section 15-15a-6(m) of the Regulations of Connecticut State Agencies, can draw upon the account to fund the procurement of personal safety equipment and continuous training courses and programs.

(Adopted effective February 1, 2008; Amended August 1, 2013)

Sec. 15-14-2. Formula for computing pilotage units

“Pilotage Units” as used in this Rule shall be determined by multiplying the overall length of the vessel by the extreme breadth by the depth to the uppermost continuous deck and dividing the total by ten thousand, as expressed by the following formula:

$$\frac{\text{Overall Length} \times \text{Extreme Breadth} \times \text{Depth}}{10,000} = \text{Pilotage Units}$$

Pilots shall first round off any fraction of an inch to the nearest inch and change the feet and inches to feet and decimal part, using the scale below.

Inches	=	Feet
1		.083
2		.167
3		.250
4		.333
5		.417
6		.500
7		.583
8		.667
9		.750
10		.833
11		.917
12		1.000

In cases where vessel’s particulars are listed in meters, the pilot shall use the constant 35.314665 in the conversion, as below:

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$$\frac{\text{Overall Length in meters} \times \text{Extreme Breadth in meters} \times \text{Depth in Meters} \times 35.314665}{10,000} = \text{Pilotage Units}$$

In both cases, the number of pilotage units should be rounded off to the nearest hundredth or two decimal points.

(Effective February 26, 1981; Amended February 1, 2008)

Sec. 15-14-3. Definitions

As used in sections 15-14-1a to 15-14-4, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Overall Length” is the distance between the forward and after extremities of the vessel.

(2) “Extreme Breadth” is the maximum breadth to the outside shell plating of the vessel.

(3) “Depth” is the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the vessel. The continuity of the deck shall not be considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.

(4) All measurements shall be in feet and inches (U.S.).

(5) The measurements of the overall length, extreme breadth, and depth as previously defined shall be made available to the pilot by the master or his agent for the computation of the pilotage fees. Failure to provide the measurements so required shall subject the vessel the maximum pilotage charge.

(6) “Pilotage” means the transit from or to the designated pilot boarding station through the waters of Block Island and Long Island Sound and the waters of Connecticut and New York to or from the Connecticut and New York ports of Long Island Sound.

(7) “Pilotage fees” are those charges for the services of a licensed marine pilot through pilotage waters excluding docking, undocking and additional fees set forth in Section 15-14-1a to 15-14-1c, inclusive of the Regulations of Connecticut State Agencies .

(8) “Pilotage waters” means those waters of Block Island Sound and Long Island Sound, including the waters of Connecticut and New York, where pilots must be used to navigate vessels between designated pilot boarding stations and the ports of Connecticut and New York in Long Island Sound.

(9) “Carried away” means a pilot taken beyond a designated pilot boarding station on an outbound transit and not disembarked until the next port of call.

(Effective February 26, 1981; Amended February 1, 2008; Amended August 1, 2013)

Sec. 15-14-4. Accounting

(a) On the first of January, April, July and October of each year and no later than the fifteenth of each of these months every pilot shall render to the Commissioner of

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Transportation an accurate account of all vessels, subject to Chapter 263 of the Conn. General Statutes, piloted by him, and of all money received by him for pilotage of such vessels.

Connecticut licensed pilots who hold additional licenses and pilot vessels into Connecticut waters are subject to the fees and rates of Connecticut established for Connecticut harbors and Thames River and Connecticut waters of Long Island Sound. Failure to comply with this section is interpreted as misconduct on the part of the pilot and that individual is then subject to actions set forth in Sec. 15-13(e) of the Connecticut General Statutes.

Along with said accounting each and every pilot shall pay to the Commissioner of Transportation six percent (6%) of the gross amount of all money received by him for pilotage of such vessels.

(b) On the first day of January, April, July and October of each year and no later than the fifteenth of each of these months, the Joint Rotation Administrator, as defined in section 15-15a-6 of the Regulations of Connecticut State Agencies, shall render to the Commissioner of Transportation an accurate account of all funds collected and distributed relative to the pilot training and safety equipment account referenced in Section 15-14-1c(h) of the Regulations of Connecticut State Agencies.

(Effective November 12, 1991; Amended August 1, 2013)

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Navigable Waters—Marine Pilots

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Navigable Waters—Marine Pilots

Sec. 15-15a-1—15-15a-5. Repealed

Repealed November 12, 1991.

Sec. 15-15a-6. Definitions

(a) “Administrator” or “Joint Rotation Administrator” means the entity that shall administer the joint rotation system;

(b) “Board” means the Board of Commissioners of Pilots of the State of New York;

(c) “Commissioner” means the commissioner of the Connecticut Department of Transportation or his designee;

(d) “Connecticut Pilot Commission” has the same meaning as provided in section 15-13c of the Connecticut General Statutes;

(e) “Connecticut State Marine Pilot” means an individual who is a member in good standing of the Connecticut State Pilots and is licensed by the state of Connecticut under section 15-13 of the Connecticut General Statutes, qualified to safely bring a vessel in from a designated pilot embarkation station to its berth including any intermediate movements such as anchoring, shifting berths within and between ports and returning the vessel from its berth to a designated pilot debarkation station;

(f) “Department” means Connecticut Department of Transportation;

(g) “Full Branch Pilot” means a Connecticut State Marine Pilot or a New York State Marine Pilot qualified and licensed to operate in the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies;

(h) “Joint Rotation System” means the rotation of pilots authorized in section 15-15d of the Connecticut General Statutes, defined by section 15-15a-17 of the Regulations of Connecticut State Agencies and described in the Memorandum of Agreement between the Board of Commissioners of Pilots of the State of New York and Commissioner of Transportation of the State of Connecticut effective January 15, 2004;

(i) “License” means a piloting license issued by the commissioner pursuant to section 15-13 of the Connecticut General Statutes;

(j) “New York State Marine Pilot” means an individual who is a member in good standing of the New York Pilots and is licensed by the Board of Commissioners of Pilots of the State of New York;

(k) “Program” means the Connecticut Apprentice Pilot Selection, Training and Certification Program described in section 15-15a-7 of the Regulations of Connecticut State Agencies;

(l) “Senior Pilot” means a Full Branch Pilot with a minimum of five years experience as a Connecticut State Marine Pilot or a New York State Marine Pilot licensed to operate in the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies;

(m) “Waters” means the navigable waters of Long Island Sound - Block Island Sound, including all the boundary waters of the states of Connecticut and New York of Long Island

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Sound and Block Island Sound and all ports and terminals on such waters, and all ports on tributaries to such waters east of the City Island -Stepping Stones Light line; and

(n) “Pilot of Record” means a pilot assigned to the movement of a vessel by a proper authority who shall receive pilotage fees for that vessel movement.

(o) Acronyms:

(1) AIS – Automated Identification System

(2) BIS – Block Island Sound

(3) BRM – Bridge Resource Management

(4) CPC – Connecticut Pilot Commission

(5) GPS – Global Positioning System

(6) GT – gross tonnage

(7) JRA – Joint Rotation Administrator

(8) LIS – Long Island Sound

(9) MOA – Memorandum of Agreement

(10) STCW - Standards for Training, Certification, and Watchkeeping

((11))

(Effective November 12, 1991; Amended September 10, 2003; Amended January 3, 2011)

Sec. 15-15a-7. Qualifications, selection and training for new applicants for a license as a Connecticut State Marine Pilot

(a) In addition to other requirements specified in this chapter, each applicant for a Connecticut State Marine Pilot’s license shall:

(1) Be 21 years of age as evidenced by birth certificate or legal proof of age;

(2) Have successfully completed 12 years of formal education, as evidenced by a high school diploma or a high school equivalency examination;

(3) Be in good physical and mental health, as stated in section 15-15a-10 of the Regulations of Connecticut State Agencies and evidenced by documentary proof of having satisfactorily passed a complete physical examination within the preceding six (6) months, which examination shall be in compliance with section 15-15a-10 of the Regulations of Connecticut State Agencies;

(4) Possess a federal masters license (near coastal, any gross tons);

(5) Possess a federal first class pilot’s license of unlimited tonnage issued by the U.S. Coast Guard covering the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies;

(6) Successfully complete the training and certification process detailed in section 15-15a-7(b) of the Regulations of Connecticut State Agencies;

(7) Fulfill the requirements stated in section 15-13 (a) of the Connecticut General Statutes.

(b) When it is determined by the commissioner, at the recommendation of the Connecticut Pilot Commission, that one or more licensed Connecticut State Marine Pilots are needed for the Joint Rotation System, individuals seeking to enter the Program shall

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apply to the department in response to a public solicitation made by the department for the number of apprentices needed to enter the Program. Applications shall be reviewed and scored by the department according to the qualification point system for selection as specified in subdivision (1) and (2) of this subsection to arrive at each applicant's Preliminary Score and Final Score. Applicants shall provide copies of documents related to education, licenses, endorsements, training and experience referred to in this subsection and subsection (a) of this section in order to receive credit. Failure to submit all documents required shall disqualify the applicant from further consideration.

(1) Preliminary Score: Applications shall be evaluated by a point system based upon the following criteria:

(A) Education: (maximum 5 points)

1) Maritime academy graduate - 5 points

2) Military academy graduate - 3 points

3) Accredited college graduate - 2 points

(B) Federal License grade: (maximum 5 points)

1) Master greater than 10,000 GT - 5 points

2) Chief Mate greater than 10,000 GT - 4 points

3) Second Mate - 3 points

4) Third Mate - 2 points

5) Master/ Mate; greater than 3,000 GT - 3 points

6) Master Tug and Barge - 2 points

7) Mate of Tug and Barge - 1 point

(C) Endorsements to License: (maximum 5 points)

1) First Class Pilotage for the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies - 5 points

2) Each port First Class Pilotage Unlimited - 1 point per port

(D) Additional Training: (maximum 5 points)

1) STCW Qualified - 5 points

2) Advanced Ship Handling - 5 points

3) Ship Handling Simulator Training - 3 points

4) Basic Ship Handling - 2 points

(E) Pilotage Experience: (maximum 5 points)

1) Pilot of Record on vessels greater than 50,000 GT - 5 points

2) Pilot of Record on vessels greater than 30,000 GT - 3 points

3) Pilot of Record on vessels greater than 10,000 GT - 1 point

(F) Written Exam – Twenty (25) questions 1 point per question (maximum 25 points)

1) Navigational Rules of the Road

2) Terrestrial Navigation

3) Charts

4) Tides and Currents

5) Ship Handling

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6) BRM

(2) Final Score. Only applicants with a Preliminary Score of 30-50 shall advance to an interview. An Interview Committee consisting of two (2) or more CPC members shall conduct each interview and individually score the applicants according to the scoring set forth in subparagraph (A) of this subdivision. The individual Interview Committee member's scores shall be combined into a total composite interview score for each applicant. The Interview Committee shall add the composite interview score of each applicant to the applicant's Preliminary Score to arrive at a "Final Score" for each applicant. The Interview Committee shall provide a list of applicants in rank order according to each applicant's Final Score to the department for consideration to admission into the Program based on the number of apprentices solicited by the department's public notice.

(A) Thirty (30) Minute Interview by at least two (2) CPC members - (maximum 10 points total per interviewer):

- (i) Communications skills (maximum 5 points)
- (ii) Personal bearing and attitude (maximum 5 points)

(3) Pilot Training Program: Applicant(s) selected by the commissioner for the Program ("Apprentice") shall enter the Program under the supervision of currently licensed Senior Pilot(s) and the oversight by the CPC. An Apprentice shall meet all the requirements contained in section 15-13(a) of the Connecticut General Statutes.

(A) Overview. An Apprentice shall be required to make twelve (12) round trips over each pilotage section of the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies. Apprentices shall be trained and instructed by Senior Pilots licensed to operate in the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies. Training and instruction shall take place on the bridge of the vessels on which the Apprentice is riding, except as otherwise noted. An Apprentice shall be required to perform the piloting, docking and undocking of the vessels on which he/she is riding, under the guidance of the Senior Pilot in attendance. As part of the Program, the Apprentice shall be required to demonstrate the ability to pilot vessels over 10,000 GT under all weather and sea conditions during both day and night. The Senior Pilot in attendance shall grade trips using the standard evaluation forms provided by the CPC, which shall then be submitted to the CPC after each trip. The CPC shall collect all evaluation forms for each Apprentice. The CPC shall review the evaluations to determine if all elements of subsection (3) have been met. Once reviewed and found to be complete, the CPC shall forward the evaluation forms to the commissioner with a summary report including a recommendation for the issuance or denial of a License. An Apprentice shall not receive any compensation for participating in the pilot training program.

(B) Ship handling. An Apprentice shall be trained in advanced ship handling techniques including: the effects of speed and vessel rotation on vessel maneuvering; vessel interaction; the effects of tide, current, and under keel clearance while docking/undocking or underway in all channels within the State's ports and waters; proper use of anchor when anchoring, docking/undocking, and in emergency situations; proper use of bow thrusters and their

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performance expectations based on power to weight ratio, vessel type, size and draft; and proper main engine use and performance expectations based on power to weight ratio, vessel type, size, weight, type of propeller, and type of rudder. As part of the Program, an Apprentice shall also successfully complete a USCG approved basic ship handling course and a USCG approved emergency ship handling course at a certified training facility, at the Apprentice's sole expense. An Apprentice shall provide proof of completion of such courses to the CPC.

(C) Use of assist tugs for vessel maneuvering. An Apprentice shall be trained in: the use of assist tugs, including proper positioning of tug(s) when used on different ship configurations, and under different docking conditions; the use of tug lines(s) under different weather, current, and dock configuration conditions; and the different techniques employed when using single screw, twin screw and tractor tugs.

(D) Weather: An Apprentice shall be trained in the effects of weather on piloting, vessel maneuverability and on the tides and currents within the ports and waters.

(E) Traffic management. An Apprentice shall be trained in proper passing, overtaking and meeting arrangements in dense traffic based on safety, and "custom and practice" in the port and waters, including ongoing review of the "Rules of the Road" and their practical application to the ports and waters.

(F) Bridge team management. An Apprentice shall be trained in how to conduct a proper master-pilot exchange and how to interact with the bridge team to ensure that engine and rudder orders are carried out correctly and that radar and other electronic navigation equipment are used properly and to maximum efficiency. As part of the Program, an Apprentice shall complete a one (1) week bridge team management course at a USCG certified facility, at the Apprentice's sole expense. An Apprentice shall provide proof of completion of such course to the CPC.

(G) Local knowledge and aids to navigation. Upon commencement of the Program, an Apprentice is expected to have an understanding of local knowledge and aids to navigation. The Apprentice shall demonstrate that this knowledge is complete as it pertains to the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies. Senior Pilots in attendance during shipboard training shall assist in assuring Apprentice proficiency in this area.

(H) Use of personal computer navigation: An Apprentice shall be proficient with the use of a laptop computer, navigation software with a direct link to the vessel's AIS/GPS system, and a wireless GPS back up.

(I) Pilot boat operation and safety: Pilot boat operation and safety training will occur on various pilot boats and shall include actual operation of pilot boats, proper pilot boat boarding approaches, and use of all on board safety equipment. An Apprentice shall also be trained in proper pilot ladder use, rigging, pilot boarding techniques and safety concerns.

(J) Vessel Traffic Service: An Apprentice shall make periodic visits to USCG Sector Long Island Sound to become familiar with vessel screening prior to arrival, vessel clearance, vessel operations and monitoring traffic in the Long Island Sound and ports.

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(K) Port safety and security: An Apprentice shall be familiar with all port security concerns, both state and federal, as they apply to the duties of a pilot. An Apprentice shall be fully familiar with the USCG “Homeport” website to receive “up-to-date” safety and security notices.

(L) Pilot Apprentice Logbook: An Apprentice shall document all training activities in a “Pilot Apprentice Logbook.” Entries shall include, but not be limited to, the name, size and flag of a vessel boarded; the date, time and the points of embarkation/debarkation (by latitude/longitude); the name of the supervising Senior Pilot; and the weather conditions.

(c) Upon completion of the Program as determined by the commissioner at the recommendation of the CPC, an Apprentice found to possess the requisite physical and mental standards as specified by section 15-15a-7(a)(3) of the Regulations of Connecticut State Agencies, and to possess the required knowledge, aptitude and skills as set forth in section 15-15a-7(b)(3) of the Regulations of Connecticut State Agencies and section 15-13(a) of the Connecticut General Statutes shall be issued a License by the commissioner pursuant to section 15-13 of the Connecticut General Statutes. Once the license is issued, the newly licensed marine pilot shall work on the Connecticut side of the rotation under the auspices of Interport Pilots Agency, Inc. d.b.a. Connecticut State Pilots.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-8. Issuing of licenses

(a) All applications for new licenses shall be filed in the office of the Commissioner or as may be designated. Applications can only be filed upon meeting the qualifications as outlined.

(b) All applications for licenses shall be filed in the office indicated in section (a) on or before October 1 for review. An examination will then be scheduled prior to the date of issuance of a new license on January 1, of the following year.

(c) All licenses are renewable on January 1 of each year and are valid for a twelve (12) month period. All requirements for renewal of licenses defined in these regulations and statutes will be applicable.

(d) No license shall be issued or person exercise any pilotage services until the Treasurer of the State of Connecticut has received a bond with surety approved by said Treasurer, or a surety bond or a surety company recognized to conduct business in this State, in the penal sum of one thousand dollars (\$1,000.00) conditioned upon the faithful performance of pilotage duties and adherence to the regulations herein set forth.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-9. Renewal of licenses

(a) All applications and supporting documentation specified for renewal of licenses shall be in the office indicated in section 15-15a-8 of the Regulations of Connecticut State Agencies on or before December 1 for review prior to the date of issuance of license January 1, of the following year.

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(b) All licenses are renewable on January 1 of each year and are valid for a twelve (12) month period. All requirements for renewal of licenses defined in these regulations and Connecticut General Statutes shall be applicable.

(c) No license shall be issued or person exercise any pilotage services until the Treasurer of the State of Connecticut has received a bond with surety approved by said Treasurer or a surety bond or a surety company recognized to conduct business in this State, in the penal sum of one thousand dollars (\$1,000.00) conditioned upon the faithful performance of pilotage duties and adherence to the regulations herein set forth.

(d) Failure to submit the appropriate documentation according to section (a) shall result in a lapse and possible suspension or revocation of license by the commissioner.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-10. Physical examination

(a) All applicants for a state pilot's license shall furnish a medical certificate of examination in support of such application to show they have been examined and approved by a licensed physician for the performance of duties as a pilot.

(b) Pilots renewing their license January 1 of each year valid for one year shall furnish a medical certificate to show they have been examined and approved by a licensed physician for the performance of duties as a pilot. A copy of the certificate shall be presented yearly as part of the renewal application and for request of license.

(c) This medical certificate shall note that the examination covered the use of controlled substances or dangerous drugs.

(d) Physical exams shall include and certify, and the medical certificate shall document, the applicant's ability to climb a thirty (30) foot ladder.

(e) Physical exams shall include a vision test conducted by a licensed physician not more than six (6) months prior to the application. The medical certificate shall include documentation to show that the applicant has a minimum of 20/30 corrected in each eye and is not color blind.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-11. Reporting marine incident

All collisions, groundings, strandings or other marine perils sustained by vessels on which there was employed a licensed state pilot shall be reported to the office of the commissioner as soon as possible but not more than 48 hours after the occurrence, provided that this 48-hour period is understood to include one working day of the commissioner's office. In addition, a written report shall be submitted to the commissioner on forms prescribed by the commissioner not more than seven (7) days after the date of the incident, except, however, that any marine accident involving oil spillage, pollution, physical injury requiring more than first aid or death, shall be reported to the commissioner's office by telephone or telegram immediately or no later than 24 hours of the occurrence, in addition to the required written report. When a State pilot is involved in a marine incident outside of Connecticut

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State waters, the State Pilot shall report the incident to the commissioner not more than seven (7) days after the incident.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-12. License suspension or revocation

(a) The commissioner may discipline a pilot or suspend or revoke the license of a state pilot who, after a hearing, has been adjudged unqualified or guilty of the following:

(1) Negligence, incompetence, misconduct or infraction against his/her Federal or State license in the performance of piloting duties. Piloting duties commence with preparations for an assignment made by the Joint Rotation Administrator in accordance with section 15-15a-17 of the Regulations of Connecticut State Agencies.

(2) Violating a lawful rule promulgated by the commissioner or violating a lawful order of the commissioner or those of the Federal Government.

(3) Using alcohol or any controlled substance or dangerous drug to an extent which impairs the ability to fulfill the obligations as a pilot or which impairs the ability to act as a pilot with skill and safety.

(b) A pilot whose license has been suspended or revoked shall immediately surrender his license to the commissioner, who shall retain the license for the period of the suspension and due notification shall be issued to concerned parties that such person has no authority to serve in the capacity of pilot.

(c) Suspension or revocation of a license is a contested case. All proceedings to suspend or revoke a pilot's license are governed by section 13b-17-100 through section 13b-17-142 of the Regulations of Connecticut State Agencies.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-13. Boarding, departing and conduct of pilots

(a) A pilot embarking or disembarking a vessel shall at the time of boarding or departing assure that a lee is provided for the pilot boat and the speed of the vessel is appropriately adjusted. The pilot shall board or depart the vessel on a suitable ladder properly placed and secured.

(b) A pilot's services end and he is entitled to discharge by the master of a vessel when he has brought the vessel to a safe anchorage or to a position off the pier which the vessel is bound, unless the master shall have formally requested the pilot to assist in the docking of the vessel. Whenever formally requested by the master to do so, the pilot of a vessel may assist in either the docking or undocking of such vessel. A pilot shall not turn over the controls or leave a vessel under way unless he shall have first been properly relieved.

(c) A pilot, on boarding a vessel, and if required by the master thereof, shall exhibit his license or a photocopy thereof.

(d) No licensed pilot shall, while on duty prior to meeting a vessel, consume alcohol or any drug that may impair his ability to have the conduct of the vessel.

(e) No licensed pilot shall have the conduct of a vessel.

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(1) When he knows of any physical or mental disability that prevents him from performing the duties of a pilot.

(2) While his license is suspended.

(f) Whenever any pilot shall observe any of the buoys off station or any other aid to navigation not lighted at the proper time or not showing the proper characteristics, he shall report the same to the U.S. Coast Guard via VHF radio or by telephone after returning to shore.

(g) The master of every vessel boarded by a pilot shall give such pilot on boarding, an accurate account of the draft of such vessel, position, heading, wind, and any and all pertinent information.

(h) Vessel measurements, including “overall length,” “extreme breadth,” and “depth” shall be made available to the pilot by the master or his agent for the computation of pilotage fees.

(i) A state licensed pilot shall conduct himself in a professional manner at all times. Rude, abusive or threatening behavior during the performance of piloting duties is misconduct.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-14. Mandated rates of pilotage

No master, agent, owner or consignee shall charge a commission or receive payment directly or indirectly for the assignment of pilotage, nor shall any pilot pay or offer to pay any person any commission for the assignment of pilotage.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-15. Deferment of issuing of licenses

The commissioner, who is empowered to determine the number of pilots sufficient to meet the demands of commerce and the joint rotation system in the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies, shall place the names of those applicants having completed the Apprentice application process and receiving a Final Score by the CPC which he deems to be above the number of pilots sufficient to meet the demands of commerce and the joint rotation system on file for review and potential admission to the licensing Program for a period of twelve (12) months after the date of initial application.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-16. Boarding and disembarking areas

(a) There is established mandated pilot boarding and disembarking areas at the following locations: Point Judith Pilot Station; latitude 41°-17' N, longitude 071°- 30.5' W. Montauk Point Pilot Station; latitude 41°-02' N, longitude 071°-42' W. All Connecticut State Marine Pilots shall board or disembark vessels bound to or from the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies in the vicinity of either of

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the two designated pilot stations, except that no vessel with a draft in excess of 38 feet shall be piloted through Montauk Channel. Pilots utilizing Montauk Channel shall consider draft, sea swell, wind, visibility, current and vessel traffic. When these conditions pose a threat to the safety of any person, vessel prudent navigation or safety of the environment, Montauk Point Pilot Station and Montauk Channel shall not be used. Any Pilot found to be in violation of the foregoing shall be subject to sanctions such as fines, license suspension and license revocation.

(b) The pilot shall notify the master of an inbound vessel in a timely manner of the exact location of where the pilot shall board the vessel.

(Effective November 12, 1991; Amended January 3, 2011)

Sec. 15-15a-17. Pilot rotation system

(a) Pursuant to section 15-15d of the Connecticut General Statutes, there shall be established a rotation system among pilots licensed by the State of Connecticut and pilots licensed by the State of New York for the piloting of vessels in the waters described in section 15-15a-6(m) of the Regulations of Connecticut State Agencies. The rotation system shall only apply to vessels which are required to take a licensed pilot.

(b) The rotation system shall be administered by the commissioner, in consultation with the Connecticut Pilot Commission and the board. The commissioner may utilize the services of an administrator to administer the rotation system. The commissioner shall provide notice in the Connecticut Law Journal and a reasonable comment period prior to selection of an administrator.

(c) The rotation system shall be established and conducted in accordance with the governing documents of the rotation system, upon the approval of said governing documents, and any amendments thereto, by the commissioner, in consultation with the Connecticut Pilot Commission and the board. The governing documents shall include a provision which specifies the allocation of pilotage work, including the reasonable accommodation of requests by shipping agents for harbor pilotage assignments. At the commencement of the rotation system, the pilots working on the Connecticut side of the rotation shall receive seventy percent of the pilotage work in the waters and the pilots on the New York side of the rotation shall receive thirty percent of the pilotage work in the waters. The division of work may be amended from time to time by amending the governing documents in accordance with this section. The commissioner shall provide notice in the Connecticut Law Journal and a reasonable comment period prior to the approval of the governing documents of the rotation system and any amendments or changes thereto.

(d) Notwithstanding anything in this section to the contrary, a shipping agent may request a certain pilot who is qualified for a specific Connecticut harbor to dock a ship in that harbor. The rotation system administrator shall accommodate such request if at the time of the request, the requested pilot is on call, is able to perform the work and is not otherwise engaged in other pilotage work.

(e) The commissioner shall not issue or renew a license to any pilot not participating in

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the rotation system. Any pilot who holds a license from both the State of Connecticut and the State of New York shall be allowed to maintain both licenses, but such pilot shall elect, in writing filed with the commissioner and the board, to work in the rotation system under only one of the licenses. Such pilot shall be subject to all of the pilotage rules and regulations of the state under which authority that pilot has elected to work. If the licensing state institutes an investigation of the pilot in accordance with established procedures which causes the pilot's work privileges to be suspended for any reason, the pilot is prohibited from any piloting work in the waters during the period of the investigation and suspension.

(f) The commissioner shall recognize the licenses issued by the board with respect to waters within his jurisdiction.

(g) In addition to any qualifications required under this section and section 15-13 of the Connecticut General Statutes, any pilot operating under the rotation system and docking vessels in Connecticut harbors shall be qualified for a specific Connecticut harbor before being assigned to such harbor in the rotation system. For purposes of this subsection, "qualified for a specific Connecticut harbor" means that the pilot has successfully docked vessels in that specific harbor as required pursuant to section 15-13(a) of the Connecticut General Statutes. Any pilot who, on the effective date of this section, is docking vessels in a certain Connecticut harbor shall be deemed qualified for a specific Connecticut harbor to dock vessels in such harbor. New pilots shall be trained and qualified by the existing pilots.

(h) Any fee charged by pilots, including but not limited to, detention fees, docking and undocking fees, pilot launch fees, safety program fees or training fees, shall be approved by the commissioner, in consultation with the Pilot Commission. The commissioner shall provide public notice in the Connecticut Law Journal and a reasonable comment period prior to the approval of any fee schedule, or change thereto, to be charged by the pilots.

(i) The commissioner shall provide public notice when it has been determined that there is a need for applicants to the Program. The public notice shall indicate how many Apprentices are needed.

(j) All other provisions of section 15-15a-6 through 15-15a-16, inclusive, of the Regulations of Connecticut State Agencies shall apply to any pilot licensed by the commissioner. The provisions of this section shall only apply to the extent that a rotation system among pilots is in operation between the State of Connecticut and the State of New York.

(Adopted effective September 10, 2003; Amended January 3, 2011)

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Sec. 15-31-1—15-31-11. Repealed

Repealed November 5, 1999.

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Subject

Aircraft Registration

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Aircraft Registration

Sec. 15-41-1—15-41-9. Repealed

Repealed May 16, 1973.

Airmen's Licenses

Sec. 15-41-10—15-41-16. Repealed

Repealed May 16, 1973.

Sec. 15-41-17. Repealed

Repealed November 5, 1999.

Airports

Sec. 15-41-18. Establishment

Any municipality or other political subdivision, or officer or employee thereof, or any person, company or association of persons, acquiring property for the purpose of constituting or establishing an airport shall, in order to insure that the property and its use shall conform to minimum standards of safety and shall serve the public interest, make application to the department for approval setting forth the general purpose or purposes for which the property is to be acquired. The applicant shall state in clear and concise language the exact location of the proposed airport, making reference to known and established landmarks, the extent and ownership of the property, including metes and bounds, the size of the proposed landing area and airport environs, the nature of the terrain, whether the adjacent area is free from obstructions based on the glide ratio set forth hereinafter, and any other pertinent data which will enable the department to evaluate the proposal. In addition, the applicant shall furnish a detailed plan of the proposed facility, showing the possibilities for future expansion.

Sec. 15-41-19. Alteration or extension of an existing airport

No person shall make any alteration to, or extension of, any existing licensed airport without first having secured approval for such alteration or extension from the department. Alteration or extensions, as used herein, shall include any of the following: (1) Any material change in length, width, direction or surface of runways or landing strips; (2) construction or installation of any building or other obstruction within one hundred fifty feet of the longitudinal center line of a landing strip; (3) planting or permitting any natural growth or placement of any other obstacle on the property subject to control by the airport, which would extend above any approach slope, transition slope or turning zone; (4) any change in location of the lighting facilities; (5) any change in the listed facilities of a commercial airport.

Sec. 15-41-20. Application for approval

Application for approval of a proposed airport site or for permission to alter or extend an existing facility shall be made on forms provided by the department and shall be filed in the office of the department in Hartford. No charge shall be made for any such approval and a notice of such approval shall be issued without charge to any person requesting the same. The department may, after notice and opportunity for hearing to holders of such approval, revoke such approval when it reasonably determines: (1) That there has been a failure, within the time prescribed or, if no time was prescribed, within a reasonable length of time to develop the site as an airport or to comply with the conditions of the approval; (2) that because of a change of physical or legal conditions or circumstances the site is no longer usable for aeronautical purposes for which the approval was granted.

Sec. 15-41-21. Airport classifications

All airports shall be classified as follows:

(1) Commercial airports: Those airports consisting of landing area(s) with or without paved runway(s) suitable for servicing either, or both, air commerce (common carriers-scheduled and large irregular carriers) and general aviation (executive, agricultural, charter, corporate, instructional, industrial, commercial and special, etc.) which have at least the minimum services for commercial operation as set forth in these regulations. For the purpose of these regulations, all commercial airports in this state shall be further differentiated accordance with the current "Airport Design" manual published by the federal aviation agency of its successors;

(2) Restricted landing areas: Those airports which are prohibited for use by the public, except in emergency.

(Effective April 13, 1971)

Sec. 15-41-22. Airport licenses

No municipality or other political subdivision, or officer or employee thereof, or any person, company or association of persons shall use or operate any airport for which a license has not been issued by the department.

Sec. 15-41-23. Application for airport license. Fees

Each application for an airport license shall be on a form supplied by the department and shall be accompanied by the following fees: (1) Commercial, twenty-five dollars; (2) private, fifteen dollars; (3) municipal, no fee. The airport license shall continue effective for one year from date of issuance thereof and shall be renewed annually.

Sec. 15-41-24. License renewal

Applications for renewal shall be made thirty days before the expiration of the current license. Fees for the renewal of a license shall be: (1) Commercial, ten dollars; (2) restricted landing area, two dollars; (3) municipal, no fee.

(Effective April 13, 1971)

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Sec. 15-41-25. Temporary license

A temporary license, not to exceed the time set forth therein, may be issued to permit commercial operations from a restricted landing area, subject to the following requirements: (1) That application for the license has been filed with the department at least seven days prior to the date the applicant wishes to use the field; (2) that such application is accompanied by a fee of ten dollars; (3) that such field is of such size and nature, in the opinion of the department, as to be safe for use by the type of aircraft that will be used in the operation.

Sec. 15-41-26. Seaplane base

A license for the operation of a seaplane base on any body of water in this state may be granted when all the conditions required for the establishment of an airport, as set forth in section 15-41-18, have been complied with and, in addition thereto, the following requirement has been met: When the body of water to be used for landings and takeoffs is under the jurisdiction of any federal, state, municipal, port or other authority, the flight operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority.

Sec. 15-41-27. Revoking of license

The department may, after notice and opportunity for hearing to the licensee, revoke any license or renewal thereof, or refuse to issue a renewal, when it reasonably determines: (1) That there has been an abandonment of the airport, or restricted landing area, as such; (2) that there has been a failure to comply with the conditions of the license or renewal thereof, or (3) that because of change of physical or legal conditions, or circumstances, the airport, or restricted landing area, has become unsafe or unusable for the aeronautical purpose for which the license or renewal was issued.

Sec. 15-41-28. Marking of unsafe landing areas and closed airports

Any part of the landing area which has become temporarily unsafe or which for any reason is not available for use shall be marked or, if the entire airport, for any reason, becomes dangerous or is not usable, the landing areas shall be properly marked in accordance with federal technical standard orders. Upon issuance of an order by the department closing an airport, prior to voluntary surrendering of a license, or prior to expiration of a license when the license is not being renewed, all signs and markings which might indicate that the facility is still operative as an airport shall be obliterated and, in addition, unless the facility is or is proposed to be operated as a private airport or a restricted landing area, the airport shall be declared closed in accordance with the federal technical standard order covering closed airport marking.

Sec. 15-41-29. Minimum requirements for commercial airports

Minimum requirements for commercial airports shall be:

- (a) **Facilities.** (1) Facilities for supplying aircraft with fuel, oil and water; (2) potable

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drinking water and sanitary toilets, available to the public; (3) a telephone at, or within reasonable distance of, the airport; (4) approved fire extinguishes available at fuel pumps, on the flight line and in the hangars; (5) if other than a standard left-hand pattern is approved for an airport, a circle marker shall be installed to indicate the traffic pattern, and a map showing the airport traffic pattern shall be posted in the airport office in a prominent place; (6) the boundary of the airport, when deemed necessary, shall be clearly indicated by boundary markers as approved by the department; (7) wind direction indicator, so located as to show a true indication of the wind and the landing area readily visible to aircraft approaching the airport from any direction, except when the airport has licensed air traffic controllers on duty.

(b) **Responsible person.** A designated person, who shall be called the airport manager, responsible for the proper operation of the airport and operation of the aircraft at the airport, in conformance with the Connecticut laws and regulations governing aeronautics.

Sec. 15-41-30. Minimum seaplane base facilities for commercial operation

Each commercial seaplane base shall have, in addition to the facilities required for a commercial airport as set forth in section 15-41-29, the following service facilities: (1) At least one life preserver of the ring or throwing type with sufficient line attached, kept available on the ramp, dock or float; (2) a boat, approved by the department, immediately available at all times that flights are in progress; (3) a dock, or float, suitable for the type of seaplane using the base, so located as to afford the maximum degree of safety in taxiing; (4) suitable beaching facilities for the type of aircraft using the base. Where an adequate ramp is maintained, the dock or float may be omitted; (5) an adequate supply of lines for heaving, towing, securing or rescue operations.

Sec. 15-41-31. Repealed

Repealed November 5, 1999.

Sec. 15-41-32. Minimum requirements for restricted landing areas

A restricted landing area shall provide a landing area sufficient for safe operation, taking into consideration the type of aircraft proposed to be used and the skill of the pilots proposing to use the facility.

(Effective April 13, 1971)

Sec. 15-41-33. Responsibility of licensee

The following are the responsibility of the holder of a restricted landing area license: (1) To enforce the restrictions, if any, placed thereon by the department; (2) to supervise or cause the supervision of all aeronautical activity in connection with and in conformity with the prescribed limitations; (3) to maintain the landing area so as to permit safe operation; (4) to notify the department by the most expeditious means of any condition existing on the landing area or in connection therewith which might affect its safe use and to further notify the department when the reported condition has ceased to exist; (5) to furnish the

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department, upon request, with information concerning the aircraft using the field as an operation base and the nature and extent of aeronautical activity occurring at the airport.

(Effective April 13, 1971)

Sec. 15-41-34. Restriction on use

The following operations shall not be conducted on a restricted landing area: Carrying of passengers for hire other than the carrying of passengers for hire under a continued bilateral contract or contracts; student instruction; rental of planes; rental of storage hangar space; rental of tie downs; air meets and exhibitions; sale of gasoline and oil, and advertising.

(Effective April 13, 1971)

Sec. 15-41-35. Waiver. Hearing

The department may, at its own discretion, reduce the physical standards stated in section 15-41-31 upon finding, after a hearing, that exceptional circumstances or conditions exist. The applicant shall initiate the hearing by filing a petition for such a reduction of standards or the department may, on its own motion, request the applicant to file a petition. Any such petition shall be filed by the applicant along with the request for approval of an airport or alteration or extension of any existing airport. Any petition for a reduction of standards shall be sworn to by the applicant and shall contain a clear and concise statement of the facts, together with a plea that such standards be reduced and that the proposed airport or alteration or extension of an existing airport be approved in the public interest.

General Flight Regulations

Sec. 15-41-36. Minimum safe altitudes

Except when necessary for take-off or landing, no person shall operate an aircraft below the following altitudes:

(1) Anywhere: An altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface;

(2) Over congested areas: Over the congested areas of cities, towns or settlements, or over an open-air assembly of persons, an altitude of one thousand feet above the highest obstacle within a horizontal radius of two thousand feet from the aircraft. Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with subdivision (1) of this section; however, the department, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event helicopters shall conform thereto. This regulation recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement at less than one thousand feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the

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flight path thus selected from which such an emergency landing can be effected at any time;

(3) Over other than congested areas: An altitude of five hundred feet above the surface, except over open water. In such event the aircraft shall not be operated closer than five hundred feet to any person, vessel, vehicle or structure. The limitation of five hundred feet above the surface shall not apply when making an occasional landing at other than a licensed airport or restricted landing area. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with subdivision (1) of this section. When flight is necessary at an altitude of less than five hundred feet above the surface, the pilot shall avoid creating any hazard to persons or property on the surface which may result from such flight. In no event shall the pilot expose his passengers to unnecessary hazard while engaging flight at low altitude. The maneuverability of the helicopter permits safe flight below the minimums required, if good judgment and caution are exercised by the pilot.

(Effective April 13, 1971)

Sec. 15-41-37. Dropping of objects

No person piloting an aircraft shall permit any object to be dropped from such aircraft in flight if a hazard to persons or property is thereby created. The dropping of periodicals, circulars or objects of any kind is not prohibited, provided reasonable precautions shall be taken to avoid injury or damage to persons or property and if local regulations do not prohibit such operations.

Sec. 15-41-38. Traffic over games, races, etc.

There shall be no flying under an altitude of two thousand feet over or in the vicinity of any game, contest, celebration or outdoor gathering unless a waiver has been granted by the department. All aerial traffic shall be counter-clockwise (all turns to the left).

Sec. 15-41-39. Hunting from aircraft

No person shall, while an aircraft is in flight, discharge firearms for the purpose of hunting as defined by section 26-1 of the general statutes.

Sec. 15-41-40. Air shows, air races or demonstrations

No person shall engage in or take part in any air show, air race or demonstration which may be in conflict with Connecticut or federal laws and regulations governing aeronautics unless a waiver has been obtained from the department. Application for such waivers shall be made at least seven days in advance of the proposed show, race or demonstration and shall be accompanied by written permission from the manager of the airport at which the show, race or demonstration is to be held.

Sec. 15-41-41. Photographic permit

For any photographic flight necessitating flying at an altitude less than that required by law or regulation, the pilot shall obtain a photographic permit from the department. A permit

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issued for this purpose does not waive any federal law or regulation.

Sec. 15-41-42. Repealed

Repealed May 23, 1986.

Parachute Jumps

Sec. 15-41-42a. Definitions

(a) “Drop zone” means an unobstructed, radial area of land within the drop zone area used for parachute jumping which contains a clearly defined target point.

(b) “Drop zone area” means a parcel or parcels of land used for parachute jumping for which written permission has been obtained from the property owner or owners, containing a clearly defined drop zone and target point.

(c) “Free fall parachute jump” means a parachute jump in which the parachute is deployed by means other than a static line (manual or automatic deployment).

(d) “Jumpmaster” means the parachutist in command of student parachutists from the time they enter until the time they exit the aircraft; a parachutist who possesses a current USPA jumpmaster rating.

(e) “Obstructions” means trees, ditches, telephone and power lines, towers, buildings, highways, automobiles or any other object reasonably deemed a hazard to the parachutist by the commissioner of transportation.

(f) “Parachute jump” means the descent from an aircraft in-flight of a person who uses a parachute during all or part of such descent.

(g) “Parachute jump center” means any land or water area containing a drop zone area, drop zone, target point and operations base which has been duly licensed by the commissioner of transportation and a description of and Class D survey has been filed with the Department of Transportation.

(h) “Parachute jump center operator” means any individual, club or organization who owns, operates, or otherwise controls a duly licensed parachute jump center.

(i) “Parachute license” defines the level of expertise, proficiency acquired and training received by the parachutist. Individual license requirements shall be as defined in the current USPA published standards for Class A, B, C and D parachutists.

(j) “Parachutist” or skydiver means a person who engages in an intentional parachute jump.

(k) “Static line parachute jump” means a parachute jump in which the parachute is deployed by means of a static line attached to the aircraft.

(l) “Student parachutist” means a person engaging in parachute jumping who has not qualified for a USPA Class A license.

(m) “Target point” for student parachutists means that point on the surface located in the center of the drop zone containing a clearly defined marking of at least ten yards in diameter. The target point for licensed parachutists will be located within the drop zone with an unobstructed radial free distance as required for the class of jumper.

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(n) “Temporary drop zone” means any land or water area other than a parachute jump center which is used for parachute jumping for a demonstration jump, air show, skydiving exhibit or other special event.

(o) “USPA” means United States Parachute Association, a division of the National Aeronautic Association.

(Effective May 23, 1986)

Sec. 15-41-42b. Waiver

No person shall make an intentional parachute jump from an aircraft unless a waiver has been issued by the commissioner of transportation or the parachute jump is made onto a licensed parachute jump center except as follows:

(1) Jumps made necessary because of an aircraft in-flight emergency.

(2) Military jumps under the control and direction of the United States Department of Defense or the Connecticut Military Department.

Applications for a waiver shall be made on appropriate forms supplied by the Department of Transportation and shall include a signed letter of permission from the property owner upon whose property is located the drop zone area. Application for a waiver shall be made at least fourteen days in advance of the proposed event.

(Effective May 23, 1986)

Sec. 15-41-42c. Parachute manufacturers

Annual waivers may be requested from the Department by Connecticut based parachute manufacturers for parachute jumps made by licensed parachutists to demonstrate or test the product, the sale of which is an integral part of the manufacturers’ business. The request for a waiver shall include a description of the drop zone area and written permission of the property owner.

(Effective May 23, 1986)

Sec. 15-41-42d. Parachute jump center

(a) **License.** A parachute jump center shall be required to have an annual license from the commissioner of transportation. A parachute jump center license may be issued by the commissioner of transportation if the following requirements are met:

(1) The designated drop zone shall be unobstructed and with a radial distance of at least the following for the various classes of jumpers:

<i>Classification</i>	<i>Using Round Canopy</i>	<i>Using Ram Air Canopy</i>
(A) Student parachutists	300 meters	100 meters*
(B) Class A license holders	200 meters	100 meters
(C) Class B & C license holders	100 meters	50 meters
(D) Class D license holders	unlimited	unlimited

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*with ground to air communications to assist the student in canopy control.

(2) The parachute jump center operator shall ascertain that all parachutists and all instructors who use the parachute jump center are qualified as to experience, ability, responsibility and physical fitness in accordance with these regulations.

(3) Each parachute jump center shall maintain a master log book or other suitable record system which will reflect all jumps made daily at the parachute jump center.

(4) Manned surface-to-air communications, e.g. radios, panels, smoke, lights, must be present on the drop zone during parachuting operations. Before any parachute jump, the pilot of the aircraft must establish communications with the parachute jump center.

(5) A method of determining wind drift must be used which shall satisfy the commissioner of transportation. The winds aloft and at the surface shall be determined prior to conducting any parachute jump. The wind drift indicator must be of such construction that inadvertent landing off-site will cause no harm to person or property.

(6) A fee for the initial license to operate a parachute jump center shall be one hundred dollars. Such fee shall accompany the application for the license.

(7) The license for a parachute jump center will be issued annually after an applicant's request and subsequent satisfactory inspection by Department of Transportation. The fee for the renewal license to operate a parachute jump center shall be ten dollars and shall accompany the application.

(b) Use of Parachute Jump Centers.

(1) Wind limitations: The maximum ground wind limitation for parachute jumps shall not exceed the following:

	<i>Ram Air Canopy</i>	<i>Round Canopy</i>
Student parachutist	14 MPH	10 MPH
Licensed parachutist	unlimited	unlimited

(2) Reports on the number of jumps, injuries, damage incurred and any off-site landings of parachutists or equipment shall be submitted monthly to the commissioner on the approved Department of Transportation form.

(3) Notification of a fatal accident shall be reported to the commissioner of Transportation as soon as possible but no later than 4 hours after the fatality.

(4) Intentional off-site landings are prohibited

(5) Spectators shall not be allowed within the hazard free radial area as required for the various classes of jumpers as noted under Sec. 15-41-42d(a)(1).

(6) The minimum age for persons engaging in parachute jumping is 18 years of age. However, a person who is at least 16 years of age may be permitted to participate in parachute jumping upon presentation to the parachute jump center operator notarized consent of a parent or legal guardian.

(Effective May 23, 1986)

Sec. 15-41-42e. Off-center demonstration jumps

Only licensed parachutists as defined by USPA shall be permitted to make off-center demonstration jumps at a temporary drop zone who, in addition to the regulations herein contained, comply with the following provisions:

(a) **The parachutist shall:** (a) possess a current Class D license; (b) a USPA exhibition rating and meet all requirements of Part 118 of the USPA demonstration jump guidelines.

(b) **The minimum landing area.** The target point shall be at least 150 feet from the designated spectator area for Class D jumpers and for exhibition rated jumpers as required by the FAA for Level 1 or Level 2 jumps.

(c) Adequate police and/or assigned security protection shall be provided to keep the target area clear of spectators.

(d) **Wind limitations.** Ground winds allowable for demonstration jumps shall not exceed 15 MPH.

(e) Parachutists shall not exit aircraft directly over crowds or spectators.

(f) Radio communications or visual signals shall be provided between jump aircraft and drop zone.

(g) The applicant requesting a waiver for a parachute jump shall submit with the application written proof of authorization from the property owner (owners) to use the area described as a temporary drop zone. The application for waiver shall include a complete description of the drop zone area.

(Effective May 23, 1986)

Sec. 15-41-42f. Minimum opening altitude

Minimum opening altitude for non-emergency parachute jumps shall be as follows:

(a) Tandem Jumps – 3,000' above the ground or water

(b) All Static Line Jumps – 2,800' above the ground or water

(c) All Free Fall Students – 3,000' above the ground or water

(d) A & B License Holders – 2,500' above the ground or water

(e) C & D License Holders – 2,000' above the ground or water

Static line or other positive parachute opening devices will be so designed or adjusted to conform to this requirement.

(Effective May 23, 1986)

Parachute Equipment

Sec. 15-41-42g. Safety devices, altimeter

Each parachutist is to be equipped with:

(a) For accelerated free fall students, a piggy back harness/container that has ripcord activated, spring loaded, pilot chute deployed main and reserve parachute and is equipped with an automatic activated device on the reserve parachute.

(b) A light when performing night jumps.

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- (c) For students (not including tandem passengers) a rigid helmet.
- (d) For each individual free fall student and jumpmaster, his/her own visually accessible altimeter.
- (e) Supplementary oxygen for all jumps over 15,000 feet above mean sea level (AMSL).
- (f) Flotation gear when the exit point, opening point or landing point of a parachutist is within one mile of an open body of water.

(Effective May 23, 1986)

Sec. 15-41-42h. Hazards to air traffic, persons or property

No person shall make a parachute jump, and no pilot in command of an aircraft shall allow a parachute jump to be made from that aircraft, if that jump creates a hazard to air traffic or to persons or property on the surface.

(Effective May 23, 1986)

Sec. 15-41-42i. Violation of federal or state statutes or local ordinances or regulations

No person shall make a parachute jump, and no pilot in command of an aircraft shall allow a parachute jump to be made from that aircraft in violation of any Federal or State statutes or local ordinances or regulations.

(Effective May 23, 1986)

Sec. 15-41-42j. Airport jumps

No person shall make a parachute jump and no pilot in command of an aircraft shall allow a parachute jump to be made from that aircraft onto any airport without prior approval of that airport management.

(Effective May 23, 1986)

Sec. 15-41-42k. Medical certificate

All parachutists engaging in parachute jumping shall maintain a valid Class I, II or III Federal Aviation Administration medical certificate or a certificate of physical fitness for parachuting from a licensed physician or have a completed USPA medical certificate. Such evidence of medical fitness must be made available upon proper demand to any law enforcement officer or employee of the Department of Transportation charged with enforcement of the provisions of Aeronautic laws or regulations of the State.

(Effective May 23, 1986)

Sec. 15-41-42l. Parachute jumps

(a) No person shall make an intentional parachute jump from an aircraft without being equipped with a Federal Aviation Administration Technical Standard Order (TSO) dual pack parachute.

(b) Student parachutists are permitted to jump only at licensed parachute jump centers.

(c) A student parachutist shall have a course of training to properly prepare him for his

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first parachute jump. Training shall include but is not limited to, exit techniques, landing techniques, emergency procedures, canopy manipulation and equipment familiarization. All student instruction is to be under the supervision of a currently and appropriately rated USPA instructor.

(d) A student parachutist's first five jumps must be static line sport parachute jumps. In addition, they must successfully pull a dummy rip cord on three successive static line jumps without loss of stability or control prior to being cleared for freefall or; successfully complete all learning objectives of USPA accelerated freefall levels I thru VII prior to being cleared to jump without direct supervision. All student jumps must be made under the direct supervision of a jumpmaster from a fourplace or larger aircraft.

(Effective May 23, 1986)

Sec. 15-41-42m. Approved aircraft

All aircraft from which parachute jumps are made shall be of the type approved by the Federal Aviation Administration or its successor for this purpose.

(Effective May 23, 1986)

Sec. 15-41-42n. Waiver of regulations

Any of the above regulations may be waived for good cause by the commissioner of transportation.

(Effective May 23, 1986)

Sec. 15-41-42o. Compliance with federal regulations

In addition to the above regulations, all parachutists are required to comply with any applicable Federal Aviation Administration regulations affecting parachute jumping.

(Effective May 23, 1986)

Use Of State Airports

Sec. 15-41-43. Repealed

Repealed June 28, 1989.

Sec. 15-41-43a. Definitions

(a) "Air Carriers" means domestic or foreign air carriers certificated by the Secretary of the U.S. Department of Transportation.

(b) "Business or Corporate Aircraft" means aircraft owned by or leased to a person, corporation, partnership or other entity used solely in its own business, and not for hire, lease, charter or otherwise carrying passengers or cargo for consideration.

(c) "Fixed Base Operator" means any person, corporation, partnership or other entity which offers to the public, subject to state and federal regulation, the use of revenue producing aircraft and aviation related services for carrying on certain mandatory and

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optional commercial activities on a regular basis. The mandatory activities shall include the sale of aviation fuel and aircraft maintenance and the provision of a public lounge and may at the option of the State also include acting as an agent for the State in the collection of aircraft landing fees and aircraft parking charges according to the terms and conditions of an agreement with the State.

(d) "Flying Club" means any corporation, partnership or other entity, other than an individual which, neither for profit nor commercial use, owns, leases or uses one or more aircraft for the purpose of instruction or pleasure or both.

(e) "Multiple Services Operator" means any person, corporation, partnership or other entity which offers to the public, subject to state and federal regulation, revenue producing aviation related services and uses a state airport as a base or terminal for those services and operations.

(f) "Non-revenue Producing Aircraft" means aircraft not used for compensation, hire, commercial purpose or profit and military aircraft, publicly-owned aircraft and aircraft owned by flying clubs which are not used for compensation or profit by the owners or co-owners of such aircraft.

(g) "Revenue Producing Aircraft" means aircraft owned by or leased to any person, corporation, partnership or other entity which rents, leases, demonstrates, charters or otherwise uses such aircraft in commerce, including but not limited to, the carrying of passengers, property or mail for consideration.

(h) "State Airport" means any airport owned and operated by the Connecticut Department of Transportation.

(Effective June 28, 1989)

Sec. 15-41-44. Repealed

Repealed October 19, 1971.

Sec. 15-41-44a. Use and operation of state airports and facilities

(a) Fixed base operators, multiple services operators, air carriers and other persons, corporations, partnerships or other entities shall not use any state airport as a base or terminal for carrying on any commercial (revenue-producing) operation except under the following terms and conditions:

(1) A fixed base operator operating under an agreement for such operation with the State of Connecticut.

(2) A multiple services operator operating under an agreement for such operation with the State of Connecticut. Notwithstanding any agreement that a multiple services operator has or may have with the fixed base operator for use of space necessary for carrying on the business of a multiple services operator, the multiple services operator shall enter into an agreement with the State which agreement shall specify the fee or other consideration due the State for such operation.

(3) An air carrier under an agreement with the State of Connecticut.

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(4) Other persons, corporations, partnerships or other entities operating under a lease or other agreement for such operation with the State of Connecticut.

(5) Other persons, corporations, partnerships or other entities operating under a sublease or other agreement for such operation which sublease or other agreement has received prior written approval from the State.

(b) The commissioner shall establish and administer the conditions under which any of the state airports shall be made available for use as a base or terminal for operations by fixed based operators, multiple services operators or others.

(1) The commissioner shall determine the terms, conditions and limitations under which multiple services operators, fixed base operators and others will be permitted to engage in commercial operations at such airports.

(2) The commissioner shall determine the rates, fees and charges he shall charge for the use of any state airport as a base or terminal for carrying on commercial operations.

(c) Aircraft shall be parked on state airports only in locations approved by the commissioner or his designated representative at each airport.

(d) Motor vehicles, except vehicles regularly employed in maintenance and operation of the airport, shall stay within the limits of the parking area and roads provided.

(e) When a state airport is closed by a notice to airmen filed with the federal aviation administration flight service station or when standard markers such as a white "X," are placed on the runway or when the runway lights, lighted wind indicators, and the rotating beacon are not operating at night, it shall be unlawful for an airplane to land or take off, except in an emergency situation.

(f) Flying clubs shall annually file with the commissioner or his designated representative of each state airport at which the club is based documentation regarding the organization's operating structure. This information is due on or before March 1 of each year.

(g) All aircraft fueling servicing shall be conducted in accordance with that part of the National Fire Protection Association publication, "Aircraft Fuel Servicing," standard no. 407, vol. 10, 1982 or any subsequent amendment.

(h) No ultra light aircraft will operate at any state airport without first having complied with the following requirements:

(1) All ultra light pilots, FAA certified flight instructors or Air Safety Foundation examiners shall have proof of competency or endorsement by an FAA-approved ultra light air safety program or have proof of having graduated from an ultra light manufacturers school and present the same to the airport manager upon request;

(2) At state airports with an FAA control tower, no ultra light shall operate unless the aircraft is equipped with a two-way radio;

(3) If there is a designated ultra light aircraft operating area established at a state airport, all ultra light aircraft operations shall be conducted from that area.

(i) The commissioner or his designated representative may issue reasonable directives or instructions regarding operating procedures at state airports necessary to implement the

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intent of this section to maximize aircraft and airman safety.

(Effective June 28, 1989)

Sec. 15-41-45. State airport fees

(a) As used in subsection (i) of this section for the purpose of determining the rents, fees and charges to be paid by all Air Carriers under the Short Term Lease at Bradley International Airport effective July 1, 2011, the following definitions apply:

(1) “Air Carrier” means an entity engaged in the business of providing air transportation of persons or property for compensation or hire that has been issued the proper air carrier operating certificate by the US Department of Transportation, Federal Aviation Administration.

(2) “Airfield Area” means those portions of Bradley International Airport, and related facilities, exclusive of the Terminal Building, Apron Area, hangars, hangar ramps, cargo buildings, cargo ramps, buildings and building areas (other than the crash, fire and rescue building and the control tower), all as more fully delineated in the most current approved Airport Master Plan or Airport Layout Plan.

(3) “Airport Audit” means the audited annual financial statements of Bradley International Airport required, under the terms of the Indenture and applicable State law, to be audited by a firm of independent certified public accountants of recognized standing selected by the State, prepared in accordance with applicable State law and relevant accounting standards, and to be completed within 120 days of the end of each Airport Fiscal Year.

(4) “Airport Fiscal Year” means the twelve (12) month period commencing on July 1 of each year and expiring on June 30 of the following calendar year or such other period as designated by the Commissioner of Transportation.

(5) “Airport Operating Budget” means the budget of Bradley International Airport costs and expenses adopted, with respect to each Airport Fiscal Year pursuant to the Indenture and Chapter 266 of the Connecticut General Statutes and shall consist of the Operating Expense Budget and the Capital Improvement Budget.

(6) “Annual Debt Service” means the sum of principal, amortization requirements (including premium, if any) and interest payments being or becoming due and payable by the state during any Airport Fiscal Year with respect to the Bonds including debt service coverage required pursuant to applicable provisions of the Indenture. The amount of coverage Properly Allocable shall be equivalent to ten percent (10%) of budgeted Air Carrier revenues from Terminal Building Rentals, Landing Fees, Baggage Claim Area Charges and Apron Rent determined in accordance with subdivisions (3) through (6) of subsection (i) of this section.

(7) “Apron Area” means the aircraft parking and maneuvering areas adjacent to the Terminal Building as designated by the Commissioner of Transportation. The term Apron Area shall not include areas associated with Terminal Building(s), or portions thereof, which have been decommissioned by the Commissioner of Transportation in anticipation of

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demolition pursuant to the Capital Improvement Program.

(8) “Apron Area Rentals” means the rental fees imposed on the Signatory Airlines with respect to their use of the Apron Area as provided in subdivision (6) of subsection (i) of this section.

(9) “Baggage Claim Areas” means those portions of the Terminal Building and related facilities as designated by the Commissioner of Transportation providing for the collection, transport, handling and distribution of passenger baggage and related items.

(10) “Baggage Claim Area Charges” means the charges imposed on the Signatory Airlines with respect to their use of the Baggage Claim Areas as provided in subdivision (5) of subsection (i) of this section.

(11) “Bonds” means all debt obligations of the State of Connecticut, or of any agency, authority, commission or subdivision thereof, or of any public or private corporation, issued to finance (or issued to refund other obligations issued to finance) (A) the Construction Costs of the Capital Improvement Program, and (B) the Construction Costs of other Capital Improvements authorized by the State, including all outstanding Bradley International Airport General Airport Revenue Bonds including Series 2001A, Series 2001B and Series 2004 bonds and such additional General Airport Revenue Bonds and related financing agreements the State may issue or enter into in support of the Capital Improvement Program.

(12) “Capital Improvement” means for any Airport Fiscal Year, (A) any item purchased or constructed for use in the Airfield Area Cost Center or Apron Area Cost Center which has a useful life of five (5) years or more, or which can extend the useful life of any existing asset included within the Airfield Area Cost Center or Apron Area Cost Center for a period of five (5) years or more, and (B) any item purchased or constructed for use in the Terminal Building Cost Center which has a useful life of three (3) years or more, or which can extend the useful life of any existing asset included within the Terminal Building Cost Center for a period of three (3) years or more. The Construction Costs incurred with respect to the Capital Improvements shall be capitalized and thereafter amortized as Operating Expenses over the useful life of the items purchased or constructed.

(13) “Capital Improvement Budget” means the portion of the Airport Operating Budget reflecting Capital Improvement costs to be expensed during an Airport Fiscal Year, adopted in conjunction with the Airport Operating Budget for such Airport Fiscal Year.

(14) “Capital Improvement Program” means those expansions, improvements and renovations to the Bradley International Airport described in the most recent Airport Master Plan or Master Plan Update.

(15) “Construction Costs” means the necessary and desirable costs and expenses pertaining or incident to the acquisition or construction of Capital Improvements, including all costs and expenses of the Capital Improvement Program.

(16) “Cost Accounting System” means any accounting and financial management system(s) used by the State to allocate Bradley International Airport operating expenses, depreciation and amortization, and debt service to the Airport’s Landing Area, Terminal Area and Apron Area cost centers including the collection, allocation and reporting of the

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capital expenditures, revenues, operating expenses, assets and liabilities of the State with respect to the Airport and its operations. The Cost Accounting System shall be established and operated pursuant to generally accepted accounting principles consistently applied.

(17) “Cost Center” means any one of the Bradley International Airport cost areas identified in connection with the Cost Accounting System.

(18) “Gross Space” means all space within the Terminal Building, including but not limited to all leased, leasable and unassigned space and all public space. The extent of such space shall be determined utilizing “as built” drawings and physical measurements taken from inside dimensions of the exterior walls of the Terminal Building. The term Gross Space shall not include areas associated with Terminal Building(s), or portions thereof, which have been decommissioned by the Commissioner of Transportation in anticipation of demolition pursuant to the Capital Improvement Program.

(19) “Indenture” means the Trust Indenture Between State of Connecticut and State Street Bank and Trust Company (or its successor) as Trustee Dated as of March 1, 2001 relating to State of Connecticut Bradley International Airport General Airport Revenue Bonds, or such supplemental, replacement or additional indentures or related financing agreements as the State may enter into in undertaking the Capital Improvement Program or refunding the Bonds.

(20) “Landing Fees” means the fees imposed on the Signatory Airlines, Air Carriers and Users with respect to the operation of the Airfield Area, as provided in subdivision (4) of subsection (i) of this section, and based upon the Landing Fee coefficient, frequency factor and weight factor as described in such subdivision (4) of subsection (i) of this section.

(21) “Majority-in-Interest” as of any date means at least fifty percent (50%) in number of the Signatory Airlines which account for more than fifty percent (50%) of aggregate Revenue Aircraft Arrival weight landed at the Airport during the immediately preceding calendar year.

(22) “Maximum Landing Weight” means the maximum certified landing weight approved by the Federal Aviation Administration in accordance with 14 CFR 21 for aircraft landing at the Airport.

(23) “Operating Expense Budget” means the budget of Operating Expenses for an Airport Fiscal Year adopted in conjunction with the Airport Operating Budget, all as provided in subdivision (13) of subsection (i) of this section.

(24) “Operating Expenses” means the reasonable, necessary and verifiable current expenses of the state, paid or accrued in accordance with the Cost Accounting System in administering, operating, securing, maintaining, and repairing Bradley International Airport. Without limiting the generality of the foregoing, the term Operating Expenses shall include (A) costs of collecting Bradley International Airport revenues and of making any refunds therefrom lawfully due others; (B) engineering, audit reports, legal and other overhead expenses directly related to the administration, operation, maintenance and repair of the Bradley International Airport; (C) costs of salaries, wages and other compensation of officers and employees with respect to Bradley International Airport, including all legally

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required payments to pension, retirement, health and hospitalization funds and other insurance, including self-insurance, if any, for the foregoing; (D) costs of routine maintenance, repairs, replacements, renewals and alterations not constituting Capital Improvements occurring in the usual course of business, which may include expenses not annually recurring; (E) taxes, assessments and other governmental charges, or payments in lieu thereof, lawfully imposed on Bradley International Airport or any part thereof or on the operation thereof, subject to any right the Airline may have to protest the same; (F) costs of utility services; (G) the costs and expenses of management services and general administrative overhead of the State allocable to Bradley International Airport; (H) costs of equipment, materials and supplies used in the ordinary course of Bradley International Airport business not constituting Capital Improvements, including ordinary and current rentals of equipment or other property; (I) costs of fidelity bonds, or a properly allocable share of the premium of any blanket bond, directly pertaining to Bradley International Airport its revenues or any other moneys held under the Indenture, as amended or supplemented from time to time, or required to be held or deposited thereunder; (J) costs of carrying out the provisions of the Indenture, as amended or supplemented from time to time to permit the acquisition and construction of Capital Improvements or the Capital Improvement Program, including trustee's and paying agent's fees and expenses, costs of insurance required thereby, or a properly allocable share of any premium of any blanket policy pertaining to the Airport or Airport revenues, and costs of recording, mailing and publication; (K) Annual Debt Service; (L) all other costs and expenses of administering, operating, maintaining and repairing the Airport arising in the routine and normal course of business including depreciation and amortization of Capital Improvements not funded with Bonds; (M) any costs and expenses related to the Airport required to be paid (and reserves required to be kept) in accordance with the Cost Accounting System; and (N) any other cost or expense permissible by applicable law, agreement or regulation. Operating Expenses shall not include depreciation on those facilities financed with Bonds or capital contributions.

(25) "Preferential Use Agreement" means an agreement between the State Department of Transportation and an Air Carrier providing for the use and occupancy of terminal and related areas at Bradley International Airport that distinguishes areas that may be used exclusively by such Air Carrier from areas that may be used on a preferred or common use basis with other Air Carriers.

(26) "Properly Allocable" or "Allocable" means properly allocable in accordance with the Cost Accounting System.

(27) "Revenue Aircraft Arrival" means the landing at the Airport of any and all aircraft owned, leased or operated by any Air Carrier or airline, that arrives at or departs from the Bradley International Airport with passengers, cargo or mail, including without limitation, all sightseeing trips, but specifically excluding (A) ferry, test, courtesy and inspection flights as permitted herein, for which no monetary consideration has been, shall be or should be received by the Air Carrier in connection therewith, (B) re-arrivals of aircraft of anyone

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including the Signatory Airlines that, having previously departed from Bradley International Airport, have returned to Bradley International Airport for emergency or precautionary reasons, and (C) training flights; provided, however, that to the extent that the number of training flights operated by an Air Carrier during any calendar year exceeds five percent (5%) of the total number of Revenue Aircraft Arrivals of such Air Carrier during such calendar year, such excess shall be treated as Revenue Aircraft Arrivals.

(28) “Short Term Lease” means month to month term lease agreement between the state, through the Department of Transportation, and Air Carrier providing for the use and occupancy of the Airfield Area, Terminal Building and Apron Areas at Bradley International Airport.

(29) “Signatory Airlines” means all certificated Air Carriers providing scheduled passenger service at the Airport and occupying space within the Terminal Building under Short Term Leases or as subtenants thereof, and all air cargo carriers with direct agreements with the State Department of Transportation providing for the development and use of cargo facilities at Bradley International Airport and subtenants thereof.

(30) “Terminal Building” means the Airport Terminal Building as it now exists and as it hereafter may be enlarged, improved or renovated, all as more fully described in the Airport Master Plan.

(31) “Terminal Building Rentals” means the rental fees imposed on the Signatory Airlines with respect to their use of Terminal Building facilities, as provided in subdivision (3) of subsection (i) of this section.

(32) “User” means with respect to Bradley International Airport facilities, any Signatory Airline and any other person or entity having the right to utilize such facilities by virtue of applicable law, regulation, a lease or other arrangement, but shall not include passengers, patrons, visitors or guests.

(b) **Landing area fees.** Landing area fees, as set forth on Exhibits A(1), A(2), and A(3) apply to all aircraft with the following exemptions:

(1) Air Carriers under agreement with the State of Connecticut and operating from and to the airport in question;

(2) Aircraft either owned by or leased to and operated by a fixed base operator or a multiple services operator at the state airport which aircraft are covered by the operators agreement with the State;

(3) All aircraft operated by students on recognized cross-country training flights for a private or commercial pilot’s certificate;

(4) All aircraft making use of the airport for official business with the Connecticut Department of Transportation, Bureau of Aeronautics;

(5) Non-revenue producing aircraft piloted by an individual holding a Recreational Pilot Certificate issued pursuant to 14 CFR 61.5(a)(1)(ii) or Private Pilot Certificate issued pursuant to 14 CFR 61.5(a)(1)(iii), respectively, and which is engaged in the exercise of Recreational Pilot privileges and limitations as defined in 14 CFR 101 or Private Pilot privileges and limitations as defined in 14 CFR 113;

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(6) Any aircraft making use of the airport for maintenance or overhaul service by the fixed base operator or multiple services operator;

(7) All aircraft owned or operated by persons, corporations, partnerships or other entities or their affiliates who have lease or other agreements with the State for the use of State airports which lease or other agreements contain provisions that govern or exempt landing area use fees;

(8) Any aircraft making use of the airport for maintenance or overhaul service by persons, corporations or companies who have lease or other agreements with the State which aircraft have been manufactured by said persons, corporations or companies or their affiliates.

Exhibit A (1)

Landing Fees by Airport for all business, corporate, or revenue producing aircraft. See Notes 1 and 4.

FAA Approved Max. Land- ing Weight Class	Bradley In- ternational Airport Each Land- ing Area Use Fee See Note	Hartford-Brainard Groton-New Lon- don Oxford Each Landing Area Use Fee	Windham Danielson Each Landing Area Use Fee
Up to 5,999 lbs.	(2)	8.00	8.00
6,000 lbs. to 12,499 lbs.	(2)	8.00	8.00
12,500 lbs. to 24,999 lbs.	(2)	10.00	10.00
25,000 lbs. to 29,999 lbs.	(2)	12.00	12.00
30,000 lbs. to 39,999 lbs.	(2)	14.00	14.00
40,000 lbs. to 49,999 lbs.	(2)	16.00	16.00
50,000 lbs. to 74,999 lbs.	(2)	22.00	22.00
75,000 lbs. to 99,999 lbs.	(2)	30.00	30.00
100,000 lbs. to 129,999 lbs.	(2)	40.00	40.00
130,000 lbs. to 149,999 lbs.	(2)	45.00	45.00
150,000 lbs. to 199,999 lbs.	(2)	60.00	60.00
200,000 lbs. and up See Notes	(2)	(3)	(3)

NOTE: (1) Fees shall be determined by weight listed in FAA type certificate data sheet.

(2) (a) The itinerant landing fees at Bradley International Airport for those Air Carriers which do not have written agreements with the State Department of Transportation or

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business, corporate or other revenue producing aircraft shall be levied at a 60% higher rate than the rates set forth in the executed long term agreements with Air Carriers which expire on June 30, 2011, and effective July 1, 2011, at a 60% higher rate than the rates established in accordance with subdivision (4) of subsection (i) of this section. In either case, the Department of Transportation shall publish the itinerant rates not less than 30 days before the effective date of any new rates.

(b) Air Carriers with agreements other than those expiring on June 30, 2011 shall pay no more than 150% nor less than 110% of the rates applicable to those Air Carriers with agreements expiring on June 30, 2011. Each such agreement shall be negotiated with the State.

(c) Effective July 1, 2011, after expiration of said long term agreements with the State, all Landing Fees for Bradley International Airport shall be established in accordance with subdivision (4) of subsection (i) of this section.

(3) Fifty cents per 1,000 lbs. Certified Maximum Gross Landing Weight.

(4) Aircraft requiring services from the State not normally available at the airport or after normal working hours shall be billed for the direct costs of the required services. These fees can be obtained from the airport manager and the required services should be arranged for at least 8 hours in advance.

Exhibit A (2)

Use of the international facilities at Bradley International Airport by supplemental, charter, international and diversion flights and all Air Carriers using the international facility that do not have agreements with the State Department of Transportation. See Notes (1), (2) and (3).

FAA Approved Max. Landing Weight	Landing Fee	Ramp Gate Area Use & Facility Charge Arrive or Depart	Ramp Gate Area Use & Facility Charge Arrive and Depart
12,000 lbs. or less	See A (1)	\$ 25.00	\$ 40.00
Over 12,500 lbs. but less than 50,000 lbs.	See A (1)	40.00	50.00
50,000 – 99,999 lbs.	See A (1)	270.00	355.00
100,000 lbs. - 149,999 lbs.	See A (1)	320.00	410.00
150,000 lbs. - 249,999 lbs.	See A (1)	410.00	540.00
250,000 lbs. - 349,999 lbs.	See A (1)	480.00	670.00
350,000 lbs. - 499,999 lbs.	See A (1)	570.00	760.00

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500,000 lbs. and up	See A (1)	670.00	890.00
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NOTE: (1) Fees shall be determined by weight listed in FAA type certificate data sheet.

(2) All International arrivals shall use International facilities.

(3) Ramp gate area & facility charge arrive and depart – shall be charged when inbound flights depart with new outbound passenger load.

Exhibit A (3)

Use of international facilities, Bradley International Airport. See Notes (1), (2), (3) and (4).

Fees for Air Carriers with agreements at Bradley International Airport that are required to use the international facilities for international flights.

FAA Approved Max. Landing Weight	Landing Fee	Ramp Gate Area Use & Facility Charge Arrive or Depart	Ramp Gate Area Use & Facility Charge Arrive and Depart
12,500 lbs. or less	Per Lease Agreement	\$ 16.00	\$ 35.00
Over 12,500 lbs. but less than 49,999 lbs.	Per Lease Agreement	24.00	50.00
50,000 – 99,999 lbs.	Per Lease Agreement	242.00	400.00
100,000 lbs. - 149,999 lbs.	Per Lease Agreement	258.00	460.00
150,000 lbs. - 249,999 lbs.	Per Lease Agreement	338.00	520.00
250,000 lbs. - 349,999 lbs.	Per Lease Agreement	443.00	600.00
350,000 lbs. - 499,999 lbs.	Per Lease Agreement	483.00	690.00
500,000 lbs. and up	Per Lease Agreement	564.00	770.00

NOTE: (1) Fees shall be determined by weight listed in FAA type certificate data sheet.

(2) All International arrivals shall use the International facilities.

(3) Domestic and international Air Carriers that lease space in, or enter preferential use agreements for, the international facilities shall be exempt from the exhibit A (3) schedule, but shall be required to pay fees according to the terms of their specific lease or preferential

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use agreement. All other Air Carriers with lease agreements shall conform to exhibit A (3).

(4) Ramp gate area use and facility charge arrive and depart — shall be charged when inbound flights depart with new outbound passenger load.

(c) **Parking area use fee (short term) Bradley International Airport.**

See Note (1), (2) and (3).

Weight Class	Business, Corporate or Revenue Producing Aircraft 24 Hour Rate or Fraction Thereof	Non-Revenue Produc- ing Aircraft 24 Hour Rate or Fraction Thereof
Up to 5,000	\$20.00	\$17.00
5,000 to 12,500	\$35.00	\$30.00
12,500 to 25,000	\$50.00	\$40.00
25,000 to 30,000	\$75.00	\$50.00
30,000 to 40,000	\$100.00	\$60.00
40,000 to 50,000	\$125.00	\$70.00
50,000 to 60,000	\$150.00	\$80.00
60,000 to 70,000	\$175.00	\$90.00
over 70,000	\$200.00	\$100.00
All Helicopters	\$40.00	\$35.00

(1)

NOTE: (1) All non-revenue aircraft up to 5,000 lbs. – one hour free parking.

(2) Air Carriers with long term agreements with the State, which expire on June 30, 2011 shall be allowed parking away from their gates without a fee for up to 24 hours, or in the event of a mechanical problem.

(3) Effective July 1, 2011, Air Carriers requiring parking away from their gates shall enter into agreement with the State Department of Transportation providing for same. In the absence of such agreement, the parking area use fee (short term) for Bradley International Airport stated in the above exhibit shall apply.

(d) **Parking area use fee (long term—one month or more) Bradley International Airport.**

Monthly parking rate for non-revenue producing aircraft.

Weight Class	<u>Monthly Rate Per Plot</u>	
	Unpaved	Paved
Up to 5,000	\$ 65.00	\$ 75.00
5,000 to 12,500	75.00	105.00

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12,500 to 25,000	105.00	145.00
25,000 to 30,000	125.00	175.00
30,000 to 40,000	145.00	205.00
40,000 to 50,000	175.00	235.00
50,000 to 60,000	210.00	260.00
60,000 to 70,000	325.00	375.00
Over 70,000	475.00	625.00
All helicopters	100.00	150.00

(e) Parking area use fee (long-term—one month or more) Hartford-Brainard, Oxford, Groton-New London, Windham, Danielson Airports

Monthly parking rate for non-revenue producing aircraft.

Monthly Rate Per Plot

Hartford-Brainard Oxford

Weight Class	Groton-New London		Danielson Windham	
	Unpaved	Paved	Unpaved	Paved
Up to 5,000	\$ 40.00	\$ 55.00	\$ 25.00	\$ 40.00
5,000 - 12,500	50.00	75.00	30.00	50.00
12,500 - 25,000	60.00	85.00	40.00	60.00
25,000 - 30,000	75.00	100.00	50.00	75.00
30,000 - 40,000	90.00	115.00	55.00	85.00
40,000 to 50,000	105.00	140.00	65.00	95.00
Over 50,000	130.00	165.00	75.00	105.00

(f) Parking area use fee (short-term) Hartford-Brainard, Groton-New London, Waterbury-Oxford, Windham, Danielson Airports.

Weight Class	<u>24-Hour Rate or Fraction Thereof</u>	Danielson Windham
	<u>Hartford-Brainard Oxford</u>	
	Groton-New London	
Up to 5,000	\$7.00	\$5.00
5,000 to 12,500	8.00	6.00
12,500 to 25,000	10.00	7.50
25,000 to 30,000	12.00	10.50
30,000 to 40,000	18.00	15.00

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40,000 to 50,000	20.00	16.50
Over 50,000	28.00	25.00
All Helicopters	15.00	10.00

(g) **Ramp gate area limitations.** Aircraft shall use designated gate parking positions for the unloading or loading of passengers and/or cargo and are subject to parking limitations as follows:

- (1) If a combination of unloading and loading passengers and/or cargo—one hour.
- (2) If only unloading passengers and/or cargo—40 minutes.
- (3) If only loading passengers and/or cargo—40 minutes.

(4) Penalties—The operator of said aircraft shall be charged for parking at said locations at the rate of \$ 70.00 for each thirty minutes or fraction thereof beyond the period provided for in subdivisions (1), (2) and (3) of subsection (f) of this section unless an extension of time is granted by the commissioner or his designated representative.

(h) **Aircraft refueling diversions**—Bradley International Airport. Air Carriers using aircraft in the over 90,000 pound gross landed weight category and not having an agreement with the State Department of Transportation shall be charged \$ 350.00 for ramp space during the refueling process plus applicable landing fees. (see Exhibit A (1)).

Air Carriers using aircraft in the 0—90,000 pound gross landed weight category and not having an agreement with the State Department of Transportation shall be charged \$ 200.00 for ramp space during the refueling process plus applicable landing fees (see Exhibit A (1)).

(i) **Rates and Charges for use of Bradley International Airport effective July 1, 2011.**

(1) The State shall not consent to a hold over tenancy of any Air Carrier under the terms of the Air Carrier Operating Agreement between the State and certain Signatory Airlines expiring June 30, 2011 (Signatory Agreement). Effective July 1, 2011, each Air Carrier providing scheduled passenger service at Bradley International Airport shall be permitted to enter into short term (month to month) lease agreements with the State, through its Department of Transportation, providing for the use and occupancy of the Airfield Area, Terminal Building and Apron Areas it occupies as of that date, or at the discretion of the Commissioner of Transportation, such other areas designated by the Commissioner of Transportation, hereinafter the “Short Term Lease”. The rents, fees and charges due under such Short Term Lease shall be as set forth in subsection (i) of this section, and such rents, fees and charges, and budget development procedures set forth in subdivision (12) and (13) of subsection (i) shall remain in effect until such time as the State and the Air Carriers agree to terms, including appropriate rents, fees and charges for said areas, and execute new Preferential Use Agreements.

(2) Air Carriers providing scheduled passenger service at Bradley International Airport pursuant to the Short Term Lease shall pay the Terminal Building Rentals, Landing Fees, Baggage Claim Area Charges, Apron Area Rentals, Jet Bridge, Baggage Conveyor and Tenant Fit Out charges set forth below. Upon execution of the Preferential Use Agreements to include Terminal Building Rentals, Landing Fees, Baggage Claim Area Charges, Apron

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Area Rentals, Jet Bridge, Baggage Conveyor and Tenant Fit Out charges, said Preferential Use Agreements shall be controlling and subsection (i) of this section shall have no force or effect.

(3) Terminal Building Rentals.

(A) In establishing Terminal Building Rentals with respect to each Airport Fiscal Year, the State shall divide Gross Space into total budgeted Operating Expenses Properly Allocable to the Terminal Building Cost Center for such year, and the resulting value shall be multiplied by a factor of 1.10 to determine a cost per square foot of Gross Space in the Terminal Building, provided, however, that the rate for major functional sub-components of the Terminal Building including, but not limited to unit terminals, concourses, gate areas and areas occupied exclusively by the Signatory Airlines, as determined by the Commissioner of Transportation, may include the Annual Debt Service incurred with respect to the Construction Cost of such sub-components as determined by the Commissioner of Transportation and provided further that Annual Debt Service incurred with respect to the Construction Cost of such sub-components as may be decommissioned by the Commissioner of Transportation in anticipation of demolition pursuant to the Capital Improvement Program shall be Properly Allocable to the sub-components that remain in use. The applicable cost per square foot so calculated shall be multiplied by the total Terminal Building space to be occupied and used by each Signatory Airline during such year in order to determine the Terminal Building Rentals due from each Signatory Airline.

(B) Effective July 1, 2011, any Air Carrier or User that has a written agreement with the State Department of Transportation referring to the Signatory Agreement as the basis upon which terminal building rental rates are computed under the terms of such agreement shall pay the Terminal Building Rentals in accordance with subdivision (1) of subsection (i).

(4) Landing Fees.

(A) The Landing Fees payable by each Signatory Airline shall be determined by multiplying the Landing Fee coefficient defined below for the then current Airport Fiscal Year times the Signatory Airline's total landed weight at Bradley International Airport (i.e., the total Revenue Aircraft Arrivals times Maximum Landing Weight for each such arrival). The Landing Fee coefficient for each Airport Fiscal Year shall be calculated as follows, based on the estimated figures included in the Airport Operating Budget for such Airport Fiscal Year:

(i) Total aircraft arrivals for all Signatory Airlines shall be stated as a percentage of total aircraft arrivals for all Users of the Airport (the "frequency factor");

(ii) Total gross landed weight (i.e., total aircraft arrivals times Maximum Landing Weight for each such arrival) for all Signatory Airlines shall be stated as a percentage of total gross landed weight for all Users of the Airport (the "weight factor");

(iii) The total costs and expenses properly allocable to the Airfield Area Cost Center under the Airport Operating Budget shall be multiplied by the expression $[.35 \times \text{weight factor} + .65 \times \text{frequency factor}]$, to arrive at the Signatory Airlines' total share of such costs and expenses Allocable Cost");

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(iv) The allocable cost shall be divided by the total landed weight for all Signatory Airlines and the resulting value multiplied by a factor of 1.10 to arrive at the Landing Fee coefficient.

(B) Mid Year Adjustment Provision. If, in any Airport Fiscal Year, actual Landing Fees received shall be at least 10% lower than the amount budgeted therefore for the period ending October 31st, then the Commissioner shall adjust the Landing Fee coefficient determined above by such amount as may be necessary to correct such shortfall in Landing Fees. Any adjusted Landing Fee coefficient shall be effective as of January 1st during such fiscal year.

(C) Itinerant Landing Fees. Unless otherwise stated in a written agreement with the State Department of Transportation, all Air Carriers and Users that are not Signatory Airlines shall pay Itinerant Landing Fees. Itinerant Landing Fees shall be established at Bradley International Airport for those Air Carriers which do not have Short Term Leases or Preferential Use Agreements with the State Department of Transportation. Itinerant Landing Fees shall be levied at a 60% higher rate than the rates set forth in subdivision (4) of subsection (i) of this section.

(D) Effective July 1, 2011, any Air Carrier or User that has a written agreement with the State Department of Transportation referring to the Signatory Agreement as the basis upon which landing fees are computed under the terms of such agreement shall pay the applicable landing fee in accordance with subdivision (4) of subsection (i) of this section.

(5) Baggage Claim Area Charges. The total Baggage Claim Area Charges for each Baggage Claim Area shall be determined by multiplying the total square footage of such Baggage Claim Area times the cost per square foot of Gross Space calculated pursuant to subdivision (3) of subsection (i). Each Signatory Airline shall be responsible for a share of such costs allocable to each Baggage Claim Area which it utilizes based on the following formula: Twenty percent (20%) of the total costs allocable to each such Baggage Claim Area shall be divided equally among all Users of such Baggage Claim Area and the remaining eighty percent (80%) of such costs shall be allocated to such Users in proportion to the number of enplaning passengers attributable to each User as a percentage of the total number of enplaning passengers attributable to all Users, for the preceding month.

(6) Apron Area Rentals. In establishing Apron Area Rental rates with respect to each Airport Fiscal Year, the state shall divide the total linear feet of the Apron Area, measured along a line located one hundred feet (100') perpendicularly from the face of the Terminal Building, into the total Operating Expenses properly allocable to the Apron Area Cost Center for such Airport Fiscal Year, and the resulting value shall be multiplied by a factor of 1.10 to determine a cost per linear foot of Apron Area space. Annual Debt Service incurred with respect to the Construction Cost of Apron Area decommissioned by the Commissioner of Transportation in anticipation of demolition pursuant to the Capital Improvement Program shall be Properly Allocable to the Apron Area that remains in use. The cost per linear foot so calculated shall be multiplied by the total linear feet of Apron Area to be used by each Signatory Airline during such Airport Fiscal Year.

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(7) Jet Bridge Charges. Each Signatory Airline occupying a jet bridge funded by the Airport's Series 2001 A General Airport Revenue Bonds shall pay to the State a Properly Allocable share of the debt service payments associated with such Series 2001 A General Airport Revenue Bonds ("Jet Bridge Charges"). Unless otherwise agreed in writing between the Commissioner of Transportation and a Signatory Airline, in establishing the annual Jet Bridge Charges, the state shall divide the total debt service Properly Allocable to the cost of acquiring and installing such jet bridges over the term of the Series 2001 A Bonds by a thirteen (13) year term for the collection of such debt service, the annual charge so calculated to remain in effect until such total debt service payments have been fully collected. In addition to such Jet Bridge Charges, each Signatory Airline shall pay the direct cost of electric service provided to all jet bridges at the Airport and the direct cost of all repair and maintenance service provided by the Airport for such jet bridges ("additional Jet Bridge Charges").

(8) Baggage Conveyor Charges. Each Signatory Airline using the baggage conveyor system funded by the Airport's Series 2001 A General Airport Revenue Bonds shall pay to the state a Properly Allocable share of the debt service payments associated with such Series 2001 A General Airport Revenue Bonds ("Baggage Conveyor Charges"). Unless otherwise agreed in writing between the Commissioner of Transportation and a Signatory Airline, in establishing the total annual Baggage Conveyor Charges, the state shall divide the total debt service payments Properly Allocable to the cost of acquiring and installing the baggage conveyor systems due over the term of the Series 2001 A Bonds by a thirteen (13) year term for the collection of such debt service, the annual charge so calculated to remain in effect until such total debt service payments have been fully collected. Each Signatory Airline shall be responsible for a share of such total Baggage Conveyor Charges based on the formula outlined in subdivision (5) of subsection (i) In addition to such Baggage Conveyor Charges, each Signatory Airline shall pay its proportionate share, based on the formula outlined in subdivision (5) of subsection (i), of the direct cost of all repair and maintenance service provided by the Bradley International Airport for baggage conveyor systems ("additional Baggage Conveyor Charges").

(9) Tenant Fit Out Charges. Each Signatory Airline occupying exclusive space, the finish and fit out of which was funded by Bradley International Airport's Series 2001A General Airport Revenue Bonds, shall pay to the state a Properly Allocable share of the debt service payments associated with such Series 2001A General Airport Revenue Bonds ("Tenant Fit Out Charges"). Unless otherwise agreed in writing between the Commissioner of Transportation and a Signatory Airline, in establishing the annual Tenant Fit Out Charges, the state shall divide the total debt service payments Properly Allocable to the cost of such finish and fit out work due over the term of the Series 2001 A Bonds by a fifteen (15) year term for the collection of such debt service, the annual charge so calculated to remain in effect until such total debt service payments have been fully collected.

(10) Monthly Payments and Reports.

(A) Each Signatory Airline shall pay to the state on the first (1st) day of each month in

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advance the Terminal Building Rentals, Apron Area Rentals, Jet Bridge Charges and Tenant Fit Out Charges payable to the State, in an amount equal to one-twelfth (1/12) of its annual charge for the current Airport Fiscal Year.

(B) Each Signatory Airline shall pay to the State on the fifteenth (15) day of each month, in arrears, the preceding month's Landing Fees. Such landing fee payment shall be transmitted along with a report including (i) the Revenue Aircraft Arrivals by type of aircraft and (ii) the number of enplaning passengers, for such preceding month. In addition, not less than one hundred and twenty (120) days prior to the commencement of each Airport Fiscal Year, each Signatory Airline shall provide the State with an estimate of its total landed weight for the next ensuing Airport Fiscal Year.

(C) Each Signatory Airline shall pay to the State, upon invoicing by the state each month in arrears, the preceding month's Baggage Claim Area Charges, Baggage Conveyor Charges and additional Baggage Conveyor Charges. Said charge shall be computed by the state based on the number of enplaning passengers included in each Signatory Airline's monthly report required under subparagraph (B) of subdivision (10) of subsection (i) of this section. In the event that figures as to the number of enplaning passengers for any month are unavailable then the state may compute the Baggage Claim Area Charges, Baggage Conveyor Charges and additional Baggage Conveyor Charges based on the number of enplaning passengers for the most recent month for which certified figures are available.

(D) Each Signatory Airline shall pay to the state, upon invoicing by the state each month in arrears, the preceding month's additional Jet Bridge Charges.

(E) Acceptance of any payment due to the state shall not preclude the state from questioning the accuracy of any data submitted by any Signatory Airline. The state shall be entitled, upon reasonable notice, to examine that portion of the books and records of any Signatory Airline as is relevant for the purpose of ascertaining the correctness of the amount paid or to be paid to the state.

(F) If any Signatory Airline shall fail to make any payment due not less than thirty (30) days after the date due and payable, then a late penalty at the rate of one and one-half percent (1 1/2%) per month for any month or part of a month shall be due and payable on the amount in arrears. Payments received when an arrearage exists shall be applied first to payment of the late penalty imposed under subparagraph (F) of subdivision (10) of subsection (i) of this section, then to payment of arrearages, and finally to the payment of current obligations.

(G) Each Signatory Airline shall make all payments to the state by check made payable to the "Treasurer, State of Connecticut" and addressed to the Connecticut Department of Transportation, Bureau of Finance & Administration, Revenue Accounting, Aviation & Ports, 2800 Berlin Turnpike, PO Box 317546, Newington, Connecticut 06131-7546.

(11) Annual Carry Forward of Expense Surpluses and Deficits. If in any Airport Fiscal Year the state shall fail through the imposition of the rates, rents, fees and charges provided for hereunder to recover the full amount of the actual Operating Expenses Properly Allocable to the Signatory Airlines during such Airport Fiscal Year on account of their use of the facilities of Bradley International Airport, then the state shall be entitled to carry

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forward the amount of this deficit as an additional item of allocable cost in computing the schedule of rates, rents, fees and charges for the Airport Fiscal Year following the Airport Fiscal Year during which the final Airport Audit is received which reflects such deficit. Conversely, if in any Airport Fiscal Year the state shall recover through the imposition of the rates, rents, fees and charges provided for hereunder actual revenues exceeding the full amount of the actual Operating Expenses properly allocable to the Signatory Airlines during such Airport Fiscal Year on account of their use of the facilities of Bradley International Airport, then the state shall be required to carry forward the amount of this surplus as an offset to allocable costs in computing the schedule of rates, rents, fees and charges for the Airport Fiscal Year following the Airport Fiscal Year during which the final Airport Audit is received which reflects such surplus.

(12) Capital Improvements Subject to Majority-in-Interest Approval.

(A) Subject to the provisions of Section 15-101nn of the General Statutes, the state may take into account all Properly Allocable costs and expenses incurred in effecting Capital Improvements at the Bradley International Airport in determining the schedule of rates, rents, fees and charges applicable to the Signatory Airlines; provided, however, that no such cost or expense shall be charged to the Signatory Airlines unless such Capital Improvements are approved as part of the procedure for Adoption of Airport Operating Budget outlined in subdivision 13 of subsection (i) of this section. The state shall provide formal notification of proposed Capital Improvements including a description of such proposed Capital Improvement (including preliminary drawings and cost estimates), a brief statement of the need for such expenditure, the allocation of the Construction Cost of such Capital Improvement to the various Cost Centers, and a projection of the impact of such Capital Improvement on the rates, rents, fees and charges assessed to the Signatory Airlines. The following shall not be subject to approval by the Signatory Airlines:

- (i) Capital Improvements included in the approved Capital Improvement Program;
- (ii) Capital Improvements required by law, including without limitation public safety improvements required by (1) the FAA or (2) any similar governmental authority having jurisdiction over the operations of the Airlines or over the safety aspects of airports generally;
- (iii) The repair and rehabilitation of existing Airport property including casualty damage to Airport property;
- (iv) When requested by a Signatory Airline or by a financially responsible third party, a special facility which such Signatory Airline or third party has agreed in writing to lease from the state and with respect to which such Signatory Airline or third party shall pay rentals to the State sufficient to permit the special facility to be acquired, constructed, renovated, remodeled, administered, operated, maintained and repaired without affecting the Operating Expenses allocable to the Signatory Airlines;
- (v) Any Capital Improvement to the Airfield Area Cost Center and Apron Area Cost Center, not included in the then applicable Airport Operating Budget, the cost of which does not exceed \$250,000, provided that the aggregate cost of Capital Improvements undertaken

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pursuant to this subparagraph shall not exceed \$500,000 in any Airport Fiscal Year;

(vi) Any Capital Improvement to the Terminal Building Cost Center, not included in the then applicable Airport Operating Budget, the cost of which does not exceed \$75,000, provided that the aggregate cost of Capital Improvements undertaken pursuant to this subparagraph shall not exceed \$150,000 in any Airport Fiscal Year;

(vii) Any passenger terminal and associated facilities and systems which are prudent and necessary to accommodate any additional airline company at the Airport.

(B) The State shall consult with the Signatory Airlines prior to undertaking any Capital Improvement under subparagraph (A)(i) through (A)(vii) but no approval of any Signatory Airline shall be required as a condition precedent thereto.

(13) Adoption of Airport Operating Budget.

(A) Not less than ninety (90) days prior to the beginning of each Airport Fiscal Year, the state shall provide each Signatory Airline with a copy of its proposed Airport Operating Budget for such ensuing Airport Fiscal Year, which proposed Airport Operating Budget shall incorporate (i) details of operating and non operating revenues and expenses including any carry forward of surplus or deficit required under subdivision (11) of subsection (i); (ii) a schedule of rates, rents, fees and charges for such Airport Fiscal Year; (iii) estimates made by the state of total arrivals, total Revenue Aircraft Arrivals and total enplaning passengers for each Signatory Airline and for all Users, for such Airport Fiscal Year; and (iv) a schedule of Capital Improvements subject to or not subject to Majority-In-Interest approval including the information outlined in subdivision (12) of subsection (i) of this section.

(B) The Signatory Airlines shall review such proposed Airport Operating Budget and provide their comments to the State not less than sixty (60) days prior to the beginning of the ensuing Airport Fiscal Year. In connection with such review, the state shall provide each of the Signatory Airlines with such reasonably detailed figures and estimates as they may request which serve as the basis for the proposed Airport Operating Budget and such schedule of rates, rents, fees and charges.

(C) Not less than forty-five (45) days prior to the beginning of each Airport Fiscal Year, the Signatory Airlines shall vote to approve or disapprove of the Airport Operating Budget. A Signatory Airline shall be deemed to have approved of the Airport Operating Budget in the absence of written disapproval provided to the Commissioner. If, within such forty-five (45) days, a Majority-in-Interest of the Signatory Airlines does not approve of the Airport Operating Budget, then such Signatory Airline or Airlines shall be entitled to meet with the Commissioner of Transportation to discuss such disagreement.

(D) Subject to the provisions of Section 15-101nn of the General Statutes, if, after a meeting held pursuant to subparagraph (C) of subdivision (13) of subsection (i) of this section, a Majority-in-Interest of the Signatory Airlines does not approve the resulting proposed Airport Operating Budget not less than thirty-five (35) days prior to the beginning of the Airport Fiscal Year, the Commissioner of Transportation may do one of the following:

(i) adjust the Airport Operating Budget including rates, rentals, fee and charges to a point

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where a Majority-in-Interest of the Signatory Airlines approve; or

(ii) adopt said Airport Operating Budget including rates, rentals, fees and charges, which shall be fully effective under regulation, and collected from the Signatory Airlines, and in such event, the Signatory Airlines may pursue their rights, if any, to any remedies they may have, and to protest, under applicable law, said rates, rentals, fees and charges.

(Effective June 28, 1989; Amended August 9, 2005; Amended March 9, 2011)

Sec. 15-41-46—15-41-50.

Reserved.

Sec. 15-41-51. Temporary use of International Wing at Bradley International Airport for domestic flights

The International Wing at Bradley International Airport shall be open to use by domestic carriers with the ramp gate area use and facility charge specified in Section 15-41-45 waived, if in the opinion of the Commissioner of the Department of Transportation such use is required in the interest of public health, welfare and safety. The normal domestic carrier charges will not be affected hereby.

(Effective May 10, 1974)

Sec. 15-41-52—15-41-60.

Reserved.

Regulations to Improve and Expand Safety and Security Measures at Bradley International Airport

Sec. 15-41-61—15-41-66. Repealed

Repealed November 5, 1999.

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Agency

Commissioner of Transportation

Subject

**New Construction and Changes to Present Public Service Company Overhead Lines
Within an Airport Runway Clear Zone**

Inclusive Sections

§§ 15-74b-1—15-74b-2

CONTENTS

Sec. 15-74b-1.	Definitions
Sec. 15-74b-2.	Permit for lines within one-half mile of runway

**New Construction and Changes to Present Public Service Company Overhead Lines
Within an Airport Runway Clear Zone**

Sec. 15-74b-1. Definitions

(a) “Public Airport” means any state or municipality owned airport, restricted landing area or other air navigational facility or any facility licensed by the commissioner of transportation under section 13b-46 except any privately owned airport, restricted landing area or other navigational facility unless the same has been on file with the Federal Aviation Administration for a period of at least two (2) years and designated by it as a facility open to the public.

(b) “Clear Zone” means an area extending for up to one-half mile from the end of runway which begins at the end of each primary surface and extends with the width of each approach surface to terminate directly below each approach surface slope at the point or points where the slope reaches a height of fifty (50) feet above the elevation of the runway end or fifty (50) feet above the terrain at the outer extremity of the clear zone, whichever distance is shorter.

(c) “Primary Surface” means surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having nonprecision instrument approaches.
- (3) For other than utility runways the width is: (i) 500 feet for visual runways having only visual approaches. (ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile. (iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) “Approach Surface” means surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of: (i) 1,250 feet for that end of a utility runway with only visual approaches; (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches; (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach; (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a

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nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and (vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of: (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways; (ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) “Public Service Company” includes railroad, street railway, electric, gas, telephone, telegraph, pipeline, sewage, water and community antenna television companies, owning, leasing, maintaining, operating, managing, or controlling plants or parts of plants or equipment, and all express companies having special privileges on railroads or street railways within this state, but shall not include towns, cities, boroughs or any municipal corporation or department thereof, whether separately incorporated or not, and as further defined under section 16-1.

(Effective January 16, 1974)

Sec. 15-74b-2. Permit for lines within one-half mile of runway

In the interest of flight safety, no public service company shall erect, recable, or reconstruct any overhead lines or associated facility within one-half mile of any airport runway, without the written permission of the commissioner of transportation. Requests for such authority shall be made in writing at least ninety (90) days prior to the proposed construction, rehabilitation or erection of the lines or facility.

(Effective January 16, 1974)

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Sec. 15-99-1—15-99-2.

Disapproved, June 1, 1965. (H.J.R. 187)

See Reg. 19-300e-1, et seq.

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Sec. 15-121-D1a—15-121-D1c.	Transferred
Sec. 15-121-D1d.	Repealed
Sec. 15-121-D1e.	Repealed
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Sec. 15-121-D2a. Repealed
Sec. 15-121-D2b—15-121-D2c. Transferred

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Sec. 15-121-A1. Definitions

As used in sections 15-121-A2 to 15-140j-3, inclusive, unless the context otherwise requires:

(a) “Marker” means either a floating or a fixed object to be used to aid or regulate waterway traffic. There shall be three types of markers: regulatory, navigational and special purpose.

(b) “Steerage speed” means the minimum speed necessary to allow a vessel to be steered while making forward progress.

(c) “Bow” means the forward half of a vessel.

(d) “Hull” means the outside body of a vessel exclusive of the deck or any superstructure, masts, or rigging.

(e) “Emergency” means a situation in which life, limb, or property are at imminent and serious risk.

(f) “Commissioner” means the Commissioner of Environmental Protection.

(g) “Person” means any individual, partnership, firm, association, corporation or other entity.

(h) “Town” includes city, town, borough or any other political subdivision of the state.

(i) “PFD” means personal flotation device bearing a United States Coast Guard approval number which indicates the performance type of the device.

(j) “Slow-No-Wake” means that a vessel shall not produce more than a minimum wake and shall not attain speeds greater than 6 miles per hour over the ground unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger of injury to persons, or will damage vessels or structures of any kind.

(k) “Federal waters” means the navigable waters of the United States, as defined by 33 CFR 2.36(a), within the territorial limits of the state.

(l) “State waters” means all waters within the territorial limits of the state except federal waters.

(m) “Waters of the state” means all waters, including federal waters, within the territorial limits of the state.

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

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

(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

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equipment.

(Effective April 23, 1993; Amended September 8, 1998; Amended March 9, 2004; Amended January 3, 2007; Amended July 8, 2011)

Sec. 15-121-A2. Regulatory markers

(a) There shall be two types of regulatory markers, three dimensional markers and two dimensional markers. For the purpose of sections 15-121-A3 to 15-121-A5, inclusive, a three dimensional marker shall be called a buoy and a two dimensional marker shall be called a beacon. Regulatory markers shall be of a size, shape, color and materials as designated in this section and approved by the commissioner upon application.

(b) A regulatory buoy shall be cylindrical in shape above its waterline. Colors on the buoy shall be white and reflective international orange. Two horizontal bands of reflective international orange shall be placed on the buoy, one at the top and one near the bottom but above the waterline, each being a minimum of three inches in width. The area in between these two bands shall be white, and shall contain the appropriate symbol of the regulation specified in subsection (d) of this section.

(c) A regulatory beacon shall be square or rectangular in silhouette. A band of reflective international orange of at least three inches shall form the outside border of the beacon. The area within the border shall be white, and shall contain the appropriate symbol of regulation specified in subsection (d) of this section.

(d) The appropriate symbol of regulation, in reflective international orange color, shall be centered on the white portion of a regulatory buoy or beacon as follows:

- (1) a vertical open-faced diamond to mean danger;
- (2) a vertical open-faced diamond having a cross in its center meaning that vessels are excluded absolutely from the marked area;
- (3) an open-faced circle meaning that a vessel operated within the marked area is subject to certain operating restrictions;
- (4) a square or rectangle with lettering on the inside giving directions or information.

(e) Numbers, letters and words shall be used on both regulatory buoys and regulatory beacons and may state the statutory or regulatory authority of or clarify the specific meaning of the marker. Such numbers, letters and words shall be black, of plain block style, well proportioned and of sufficient size to be visible from one hundred feet. When letters are used to identify regulatory markers, the identifying letters shall follow alphabetical sequence and the letters I and O shall be omitted to prevent confusion with numbers.

(Effective May 19, 1994; Amended March 9, 2004)

Sec. 15-121-A3. Special purpose markers

(a) **Anchorage or mooring area buoy.** An anchorage or mooring area buoy shall designate areas where boats may be anchored or moored. An anchorage or mooring area buoy shall be white, except that yellow buoys shall be used to mark quarantine anchorage areas. White buoys with a clearly visible horizontal blue band around the circumference of

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the buoy centered midway between the top of the buoy and the waterline shall be used to mark individual vessel moorings.

(b) **Diver's flag.** A diver shall mark his position with a diver's flag. The diver's flag shall be two sided and shall be of stiff material or fitted with stiffener(s) or batten(s) so that it remains unfurled. It shall consist of a red background not less than thirteen inches in height by fifteen inches in width with a white diagonal stripe not less than three inches in width running downward from the top corner of the flag where attached to the staff to the opposite lower corner. On flags so used to indicate the presence of a submerged diver between sunset and sunrise, the white diagonal stripe shall be of reflectorized material. The diver's flag shall be made of nylon, plastic, or other waterproof material and shall be supported by a stiff mast not less than twenty inches in length. Each mast shall be fixed to the boat from which divers are operating or to a float of sufficient size and stability to support the masted flag in a vertical upright position.

(c) Not more than four persons shall use the same diver's flag simultaneously, except when engaged in underwater swimming or diving from an anchored vessel displaying such flag in which case the number of persons using the same flag shall be limited to the legal capacity of such vessel.

(Effective November 5, 1991; Amended September 8, 1998)

Sec. 15-121-A4. Navigational markers

(a) **Construction.** Navigational markers shall be buoys or beacons lighted or unlighted and whose size, shape, color and material are as designated in this section and approved by the Commissioner upon application.

(b) **Colors and purposes.**

(1) **Well defined channels.** Solid-green and solid-red colored buoys indicate well-defined channels. A red and a green buoy shall be installed at both ends of the channel. Any staggering of the green and red buoys shall be limited to instances where they are close enough together to eliminate any possible confusion, and they shall be installed in conformity with the buoys at the beginning of the channel. If numbers are used, such numbers shall be colored white and may be reflectorized. Odd numbers shall be used on green buoys and even numbers on red buoys. To distinguish the state uniform system from the federal lateral system, all numbered state uniform system navigational marker buoys shall have the prefix CT before the number. In cases where there are no numbers, the letters CT shall be painted white.

(2) **Channels not well-defined.** Where there is no well-defined channel, or where the obstruction is of such a nature or in such a location that it can be approached from more than one direction, a cardinal system shall be used, by using a white colored buoy with a red top or a white buoy with a green top, the width of the top color to be approximately one-third of the portion of the buoy showing above the water level. Navigation shall be to the south or west of the red-topped buoys, and to the north or east of the green-topped buoys. Numbers may be used on these buoys. If numbers are used, they shall be colored white and

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may be reflectorized and shall be placed in the top portion of the buoy. Odd numbers shall be used on green-topped buoys and even numbers on red-topped buoys. This subdivision pertains to state waters only.

(3) **Reflectorized material.** If reflectorized material or reflectors are used, the reflective color red shall be used on solid-red colored buoys and the reflective color green shall be used on solid-green colored buoys except where numbers are painted, in which case, the number's reflective color shall be white. All other buoys used in the cardinal system may have silver or white reflectors or reflectorized material.

(4) **Navigational lights.** All navigational lights shall be flashing; the color of the light lens shall be red for solid-red colored buoys, green for solid-green colored buoys and white for all other buoys.

(5) **Lights on bridges.** All lights on bridges shall be fixed red lights marking the edges of the safe channel with a single fixed green light placed over the center of the safe channel to indicate maximum vertical clearance at that point.

(Effective August 25, 1987; Amended March 9, 2004)

Sec. 15-121-A5. Permission required to place markers

(a) No person or town, shall place any regulatory or navigational marker except as authorized in this section.

(b) Any town desiring to place any regulatory or navigational marker in waters within its jurisdiction shall apply to the commissioner for authorization to place said markers.

(c) Any person desiring to place any regulatory or navigational marker shall apply to the commissioner for authorization to place said marker after having obtained signed approval from the chief executive authority of the town or designated lake authority in which said marker will be placed.

(d) Application for any such authorization shall be made on forms provided by the commissioner. A detailed map or drawing to a scale which readily depicts the marked area and its surroundings and shows the proposed location of each marker and its relation to nearby shores, channels and water traffic patterns shall accompany the application.

(e) Criteria for authorization shall include:

(1) Signed approval from the chief executive authority of the town or designated lake authority in which said marker will be placed;

(2) completeness, accuracy and detail of the application form;

(3) demonstrated need for the proposed markers;

(4) public safety considerations;

(5) environmental impact considerations;

(6) review for possible conflicts with various water use groups;

(7) visibility and durability of proposed markers;

(8) conformity with existing authorizations; and

(9) consistency with federal, state and local law.

(f) The commissioner may impose whatever conditions he deems necessary regarding

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an application for placement of regulatory or navigational markers pursuant to this section. If authorization from the commissioner has been granted, said markers shall be deemed lawfully placed, provided said markers are placed subject to any conditions set forth therein and in the manner specified by the authorization. If the commissioner finds authorized markers to be an obstruction or menace to navigation or a hindrance to public use of waters, he may revoke the authorization.

(Effective June 23, 1988; Amended September 8, 1998; Amended March 9, 2004; Amended January 3, 2007)

Sec. 15-121-A6. Marine parades, regattas, races, tournaments and exhibitions

(a) No marine parade, regatta, race, tournament, exhibition or other activity requiring exclusive use of a specified portion of a water body, use of a state boating access area, or modification or suspension of the statutory and regulatory requirements and restrictions set forth in subsection (c) of this section, shall be permitted on state waters except as authorized by a permit issued by the commissioner. A permit shall not be required, however, for a tournament authorized by a permit issued by the commissioner under section 26-112-42 of the Regulations of Connecticut State Agencies. The discharge of pyrotechnic displays where any part of the shooting platform or the spent shell safety fallout zone is over state waters shall be considered an exhibition.

(b) In accordance with 33 CFR Part 100, the commissioner may issue a permit for a marine parade, regatta, race, tournament, exhibition or other activity identified in subsection (a) of this section on federal waters, provided the United States Coast Guard has not approved or denied an application for such marine parade, regatta, race, tournament, exhibition or other activity identified in subsection (a) of this section. A marine parade, regatta, race, tournament, exhibition or other activity identified in subsection (a) of this section on federal waters requiring use of a state boating access area shall require a permit issued by the commissioner for authorization for such use.

(c) The commissioner may modify or suspend during a marine parade, regatta, race, tournament, exhibition or other activity identified in subsection (a) of this section the following statutory and regulatory requirements and restrictions:

(1) Numbering requirements may be modified or suspended pursuant to subdivision (5) of subsection (a) of section 15-143 of the Connecticut General Statutes.

(2) Safety devices and equipment requirements may be modified or suspended pursuant to section 15-130 of the Connecticut General Statutes.

(3) Waterskiing requirements may be modified or suspended pursuant to subsection (e) of section 15-134 of the Connecticut General Statutes.

(4) Speed and use restrictions may be suspended or modified pursuant to subsection (b) of section 15-121-B18 of the Regulations of Connecticut State Agencies.

(d) The person requesting permission to hold a marine parade, regatta, race, tournament, exhibition or other activity identified in subsection (a) of this section shall make application in duplicate on forms provided by the commissioner at least forty-five days prior to the date

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of the proposed event and shall provide the following information on the application:

- (1) The name and address of organization holding the event;
- (2) the nature and purpose of the event;
- (3) information as to general public interest;
- (4) the estimated number and types of spectator watercraft;
- (5) the time schedule and a description of events, with times that nonparticipating craft will be allowed to enter the area;
- (6) a chart or drawing showing the boundaries of the event and various watercourses or areas to be utilized by participants, officials, and spectator craft;
- (7) an explanation of the system used to mark off the area;
- (8) approval of the town official in charge of enforcement or the town official's designee who shall provide the event with patrols as he deems necessary; and
- (9) any desired modification or suspension of regulations mentioned above with the reasons for the request.

(e) The person obtaining permission to hold such event shall be responsible for safety in the event area and shall display during the event such warning flags or other marine event warning devices as specified in the permit so that at least one will be seen by all the nonparticipating watercraft. Marine event warning devices shall meet the following specifications:

(1) **Marine event warning flags:** Each warning flag shall be orange in color and shall measure 24 inches by 24 inches. Each flag shall be made of nylon, plastic, or other waterproof material and shall be supported by a fiberglass mast not less than 48 inches nor more than 72 inches in length. Each mast shall be fixed to a float of styrofoam or similar flotation material orange in color and of sufficient size and stability to support the masted flag in a vertical upright position. Such marker shall be placed and held in its authorized location by the use of an anchor and line. Such anchor shall be made of concrete or metal and the anchor line shall be of sufficient length and tensile strength to insure restricted marker movement and retrieval of the anchor.

(2) **Marine event warning buoys:** Each warning buoy shall be orange in color and cylindrical in shape. The minimum dimensions for each buoy shall be 9 inches in diameter and 60 inches in height with at least 36 inches exposure above the surface of the water. Each buoy shall be constructed of foam filled plastic or air inflated rubber or vinyl material sufficiently strong to resist puncture and abrasion during normal use. Anchoring of each buoy shall be by the same method and materials as specified in subdivision (1) of this subsection.

(3) **Marine event fixed warning signs:** Fixed warning signs may be substituted for floating marine event warning devices during marine events such as canoe races, kayak races, raft races, and similar events when such events are held on a river or stream not more than 100 feet wide or when the use of floating warning devices described in subdivisions (1) and (2) of this subsection is not practicable, provided that no such fixed warning signs shall be placed in the water but must be placed on shore or securely suspended on a line at

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least 15 feet above the water at midstream. Fixed warning signs shall be not less than 2 feet square nor more than 3 feet square, shall be constructed of 3/8 inch exterior grade plywood and shall be painted orange on both sides with the words "MARINE EVENT IN PROGRESS" in block style black letters at least 3 inches in height on the side which faces water traffic entering the event area.

(4) **Night Events:** Marine event warning devices authorized for night events shall be the same as described in subdivisions (1), (2) and (3) of this subsection, except that they shall incorporate reflectorized materials as follows:

(A) Warning flags. A 2 inch wide orange reflectorized band along the entire perimeter of the flag on both sides of the flag.

(B) Warning buoys. A 2 inch wide orange reflectorized band around the buoy at its top and a second 2 inch wide orange reflectorized band around the buoy 12 inches below the top band.

(C) Fixed warning signs. A 2 inch wide orange reflectorized band along the entire perimeter of the sign on both sides of the sign.

(f) Nonparticipating watercraft shall not enter the event area while the marine event warning devices described in subsection (e) of this section are displayed except that the official in charge of the event may allow nonparticipating watercraft to enter the event area at such times that will not interfere with the progress of the event or its participants.

(Effective June 23, 1988; Amended March 9, 2004; Amended January 3, 2007)

Sec. 15-121-A7. Reportable boating accidents

A boating accident occurs when a vessel or its equipment is damaged or involved in the injury, death, or unexplained disappearance of any person on board. A boating accident includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel otherwise than by theft.

(Effective May 31, 1974)

Sec. 15-121-A8. Reporting of boating accidents

(a) A written report on forms provided by the department is required to be submitted to the department as prescribed by Section 15-149a of the General Statutes, whenever any one or more of the following occurs on board, or involves any vessel:

- (1) the death of any person from whatever cause;
- (2) the disappearance of any person from on board;
- (3) the injury of any person sufficient to require medical attention;
- (4) loss or damage to property of any kind, including the vessel, in an amount of more than five hundred dollars.

(b) Every written report of a boating accident shall contain the following information:

- (1) the numbers and/or names of the vessels involved;
- (2) the precise location where the accident occurred;
- (3) the date and the time;

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- (4) the weather and water conditions, including temperatures;
- (5) how conditions compared with the forecast;
- (6) the name, address, telephone number, age, date of birth, formal boating safety instruction and boating experience of the operator of the reporting vessel, the name, address and telephone number of the owner of the reporting vessel and whether such vessel was rented;
- (7) the names, addresses, and telephone numbers of the operators and owners of other vessels or other property involved;
- (8) the names, addresses and telephone numbers of at least three witnesses, if known;
- (9) the names, addresses and dates of birth of all persons killed or injured;
- (10) the nature and extent of injury to any person;
- (11) description of damage to any property, including vessels, and estimated cost of repairs;
- (12) a complete description of the accident, including opinions as to causes;
- (13) whether those killed knew how to swim and their cause of death;
- (14) the make, model, year built, hull identification number, construction material, type, length, width, depth, propulsion, number of engines and their horsepower, engine make and year, engine fuel type, and number of persons on board the reporting vessel;
- (15) information concerning carriage and availability of safety equipment;
- (16) information concerning alcohol and drug use aboard vessels involved;
- (17) the signature, address, telephone number, date of submission, and qualification of the person completing the report.

(Effective June 23, 1988; Amended September 8, 1998)

Sec. 15-121-A9. Requirements when water skiing

(a) Any person required to obtain a safe water skiing endorsement by section 15-140e of the Connecticut General Statutes shall be required to carry on board the vessel engaged in water skiing a physical copy or electronic proof of such endorsement.

(b) No person shall operate a vessel engaged in water skiing at such a speed or maneuver a vessel engaged in water skiing in such a manner as to impede the navigation of another vessel or endanger the life, limb or property of another person. No person shall water ski in such a manner as to impede the navigation of any vessel or endanger the life, limb or property of another person. No person shall engage in water skiing in such a manner as to strike or threaten to strike any person, vessel or object other than an object designed to be used in a water skiing course and no person shall operate a motorboat or manipulate a tow line or other towing device in such a manner as to cause a water skier to strike or threaten to strike another person, vessel or object other than an object designed to be used in a water skiing course.

(c) No person shall operate a vessel towing a water skier without an observer present on the vessel who shall assist the operator and monitor the progress of the water skier. The observer shall be designated by the operator of the vessel and shall be at least twelve years

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of age.

(d) The number of persons on board the vessel towing a water skier added together with the number of water skiers being towed shall not exceed the carrying capacity of the towing vessel, as indicated on the capacity label permanently affixed to the towing vessel by its manufacturer, except that the commissioner may grant a marine event permit, or seasonal marine event permit, to authorize the number of persons on board a towing vessel added together with the number of water skiers being towed to exceed the carrying capacity of such towing vessel as indicated on the capacity label permanently affixed to such towing vessel by its manufacturer. The commissioner may require appropriate safeguards or protections, as the commissioner deems necessary, when authorizing such marine event permit or seasonal marine event permit.

(e) No person shall stand or sit either on the bow or gunwales of a vessel which is towing a water skier except in an emergency.

(f) Each water skier shall wear a personal flotation device approved by the U.S. Coast Guard and used in accordance with any requirements stated on the approval label and with any requirements in its owner's manual, if the approval label makes reference to such manual, and no vessel operator shall tow a water skier who is not wearing such a device. Notwithstanding the foregoing, no person shall use an inflatable personal flotation device to meet the PFD requirements of this section.

(1) This subsection shall not apply to skiers engaged in barefoot water skiing who wear a barefoot wetsuit designed specifically for such activity.

(2) This subsection shall not apply to skiers engaged in trick water skiing whose movements would be restricted or impeded by the bulk of a personal flotation device. For purposes of this subsection, a trick water skier means a water skier whose equipment and activities have all of the following characteristics:

(A) Type of skis: for standard double trick skis, length of no more than 46 inches and width of at least 8 inches, with no keels on bottom; for single trick ski boards, length of no more than 56 inches and width of at least 22 inches, with no keel on bottom;

(B) speed of tow no more than 20 miles per hour; and

(C) tow rope no longer than 50 feet.

(3) The operator of a vessel towing a trick water skier or barefoot water skier shall make a U.S. Coast Guard approved personal flotation device readily available aboard the tow vessel for each such skier who elects not to wear such a device while skiing.

(g) No person shall operate a vessel towing a person or persons on an inner tube unless such inner tube is fitted with permanent handholds or with a covering with permanent handholds.

(h) No person shall operate a vessel towing a water skier from one half hour after sunset until sunrise or when weather conditions restrict normal visibility to less than one hundred yards.

(i) No person shall engage in teak surfing or platform dragging and no person shall operate a motorboat or have the engine of a motorboat run idle while a person is teak surfing

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or platform dragging. For the purposes of this section, “teak surfing” or “platform dragging” means holding onto the swim platform, swim deck, swim step, swim ladder, or any portion of the exterior of the transom of a motorboat for any amount of time while the motorboat is underway at any speed.

(j) (1) Kite skiing and parasailing are permitted on all waters where unlimited water skiing activity is permitted. Kite skiing and parasailing are prohibited on waters where water skiing is prohibited or subject to special regulation.

(2) Nothing in subdivision (1) of this subsection shall be interpreted as allowing kite skiing or parasailing on any water when boating pressure by other users makes these activities imprudent because of risks involved.

(3) Kite skiers and parasailers shall not fly over or under overhead obstructions such as power and telephone lines, bridges; nor shall they fly over dams, locks, docks, launching ramps, swim areas, marinas or congested areas.

(k) Except as authorized through a marine event permit issued by the commissioner, no person shall operate a vessel towing a water skier with a tow line greater than one hundred feet in length, measured from the vessel tow-post to the water skier’s tow handle, and no part of any such tow line shall include an elastic component, such as a bungy cord, rubber band or similar material which readily extends the length of the tow line.

(l) No person shall operate a vessel with a rigid metal tow pole, commonly used in barefoot skiing with the pole at a right angle to the tow vessel, unless the vessel is engaged in towing a water skier from the tow pole or from the stern and at least one person on board the vessel is using the tow pole for training. When the vessel is not engaged in towing a water skier or no one on board the vessel is using the tow pole for training, the tow pole may remain on the vessel, provided the operator of such vessel ensures that it is dismantled or folded so that it is inside of the gunwale and parallel to the centerline of the vessel.

(m) On any single day, any law enforcement officer empowered to enforce the provisions of this section may terminate any water skiing activity from the vessel for that day if any person on board or any water skier being towed by that vessel violates any provision of this section or section 15-134 of the Connecticut General Statutes.

(n) The commissioner shall revoke the safe water skiing endorsement of any person who is: (A) charged with a violation of this section or section 15-134 of the Connecticut General Statutes and who is also convicted under section 15-132a, 15-133(d), 15-140k, 15-140l, 15-140m, or 15-140n of the Connecticut General Statutes for the same incident, or (B) convicted twice, in the aggregate, in the same calendar year for separate incidents under this section or section 15-134 of the Connecticut General Statutes or any combination thereof. The safe water skiing endorsement shall be revoked for the remainder of the year in which the triggering conviction takes place and for the entire following calendar year. A person who has such safe water skiing endorsement revoked shall surrender to the commissioner any and all safe water skiing-endorsed safe boating certificates or certificates of personal watercraft operation, and any stand-alone safe water skiing endorsements such person may possess. Such person may regain such endorsement only after the revocation

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period ends and only after successfully completing the safe water skiing instruction course described in section 15-140f-1 of the Regulations of the Connecticut State Agencies following such end.

(o) Violation of this section shall be an infraction.

(Effective April 23, 1993; Amended September 8, 1998; Amended January 3, 2007; Amended December 22, 2016)

Sec. 15-121-A10. Self-propelled water-skis or surf boards prohibited. Operation of wing-in-ground effect vessels restricted

(a) No person shall operate a self-propelled water-ski or surf board on the waters of the state. For the purpose of this regulation, a self-propelled water-ski or surf board is a vessel propelled by machinery, which:

- (1) Has a width not greater than twenty-four inches, or
- (2) Is capable of carrying at least one individual who while operating the vessel, has no means of steerage other than by shifting his or her body weight.

(b) No person shall operate any device on the waters of the state, which tows a waterskier who controls the direction and speed of the motorized towing device using remote control lines.

(c) No person shall operate a wing-in-ground effect vessel on or over waters of this state unless approval is granted by the Commissioner for recreational operation or from the United States Coast Guard, captain of the port for research and development or commercial operations. For the purposes of this subsection a “wing-in-ground effect vessel” is a vessel that is capable of operating completely above the surface of the water on a dynamic cushion created by aerodynamic lift due to the ground effect between the vessel and the water surface.

(Effective August 25, 1987; Amended March 9, 2004)

Sec. 15-121-A11—15-121-A12. Repealed

Repealed July 8, 2011.

Sec. 15-121-A13. Personal flotation devices for manually propelled racing vessels

(a) Racing shell, Rowing scull, racing canoe, or racing kayak as used in this section means a manually-propelled vessel that is recognized by national and international associations for use in competitive racing and one in which all occupants row, scull, or paddle with the exception of the coxswain, if one is provided, and is not designed to carry and does not carry any equipment not used solely for competitive racing.

(b) No person on board a racing shell, rowing scull, racing canoe, or racing kayak shall be required to carry any PFD on board, provided any such vessel shall be accompanied at all times by an escort vessel. Each escort vessel shall accompany no more than three vessels at a time and shall keep the escorted vessels in sight at all times, without the use of artificial devices other than eyeglasses. The requirement to use an escort vessel shall not apply to

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any organized race event when race organizers have taken steps to provide for the safety of such participants, provided the organizer of such event shall give a written explanation of participant safety provisions to the commissioner at least thirty days in advance of the event, and the commissioner approves such provisions in writing before the event.

(Effective January 25, 1983; Amended September 8, 1998)

Sec. 15-121-A14. Rules for safe operation

(a) No operator of a vessel under power shall allow any person to be on a decked-over bow of such vessel while underway unless the bow of the vessel is equipped with a handrail that encompasses the bow, and all persons on the bow are inward of such handrail. On vessels under power with open bows not decked-over, no operator shall allow any person to sit or stand on the gunwale at the bow of such vessel while underway. The provisions of this subsection shall not apply to persons in or on the bow of vessels engaged in anchoring, mooring, or docking activities and proceeding at dead slow speed.

(b) No operator of a vessel under power shall allow any person in or on the bow of such vessel to hang any portion of the body beyond the handrail or outside the vessel over the top of the gunwale while underway, except when proceeding at dead slow speed.

(Effective August 25, 1987)

Sec. 15-121-A15. Personal watercraft safety restrictions

(a) The use of personal watercraft, as defined in section 15-140j of the Connecticut General Statutes, shall be subject to the following operation restrictions:

(1) All persons aboard personal watercraft shall wear a United States Coast Guard approved Type I, II, III or V personal flotation device and no operator of a personal watercraft shall allow any person who is not wearing a PFD to be aboard such personal watercraft. No person aboard a personal watercraft shall use an inflatable personal flotation device to meet the PFD requirements of this section.

(2) No person shall operate a personal watercraft, or be on board or towed by personal watercraft operated by another, between sunset and sunrise.

(3) No person shall operate a personal watercraft towing a water-skier and no person shall water-ski while being towed by a personal watercraft, except under the following conditions:

(A) The personal watercraft towing a water-skier shall have:

(i) A capacity label permanently affixed by its manufacturer on the personal watercraft indicating that the vessel is designed for and capable of carrying at least two persons in addition to the operator;

(ii) a minimum length overall of 119 inches, a minimum width overall of 46 inches and a minimum horizontal seat surface length of 39 inches for three person capacity. For personal watercraft with greater than a three person capacity noted on the capacity label affixed to the personal watercraft by its manufacturer, for each additional person the minimum horizontal seat length must be increased by at least 13 inches; and

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(iii) handholds at or near the rear of the seat suitable for use by a rearward-facing observer to conveniently hold on to with two hands;

(B) whenever a skier is being towed, there shall be an observer, who is at least twelve years old, other than the operator, onboard the personal watercraft towing such water-skier, who shall face the skier at all times;

(C) the number of persons on board the personal watercraft towing a water-skier added together with the number of water-skiers being towed shall not exceed the “persons” carrying capacity, as indicated on the capacity label permanently affixed to the personal watercraft by its manufacturer; and

(D) the operator of a personal watercraft towing a water-skier and the skier being towed shall, in addition to the requirements of this section, comply with all provisions of section 15-134 of the Connecticut General Statutes and section 15-121-A9 of the Regulations of Connecticut State Agencies.

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

(5) No person operating a personal watercraft shall cross or jump the wake of another vessel, when within one hundred feet of the vessel creating such wake, in such a manner that the hull of the personal watercraft jumping the wake completely leaves the water.

(6) No person less than sixteen years of age, who has not been issued a certificate of personal watercraft operation on or before March 9, 2004, shall operate a personal watercraft without the onboard supervision of a person who is at least eighteen years of age and in possession of a certificate of personal watercraft operation.

(7) No person shall operate a personal watercraft equipped by its manufacturer with a device for shutting off the engine, known as a “shut-off lanyard”, unless such device is attached via a lanyard to the operator, his clothing, or his personal flotation device in a manner which will shut off the engine in the event the operator is ejected from the personal watercraft while underway.

(b) Any operator of a vessel less than sixteen feet in length designed so that the operator and passengers ride on the outside surface of the vessel as opposed to riding inside the vessel, and in which the operator and passenger may in the normal course of use fall overboard, and which has an internal combustion engine powering a propeller as its primary source of motor propulsion shall be subject to the restrictions in subsection (a) of this section. Any such operator shall in addition have his vessel equipped with a device for shutting off the engine, known as a “shut-off lanyard”, which device shall be attached via a lanyard to the operator, his clothing or his personal flotation device in a manner which will shut off the engine in the event the operator is ejected from the vessel while underway.

(Effective May 19, 1994; Amended September 8, 1998; Amended March 9, 2004; Amended January 3, 2007)

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Sec. 15-121-A16. Posting methods for regulations and local ordinances

In the case of any regulation or municipal ordinance respecting the operation of vessels adopted pursuant to Section 15-136 of the General Statutes, which regulation or ordinance has not been published and distributed in pamphlet form on or before the first day of April in accordance with the provisions of Section 15-138 of the General Statutes, the adopting authority shall post each affected waterbody with signs as follows:

(a) Signs shall be posted in a manner and at locations such that the signs are likely to come to the attention of boaters. For a regulation or ordinance affecting a lake or pond, signs concerning such regulation or ordinance shall be posted at every location where public access by boat to such lake or pond is available. For a regulation or ordinance affecting a river or tidal water, a sign or signs concerning such regulation or ordinance shall be posted at every location where public access by boat to such river or tidal water is available when such location is within five miles of the affected waterbody or portion thereof.

(b) Each sign shall be no smaller than eleven inches in width and fifteen inches in height.

(c) Each sign shall be made of plastic or other waterproof material.

(d) At the top of each sign shall be the words, “notice: new boating regulation” or “notice: new boating ordinance,” as appropriate, in letters at least one inch in height. The word “notice” shall be on a separate top line. All other letters and numerals on the sign shall be at least three eighths inch in height. The sign shall include the actual text of the regulation or ordinance or a summary of such regulation or ordinance, as well as the words, “posted in accordance with Section 15-138 of the Connecticut General Statutes,” which words shall be printed at the bottom of each sign.

(Effective April 23, 1993)

Sec. 15-121-A17. Personal flotation devices for manually propelled vessels

During the period from October first through May thirty-first all persons aboard a manually propelled vessel shall wear a Type I, II, III, V or V Hybrid United States Coast Guard approved personal flotation device of appropriate size and in serviceable condition. Except as provided in subsection (b) of section 15-121-A13 of the Regulations of Connecticut State Agencies, no operator, owner or user of said manually propelled vessel shall allow any person to be aboard who is not wearing such a device.

(Effective May 19, 1994; Amended January 3, 2007)

Sec. 15-121-A18. Public safety light

Vessels engaged in government sanctioned public safety activities, and commercial vessels performing similar functions, may display an alternately flashing red and yellow light signal. This identification light signal must be located so that it does not interfere with the visibility of the vessel’s navigation lights. This identification light signal may be used only as an identification signal and conveys no special privilege to the vessel. Public safety activities include but are not limited to patrolling marine events or regattas; traffic control; salvage; firefighting; medical assistance; assisting disabled vessels; and search and rescue.

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The public safety light is not a towing light. The light fixture shall be a standard police type beacon, with clear, weatherproof lens over a pair of rotating lights; one red and the other yellow. The lights shall rotate between 70 and 100 revolutions per minute.

(Adopted effective March 9, 2004)

Sec. 15-121-A19. Marine safety and security zones

(a) As used in this section:

(1) “Safety zone” means a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion; temporary zones may be established by the commissioner, permanent zones, by the United States Coast Guard under 33CFR 165, et seq.;

(2) “Security zone” means an area of land, water, or land and water which is so designated under 33 CFR 165, et seq. by the Captain of the Port or District Commander of the United States Coast Guard for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the state; and

(3) “Regulated navigation area” means a water area within a defined boundary under 33 CFR 165, et seq., for which regulations for vessels navigating within the area have been established under 33 CFR 165, et seq.

(b) The commissioner may, when necessary for the safety of the public or protection of the environment, establish temporary marine safety zones on the waters of this state for the purposes of restricting vessel traffic.

(c) As described in this section, a temporary marine safety zone shall not exist for longer than seventy-two (72) consecutive hours. Only in the event of an environmental disaster, marine disaster or public safety emergency shall the commissioner have the authority to extend the zone beyond seventy-two (72) hours.

(d) No person shall operate, allow the operation of a vessel or anchor any vessel on the waters of the state within a zone established under subsection (b) of this section or within a marine safety or security zone or a regulated navigational area established by the United States Coast Guard under 33 CFR 165, et seq., as amended from time to time.

(e) This section shall not apply to vessels used exclusively by municipal, state or federal agencies, or security vessels authorized by the United States Coast Guard Captain of the Port, Long Island Sound.

(Adopted effective April 29, 2005)

Sec. 15-121-B1. Requirements of application for number

The application for a number shall include the following:

- (1) The name and address of the owner;
- (2) the citizenship of the owner;
- (3) the date of birth of the owner;

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- (4) the present or previous number of the boat (if any);
- (5) the hull material (wood, steel, aluminum, plastic, other);
- (6) the type of propulsion (outboard, inboard, other);
- (7) the type of fuel (gas, diesel, other);
- (8) the make, model and year built (if known);
- (9) the length;
- (10) a statement as to use (pleasure, livery, dealer, manufacturer, commercial, other);
- (11) a statement of ownership by the applicant;
- (12) the state of principal use;
- (13) whether the application is for a new number, renewal of a number or a change of ownership;
- (14) hull identification number (if any);
- (15) type of vessel (open, cabin, house, other);
- (16) primary color of hull;
- (17) whether or not the vessel has a marine sanitation device (MSD) installed and, if so, the type of such device;
- (18) the signature of the owner.

(Effective January 13, 1981)

Sec. 15-121-B2. Information on number certificate

The certificate of number shall show the following:

- (1) The name and address of the boat owner;
- (2) the date of birth of the owner;
- (3) the number issued;
- (4) the expiration date;
- (5) the make or model or type of boat;
- (6) the hull material (wood, steel, aluminum, plastic, other);
- (7) the length of the vessel;
- (8) the propulsion (inboard, outboard, other).
- (9) the state of principal use;
- (10) the use of vessel (pleasure, livery, dealer, manufacturer, commercial, other);
- (11) hull identification number;
- (12) year built;
- (13) the type of fuel (gas, diesel, other);
- (14) the type of marine sanitation device (MSD) installed, if such a device is installed.
- (15) a statement of the law pertaining to change of ownership or address; documentation, loss, destruction, abandonment, theft, or recovery of a vessel; carriage of the certificate of number on board when the vessel is in use; rendering aid in a boat accident; and reporting of vessel casualties and accidents.

(Effective January 13, 1981)

Sec. 15-121-B3. Numbering pattern to be used

(a) The identification numbers awarded under the Connecticut system shall consist of three parts. The first part shall consist of the letters “CT” indicating this state. The second part shall consist of not more than four arabic numerals. The third part shall consist of not more than two letters.

(b) The parts shall be separated by a hyphen or an equivalent space. As examples: CT-1-A; CT-1234-AA; CT 56 ZZ.

(c) Since the letters “I,” “O” and “Q” may be mistaken for arabic numerals, they shall not be used in the suffix.

(Effective May 31, 1974)

Sec. 15-121-B4. Display of number and validation decal

The owner or operator of any vessel shall display the vessel registration number and registration decals issued pursuant to Section 15-144 of the General Statutes as follows:

(a) The vessel registration number, and no other, shall be painted on or attached by adhesive to each side of the hull at the bow and so positioned as to be clearly legible from outside the vessel. When, due to vessel configuration, positioning of the vessel registration number on the hull will not provide ready identification, the vessel registration number may be painted on or attached by adhesive to each side of the permanent superstructure located on the forward half of the vessel in a location as nearly vertical as possible. When, due to vessel configuration, positioning of the vessel registration number on either the hull or the superstructure will not provide ready identification, the vessel registration number may be painted on or attached to a sign or plaque firmly attached by a bracket or fixture to the bow with the number clearly legible from both sides of the vessel.

(b) The letters and numerals of the vessel registration number shall be of plain block design not less than three inches high, and of a color which will contrast with the background for maximum legibility. That is, light numbers shall be used on a dark hull or background and vice versa.

(c) The letters and numerals of the vessel registration number shall be vertical (not slanted), plain (not script or varying in thickness), and any border, outline or shadowing shall be disregarded in determining the height or color contrast of the letters and numerals. Between the prefix, the numerals, and the suffix there shall be a hyphen or a space. Examples of correct number displays are CT-1234-AB and CT 5678 DF.

(d) The two current Connecticut registration decals shall be displayed on each side of the bow in line with and two inches to the right of the vessel registration number. No other decal shall be displayed with the vessel registration number except a current decal for the same vessel issued by another state or the United States Coast Guard. A current validation decal issued by another state or the United States Coast Guard shall be displayed near the assigned boat number in a location other than that specified for the current Connecticut validation decals.

(e) In the case of a vessel for which the owner holds a valid marine document issued by

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the United States Coast Guard and for which the owner is required to display a Connecticut registration decal pursuant to subsection (b) of Section 15-142 of the General Statutes, each such decal shall be displayed on each side of the bow forward of the midship section. Such decals shall be firmly affixed and positioned so as to be distinctly visible from either side of the vessel.

(f) In the case of a vessel for which the owner holds a valid certificate of number awarded either by the United States or by another state and for which the owner is required to display a Connecticut registration decal pursuant to subsection (b) of Section 15-142 of the general statutes, each such decal shall be displayed on each side of the bow in line with and not more than six inches to the left of the number awarded by the United States or another state. Such decals shall be firmly affixed and positioned so as to be distinctly visible from either side of the vessel.

(Effective April 23, 1993)

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, 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 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 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 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 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 for the sale or manufacture or both of vessels, unless specifically exempted from the requirement to have an established place of business

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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, 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, marine engine manufacturer or marine surveyor shall sign a statement under oath indicating that he or she has complied with the 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, on vessels used solely pursuant to Section 15-145(e) of the Connecticut General Statutes, or in the case of a marine engine manufacturer, on vessels used solely for the purpose of testing or demonstrating a marine engine manufactured or repaired by such manufacturer, or in the case of a marine surveyor, on

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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 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 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 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.

(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.

(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 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

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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 (e) of Section 15-145 of the Connecticut General Statutes.

(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.

(Effective August 25, 1987; Amended September 8, 1998; Amended March 9, 2004; Amended July 8, 2011)

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

(a) The description of the vessel 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 registration number(s) assigned by the Commissioner to a marine dealer, marine engine manufacturer, or marine surveyor shall be painted on or attached to a removable sign. The sign shall be temporarily but firmly mounted upon or attached to the vessel which is used pursuant to subsection (e) of 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, 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, 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.

(c) The number assigned to a marine dealer shall contain the suffix "DL." An example of such number is "CT-1234-DL." The number assigned to a marine engine manufacturer shall contain the suffix "XP". An example of such number is "CT-1234-XP". The number

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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 (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(c), (d), and (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 (c) and (d) 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.

(Effective August 25, 1987; Amended September 8, 1998; Amended March 9, 2004; Amended July 8, 2011)

Sec. 15-121-B6. Numbering of livery boats

(a) The description of the motor and type of fuel will be omitted from the application and certificate of number of a livery boat in any case where the boat is speeds in excess of eight miles per hour and may engage rented with different motors or with the person renting the board supplying the motor.

(b) The certificate of number of a livery shall be plainly marked “livery boat.”

(c) The number awarded the boat livery man will contain the letters “BL” in the suffix. An example of such a number is “CT-1234-BL.”

(Effective May 31, 1974)

Sec. 15-121-B7—15-121-B11. Repealed

Repealed May 31, 1974.

Sec. 15-121-B12. Vessel, vessel speeds and fishing restrictions regarding swim areas and boating access areas

(a) No person shall operate or allow the operation of a vessel inside markers demarcating a restricted swim area which has been authorized in writing by the commissioner.

(b) No person shall operate or allow the operation of a vessel at a speed in excess of Slow-No-Wake when within one hundred feet of markers placed to designate a restricted

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swim area or boating access area which has been authorized in writing by the commissioner.

(c) This section shall not apply to vessels used exclusively as lifeguard rescue boats.

(d) No person shall fish inside the markers demarcating a restricted swim area that has been authorized in writing by the commissioner.

(Effective November 5, 1991; Amended January 3, 2007)

Sec. 15-121-B13. Restricted areas adjacent to dams on the Housatonic River

No person shall operate a vessel within three hundred feet of the upstream side of the Lake Housatonic Dam in Derby, the Stevenson Dam in Oxford, the Shepaug Dam in Southbury, or the Bleachery Dam in New Milford. No person shall operate a vessel within fifteen hundred feet of the downstream side of the Lake Housatonic Dam in Derby or the Shepaug Dam in Southbury, within seven hundred feet of the downstream side of the Stevenson Dam in Oxford, or within three hundred feet of the downstream side of the Bleachery Dam in New Milford.

(Effective April 23, 1993)

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 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.

(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.

(Effective April 23, 1993; Amended March 9, 2004; Amended July 8, 2011)

Sec. 15-121-B15. Connecticut River regulation

(a) No person shall operate a vessel in other than a careful and prudent manner, having regard to conditions and circumstances such as weather, current, visibility, water depth, width of channel, proximity to shore and water hazards, vessel traffic and water use, so as not to unreasonably interfere with free and proper use of the navigable waters or endanger life, limb or property.

(b) When not within areas governed by subsection (c) of this section, from the Bulkeley Bridge in Hartford to Saybrook outer light in Old Saybrook, when passing a marina, yacht club area in which boats are docked at anchor, or being launched or retrieved or a congested area, a motorboat shall be operated with minimum wake and not in excess of Slow-No-

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Wake.

(c) No person shall operate a motorboat in excess of Slow-No-Wake within:

(1) The area between the Saybrook breakwaters bounded northerly by the Saybrook inner light and bounded southerly by the Saybrook outer light in Old Saybrook;

(2) The area bounded northerly by navigation aid Connecticut River light # 15 and bounded southerly by the southernmost point of Saybrook Point in Old Saybrook;

(3) The area bounded northerly by navigation aid Connecticut River red nun #20 and bounded southerly by the railroad bascule bridge in Old Saybrook;

(4) The area bounded northerly by a point eight hundred feet upstream from the East Haddam Bridge and bounded southerly by a point one thousand five-hundred feet downstream from the East Haddam Bridge;

(5) The area bounded northerly by a point five hundred feet downstream from the highway bridge in Middletown and bounded southerly by navigation aid Connecticut River light #87;

(6) The area bounded northerly by navigation aid Connecticut River light #113 and bounded southerly by the water tower on property now or formerly known as the Connecticut Foundry, in Rocky Hill;

(7) The area bounded northerly by the rail road bridge (north of the Bulkeley Bridge) and bounded southerly by Navigation Aid #143 (south of the Charter Oak Bridge).

(d) Subject to the provisions of subsections (b) and (c) of this section, no person shall operate a vessel in excess of the following speed limits:

(1) 45 miles per hour from one half hour before sunrise to one half hour after sunset on Monday through Friday, inclusive, during all seasons, and on Saturdays and Sundays from the Saturday following Labor Day to the Friday preceding Memorial Day, inclusive;

(2) 30 miles per hour from one half hour before sunrise to one half hour after sunset on Saturdays and Sundays from the Saturday preceding Memorial Day to the Sunday preceding Labor Day, inclusive, and on Memorial Day, Independence Day and Labor Day;

(3) 25 miles per hour from one half hour after sunset to one half hour before sunrise on all days of the year.

(e) For the purposes of this section, Memorial Day, Independence Day and Labor Day shall be as defined in Section 1-4 of the Connecticut General Statutes.

(Effective April 23, 1993; Amended March 9, 2004)

Sec. 15-121-B15a. Candlewood Lake special regulation

(a) On the waters of Candlewood Lake, including Squantz Pond, the following restrictions shall apply:

(1) No person shall operate a vessel in excess of twenty-five (25) miles per hour from one-half hour after sunset to one-half hour before sunrise;

(2) No person shall operate a vessel in excess of forty-five (45) miles per hour from one-half hour before sunrise to one-half hour after sunset;

(3) Within the area of Lattins Cove, from the end northerly for two-thousand five-

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hundred (2,500) feet no person shall operate a vessel in excess of Slow-No-Wake; and

(4) Within the area of Squantz Cove, from the causeway southeasterly for two-thousand five-hundred (2,500) feet no person shall operate a vessel in excess of Slow-No-Wake.

(b) No person shall operate a registered vessel that is 26 feet in length or greater on the waters of Candlewood Lake unless such operation has been exempted or authorized by the Commissioner under this subsection. For the purpose of this subsection the registered length of the vessel shall be determined from the length identified on the vessel's certificate of number awarded by this state, by another state or by the United States pursuant to the provisions of the federal Boat Safety Act of 1971, or marine document issued by the United States Coast Guard.

(1) The following vessels are exempt from the requirements of this subsection:

(A) Vessels that while on the waters of Candlewood Lake are operated exclusively by authorized law enforcement personnel in the performance of official duties;

(B) Vessels that while on the waters of Candlewood Lake are used exclusively for invasive species control, sewage transfer, or marine structure or infrastructure construction or maintenance; and

(C) Vessels displaying a valid marine dealer registration number that are being demonstrated for sale, test run in connection with maintenance or repair, or surveyed by a certified marine surveyor.

(2) The Commissioner shall authorize the operation of vessels that are 26 feet in length or greater on the waters of Candlewood Lake that meet one of the following conditions:

(A) The vessel is owned by a person other than a marine dealer and such person purchased and registered the vessel prior to the effective date of this regulation and presents evidence to the Commissioner of one or more of the following:

(i) dockspace on Candlewood Lake for such vessel which dockspace was owned or rented on or before the effective date of this regulation;

(ii) a written contract or agreement executed on or before the effective date of this regulation for the storage of such vessel on property abutting Candlewood Lake;

(iii) a written contract or agreement which explicitly references Candlewood Lake that was executed on or before the effective date of this regulation that includes a provision for the launching of such vessel onto Candlewood Lake or the retrieving of such vessel from Candlewood Lake; or,

(iv) other documentation evidencing the use of the subject vessel on the waters of Candlewood Lake for more than ten consecutive days or twenty days in the aggregate, over the twenty four months preceding the effective date of this regulation.

(B) The vessel is owned by a marine dealer located in one of the five surrounding municipalities (Danbury, Brookfield, New Milford, Sherman, or New Fairfield) where the vessel is present in inventory or ordered for inventory prior to the effective date of this regulation.

(C) Notwithstanding subparagraph (B) of this subdivision, for any marine dealer located within one of the five municipalities surrounding Candlewood Lake who shares ownership

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of vessel inventory with other businesses that are located outside of the five municipalities surrounding Candlewood Lake or with a branch or branches of the same business that are located outside of the five municipalities surrounding Candlewood Lake, the Commissioner may authorize the number of vessels equal to the average number of vessels 26 feet in length or greater that were sold per year over the last five years, rounded up to the nearest whole number, from that business located within one of the five municipalities surrounding Candlewood Lake.

(D) For the purpose of this section, a “marine dealer” means any business that possesses a Marine Dealer Registration Number pursuant to section 15-145 of the Connecticut General Statutes, or that uses a North American Industry Classification System (NAICS) or Standard Industry Classification (SIC) code for vessels sales in tax filings, and can demonstrate the use of such code in tax filings prior to the effective date of this regulation.

(3) The Commissioner shall provide permanent numbered decals that shall be attached to those vessels that are 26 feet in length or greater that are authorized by the Commissioner to operate on the waters of Candlewood Lake and that are not exempt in accordance with this subsection. The Commissioner shall issue one such authorizing decal for each vessel 26 feet or greater in length meeting one of the conditions of subdivision (2) of this subsection. The authorizing decal shall be affixed to the starboard side of the vessel such that the decal is not obstructed from view on the hull and above the waterline and closer to the stern than the bow, or on a superstructure or windshield near the operator’s station. The authorizing decal shall be permanently affixed to the vessel for the life of the vessel. The authorizing decal shall not be transferable to other vessels or other hulls.

(A) Requests for an authorizing decal made by a person other than a marine dealer shall be made on or before December 31, 2014, and on a form provided by the Commissioner for this purpose.

(B) Requests for an authorizing decal made by a marine dealer shall be made within sixty days of the effective date of this regulation and on a form provided by the Commissioner for this purpose. A marine dealer shall provide proof to the satisfaction of the Commissioner regarding the ownership, identity and number of vessels claimed for authorization, and that such vessels were present in inventory or ordered for inventory prior to the effective date of this regulation, as applicable.

(4) The Commissioner may issue a replacement authorizing decal at any time upon written application.

(5) An individual vessel owner or marine dealer whose vessel is denied an authorizing decal or a replacement authorizing decal by the Commissioner or the Commissioner’s designee may apply to the Commissioner for reconsideration of the denial. Such application shall be made in writing by the vessel owner or owners and shall contain the original signature of the applicant or applicants and the statement, “ I (we) declare under penalty of false statement that the information furnished herein is true and complete to the best of my (our) knowledge and belief.” Such application shall be notarized and shall include additional evidence not considered in the denied application, which evidence may include, but shall

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not be limited to, financial records, contracts or agreements, photographs, vessel safety check records, third party affidavits, government records, newspaper articles, or other information evidencing the right to seek authorization for use of such vessel on Candlewood Lake pursuant to subdivision (2) of this subsection. The Commissioner or the Commissioner's designee shall review such application and may issue an authorizing decal or a replacement decal after considering such evidence. The Commissioner or the Commissioner's designee shall be the sole judge as to the weight and suitability of such evidence.

(6) The Commissioner may designate the Candlewood Lake Authority (CLA) to act as agent in issuing authorizing decals upon receipt of written agreement from the executive officer of the lake authority. The Commissioner may designate any or each of the governments of the several lakefront municipalities (Danbury, Brookfield, New Milford, Sherman, and New Fairfield) to act as agent in issuing authorizing decals upon receipt of written agreement from the municipality's executive officer. The CLA or any municipality so designated may withdraw from being a designated agent upon written request by the Chairman of the CLA or that municipality's executive officer to the Commissioner, and such withdrawal shall be effective forty-five (45) days from the date which the written withdrawal is received by the Commissioner.

(7) Any law enforcement officer or lake patrolman duly authorized to enforce these regulations may terminate the operation of a vessel that is in violation of this section. On and after the sixth month following the effective date of this regulation, operation of a registered vessel on the waters of Candlewood Lake that is 26 ft in length or greater and that does not have an authorizing decal issued by the Commissioner shall be an infraction.

(Effective May 19, 1994; Amended September 8, 1998; Amended March 9, 2004; Amended October 31, 2012; Amended October 5, 2015)

Sec. 15-121-B15b. Lake Lillinonah special regulation

On the waters of Lake Lillinonah, located in the towns of Bridgewater, Brookfield, New Milford, Newtown, and Southbury, no person shall operate a vessel at a speed in excess of forty-five miles per hour, except that the speed limit shall be twenty-five miles per hour from one half hour after sunset to one half hour before sunrise.

(Effective November 5, 1991; Amended September 8, 1998)

Sec. 15-121-B15c. Mount Tom Pond special regulation

No person shall use any internal combustion engine to propel a vessel on Mount Tom Pond located in the towns of Litchfield, Morris and Washington.

(Effective November 5, 1991)

Sec. 15-121-B15d. Lake Quassapaug special regulation

On the waters of Lake Quassapaug located in the towns of Middlebury and Woodbury the following restrictions shall apply:

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- (a) No person shall operate a vessel at a speed in excess of twenty five miles per hour.
- (b) No person shall operate a vessel at a speed in excess of six miles per hour from the third Saturday in April through the first Tuesday after Labor Day, both days inclusive.
- (c) No person shall operate a motorboat between the hours of 11:00 P.M. and 6:00 A.M. prevailing time.

(Effective November 5, 1991)

Sec. 15-121-B15e. Long Pond and Bush Pond special regulation

On the waters of Long Pond and Bush Pond, both located in the towns of Ledyard and North Stonington, the following restrictions shall apply:

- (a) No motorboat shall be operated on such waters at a speed in excess of five miles per hour.
- (b) Water skiing and similar activities involving the towing of any person behind a vessel under power are prohibited on such waters.

(Effective November 5, 1991)

Sec. 15-121-B15f. Lake Housatonic special regulation

On the waters of Lake Housatonic located in the towns of Seymour, Oxford, Derby and Shelton the following restrictions shall apply:

- (a) No person shall operate a vessel in excess of 45 miles per hour, except that speed limit shall be 25 miles per hour from one half hour after sunset to one half hour before sunrise.
- (b) All vessels proceeding upstream shall, when it is safe and practical, keep to that side of midstream which lies on the starboard side of the vessel. All vessels proceeding downstream shall, when it is safe and practical, keep to that side of midstream which lies on the starboard side of the vessel.
- (c) Motorboats must be operated at the minimum speed necessary to maintain steerage when within twenty-five feet of any dock, pier, shore, or anchored vessel, except for the purpose of enabling a water-skier to take off or land.
- (d) The launching into the air of objects or persons towed by a motorboat is prohibited; however, a town may, in waters within its jurisdiction, permit such activity provided the area, time, and conditions are approved by the commissioner through issuance of a marine event permit pursuant to Section 15-140b of the General Statutes.

(Effective November 5, 1991; Amended September 8, 1998)

Sec. 15-121-B15g. Bantam Lake special regulation

On the waters of Bantam Lake located in the towns of Morris and Litchfield the following restrictions shall apply:

- (a) The launching into the air of objects or persons towed by a motorboat is prohibited; however, a town may, in waters within its jurisdiction, permit such activity provided the area, time, and conditions are approved by the commissioner through issuance of a marine

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event permit pursuant to Section 15-140b of the General Statutes.

(b) No person shall operate or allow the operation of any motorboat between the hours of 11:00 P.M. and 5:00 A.M. prevailing time.

(c) No person shall operate or allow the operation of any motorboat which is towing a water skier closer than one hundred and fifty feet from the shore, unless such motorboat is approaching the shore for the purpose of enabling a water skier to take off or land.

(Effective November 5, 1991)

Sec. 15-121-B15h. West Hill Pond special regulation

On the waters of West Hill Pond located in the towns of New Hartford and Barkhamsted the following restrictions shall apply:

(a) No person shall operate or allow the operation of a motorboat equipped with a motor or motors with a total greater than eight horsepower from Memorial Day through the fifteenth of September, both days inclusive. For purposes of this subsection, Memorial Day shall be as defined in section 1-4 of the Connecticut General Statutes.

(b) No person shall operate or allow the operation of a motorboat at a speed in excess of fifteen miles per hour.

(c) No person shall operate or allow the operation of a motorboat at a speed in excess of six miles per hour between sunset and sunrise.

(d) No person shall water-ski or operate a vessel towing a water-skier.

(Effective November 5, 1991; Amended January 3, 2007)

Sec. 15-121-B15i. Farmington River special regulation

No person shall operate or allow the operation of a vessel at a speed in excess of thirty-five miles per hour on that portion of the Farmington River known as Rainbow Reservoir located in the town of Windsor and bounded upstream by the Windsor town line and downstream by the Rainbow Dam.

(Effective November 5, 1991)

Sec. 15-121-B15j. Crystal Lake regulation

On the waters of Crystal Lake, located in the towns of Ellington and Stafford, the following restrictions shall apply:

(a) No person shall operate a motorboat at a speed in excess of forty-five miles per hour;

(b) No person shall operate a motorboat at a speed in excess of six miles per hour from sunset to 9:00 A.M.;

(c) No person shall operate a motorboat at a speed in excess of six miles per hour on Sunday from noon until 3:00 P.M.;

(d) No person shall tow anyone or anything, except a disabled boat, with a motorboat on Sunday from noon until 3:00 P.M.;

(e) No person shall operate a motorboat at a speed in excess of six miles per hour at any time when weather conditions restrict normal visibility to less than one hundred yards;

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(f) No person shall operate a vessel less than sixteen feet in length which has an inboard mounted internal combustion engine powering a water-jet pump as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing within the vessel;

(g) An operator of a vessel towing a water skier shall proceed in a counterclockwise direction around the lake;

(h) No person shall waterski, and no person shall operate a motorboat towing a water skier, from 4:00 P.M. until 10:00 A.M. from the third Saturday in April until the third Saturday in May, inclusive;

(i) No person operating a motorboat shall tow more than two water skiers at any one time;

(j) No person shall engage in kite skiing or parasailing;

(k) No person shall anchor or moor any vessel unattended at a distance in excess of seventy-five feet from shore;

(l) No person shall launch, moor, or otherwise use a vessel with a permanently installed toilet capable of overboard discharge;

(m) No person shall use a vessel for overnight camping unless such vessel is equipped with a U.S. Coast Guard approved marine sanitation device which is not capable of overboard discharge;

(n) No person shall discharge, dispose of, or otherwise release any human or animal sewage overboard.

(Effective April 23, 1993)

Sec. 15-121-B15k. Lake Zoar special regulation

On the waters of Lake Zoar located in the towns of Southbury, Newtown, Oxford and Monroe, no person shall operate a vessel in excess of forty-five miles per hour, except that speed limit shall be twenty-five miles per hour from one half hour after sunset to one half hour before sunrise.

(Effective May 19, 1994; Amended September 8, 1998)

Sec. 15-121-B15l. Pine Island Bay and Baker Cove regulation

On the waters of Pine Island Bay and Baker Cove, both located in the City of Groton and the Noank section of the Town of Groton bounded on the west by a line extending from the southernmost point of Avery Point to the westernmost point of Pine Island and bounded on the east by a line extending from the southernmost point of the east bank of Baker Cove to the westernmost point of Bushy Point, the following restrictions shall apply from the fifteenth day of May through the fifteenth day of September:

(a) All motorboats shall be operated at Slow-No-Wake;

(b) No person shall water-ski and no person shall operate a vessel towing a water-skier.

(Effective May 19, 1994; Amended March 9, 2004)

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Sec. 15-121-B15m. Housatonic River regulation

(a) No person shall operate a vessel in other than a careful and prudent manner, so as not to unreasonably interfere with free and proper use of the navigable waters or endanger life, limb or property, having due regard for conditions and circumstances such as weather, current, visibility, water depth, width of channel, proximity to shore, water hazards, vessel traffic and water use.

(b) When not within areas governed by subsection (c) of this section, from the lower Housatonic Dam in Shelton to the southern tip of the outer break wall in Milford, and when passing a marina, yacht club, fuel dock, an area in which boats are docked, at anchor, being launched or retrieved, or congested area, no person shall operate a vessel in excess of Slow-No-Wake.

(c) No person shall operate a vessel in excess of Slow-No-Wake within:

(1) The area bounded northerly by a point five hundred feet upstream from navigation aid #4 and bounded southerly by a point five hundred feet downstream from navigation aid #3;

(2) the channel east of Nells Island and all channels, creeks or waterways within the Charles E. Wheeler Wildlife Management Area, including Nells Island;

(3) the area bounded northerly by the Devon railroad bridge between Milford and Stratford and bounded southerly by navigation aid #14; and

(4) the area bounded northerly by the northernmost tip of Wooster Island and bounded southerly by the southernmost tip of Wooster Island.

(Effective September 8, 1998; Amended March 9, 2004; Amended January 3, 2007)

Sec. 15-121-B15n. Mansfield Hollow Lake (Naubesatuck) special regulation

On Mansfield Hollow Lake (Naubesatuck) motorboats shall not operate at a speed in excess of eight miles per hour and no person shall water-ski or operate a vessel towing a water-skier.

(Adopted effective March 9, 2004)

Sec. 15-121-B15o. Mystic River regulation

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”.

(Adopted effective July 8, 2011)

Sec. 15-121-b15p. Lake Waramaug special regulation

No person shall operate a motorboat on Lake Waramaug in the towns of Washington,

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Warren and Kent in excess of slow-no-wake from May 15 through September 15, inclusive, in the cove adjacent to Lake Waramaug State Park in the area beginning at the northernmost tip of the cove, bounded by the shorelines, and southerly from said northernmost tip for a distance of 1,300 feet.

(Effective December 12, 2014)

Sec. 15-121-B16. Vessel restrictions on state-owned lakes and ponds

(a) Motorboats shall not be operated at a speed in excess of eight miles per hour and no person shall water-ski or operate a vessel towing a water-skier on the following state-owned lakes and ponds unless specified in subsection (b) of this section:

- (1) Amos Lake, Preston;
- (2) Avery Lake, Preston;
- (3) Babcock Pond, Colchester;
- (4) Beachdale Pond, Voluntown;
- (5) Beseck Lake, Middlefield;
- (6) Burr Pond, Torrington;
- (7) Dooley Pond, Middletown;
- (8) Eagleville Lake, Coventry and Mansfield;
- (9) Gorton Pond, East Lyme;
- (10) Halls Pond, Ashford and Eastford;
- (11) Hatch Pond, Kent;
- (12) Higganum Reservoir, Haddam;
- (13) Holebrook Pond, Hebron;
- (14) Hopeville Pond, Griswold;
- (15) Mono Pond, Columbia;
- (16) Morey Pond, Ashford and Union;
- (17) North Farms Reservoir, Wallingford;
- (18) Park Pond, Winchester;
- (19) Pataconk Lake, Chester, and in addition, the use of internal combustion engines is prohibited during the months of July and August;
- (20) Pattagansett Lake, East Lyme;
- (21) Pickerel Lake, Colchester and East Haddam;
- (22) Powers Lake, East Lyme;
- (23) Silver Lake (Peat Works Pond), Berlin and Meriden;
- (24) Tetreault Pond, Killingly;
- (25) Winchester Lake, Winchester; and
- (26) Wyassup Lake, North Stonington.

(b) Notwithstanding the provisions of this section, between the hours of 11:00 a.m. and 6:00 p.m. from June fifteenth to the Sunday following Labor Day, inclusive, motorboats on Amos Lake, Beseck Lake, Pattagansett Lake, Pickerel Lake, Wyassup Lake and Silver Lake may be operated at speeds in excess of eight miles per hour and persons may water-ski or

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operate a vessel towing a water-skier. With respect to Wyassup Lake, however, no person shall water-ski or operate a vessel towing a water-skier between the islands and the east shore.

(c) No person shall use and no owner shall allow the use of an internal combustion engine to propel a vessel on the following state-owned lakes and ponds:

- (1) Bigelow Pond, Union;
- (2) Bishops Swamp, Andover;
- (3) Black Pond, Meriden and Middlefield;
- (4) Breakneck Pond, Union;
- (5) Brewster Pond, Lebanon;
- (6) Crystal Lake, Middletown;
- (7) Green Falls Reservoir, Voluntown;
- (8) Griggs Pond, Woodstock;
- (9) Hampton Reservoir, Hampton;
- (10) Horse Pond, Salem;
- (11) Howells Pond, Hartland;
- (12) Huntington State Park Ponds (all waters within the boundaries of Collis P. Huntington State Park), Redding and Bethel;
- (13) Messerschmidt's Pond, Deep River, Westbrook;
- (14) Millers Pond, Durham;
- (15) Pine Acres Lake, Hampton;
- (16) Ross Pond, Killingly;
- (17) Savin Lake, Lebanon;
- (18) Stillwater Pond, Torrington;
- (19) Wauregan Reservoir, Killingly; and
- (20) Wintergreen Lake, Hamden.

(d) No person shall use and no owner shall allow the use of an internal combustion engine or an electric motor on the following state-owned lakes and ponds:

- (1) Barber Pond, Bloomfield;
- (2) Beaver Brook Pond (Bibbins Pond), Windham;
- (3) Dodge Pond, East Lyme; and
- (4) Mohawk Pond, Cornwall and Goshen.

(e) Except as otherwise specified herein, no person shall use and no owner shall allow the use of a vessel on the following state-owned lakes and ponds:

- (1) Barber Pond, Bloomfield. Provided that from May sixteenth to October thirty-first, manually propelled vessels may be used;
- (2) Beaver Brook Pond (Bibbin Pond), Windham. Provided that from May sixteenth to October thirty-first, manually propelled vessels may be used;
- (3) Black Rock Pond, Watertown;
- (4) Day Pond, Colchester;
- (5) Gay City Pond, Hebron;

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- (6) Mad River Impoundment, Winchester;
- (7) Schreeder Pond (Chatfield Hollow Pond), Killingworth; and
- (8) Wharton Pond, Wallingford.
- (f) The following additional restrictions shall apply:
 - (1) Beach Pond, Voluntown. No person shall water-ski and no person shall operate or allow the operation of a motorboat which is towing a water-skier in the narrow area from the dam east eight hundred feet to the mouth of said narrow area. At the discretion of the commissioner the eastern end of this restricted area may be marked with a regulatory buoy;
 - (2) Gorton Pond, East Lyme. The operation of personal watercraft as defined in section 15-140j of the Connecticut General Statutes, is prohibited;
 - (3) Pachaug Pond, Griswold. No person shall water-ski and no person shall operate or allow the operation of a motorboat which is towing a water-skier in the narrow area from the dam one thousand feet southeast to the mouth of said narrow area. At the discretion of the commissioner the southeastern end of this restricted area may be marked with a regulatory buoy; and
 - (4) Somersville Mill Pond, Somers. No person shall operate a motorboat at a speed in excess of six miles per hour and no person shall water-ski or operate a vessel towing a water-skier.

(Effective May 19, 1994; Amended September 8, 1998; Amended March 9, 2004; Amended January 3, 2007)

Sec. 15-121-B17. Repealed

Repealed November 5, 1991.

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-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.

(b) The commissioner may, by written authorization, expand, with or without modification, the exemption in subsection (a) of this section to include vessels owned by the general public during any marine event authorized by the commissioner or upon receipt of a copy of the U.S. Coast Guard authorization for a marine event, based on consideration

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of the following factors:

- (1) the nature and purpose of the event;
- (2) the estimated number and types of spectator watercraft;
- (3) physical boundaries of the event and various water courses or areas to be utilized by participants, officials and spectator craft;
- (4) the time schedule and a description of events, including times that nonparticipating craft will be allowed to enter the area;
- (5) the system used to mark the area;
- (6) expected traffic conditions and density of boating activity at the time and area of the event;
- (7) potential conflicts with various water use groups;
- (8) public safety considerations and precautions to be taken by event organizers;
- (9) consistency with federal, state, and local law; and
- (10) the necessity for the proposed modification or suspension in order to carry out the event.

(Effective May 19, 1994; Amended September 6, 1998; Amended July 8, 2011)

Restricted Zones for the Transportation of Hazardous Materials

Sec. 15-121-C1. Transportation of hazardous substances in Connecticut waters

(a) No vessel, regardless of tonnage size, or manner of propulsion, and whether self-propelled or not, transporting oil or other hazardous substance in bulk shall navigate in Connecticut waters in Long Island Sound north of a "Shore Clearance Line" except when, in the judgment of the master, the safety of the vessel, cargo or crew would be jeopardized and except further that a course not less than sixty degrees north of the Shore Clearance Line may be taken when making an approach to the channel entrance at a port of call or in departing from same and except further that a vessel may navigate north of the Shore Clearance Line at Long Sand Shoal when making an approach to the Connecticut River.

(b) Oil means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil; hazardous substance means any liquid cargo which is inflammable or combustible or which, when discharged in any quantity into or upon the waters of Connecticut causes or is likely to cause significant damage to the environmental resources of Connecticut, including but not limited to, fish, shellfish, wildlife, shorelines, and beaches; Shore Clearance Line means a series of straight lines connecting sequentially the following navigation aids as numbered and described in Coast Guard Light List (CG-158) Volume I, Atlantic Coast (1972):

<u>Number</u>	<u>Description</u>	<u>Nearest Locality</u>
981	Parsonage Point Lighted Buoy 40	Mamaroneck, N.Y
976	The Cows Lighted Bell Buoy 32	Stamford, Conn.

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<u>Number</u>	<u>Description</u>	<u>Nearest Locality</u>
969	Norwalk Harbor Lighted Gong Buoy 24A	Norwalk, Conn.
968	Cockenoe Island Shoal Lighted Bell 24	Norwalk, Conn.
961	Stratford Point Lighted Bell Buoy 18	Stratford, Conn.
958	New Haven Light	New Haven, Conn.
954	Townshend Ledge Lighted Gong Buoy 10A	East Haven, Conn.
952	Goose Island Lighted Bell Buoy 10G1	Guilford, Conn.
947	Long Sand Shoal West End Lighted Bell Buoy	Westbrook, Conn.
946	Long Sand Shoal Lighted Gong Buoy 8B	Westbrook, Conn.
944	Long Sand Shoal Lighted Whistle Buoy 8A	Old Saybrook, Conn.
942	Saybrook Bar Lighted Bell Buoy 8	Lyme, Conn.
934	Bartlett Reef Lighted Whistle Buoy 2A	Seaside Pt., Conn.
917	Seaflower Reef Light	Mumford, Pt., Conn.
916	North Dumpling Light	(North of North Hill, Fisher's Island, N.Y.)

(Effective July 11, 1973)

Sec. 15-121-D1a—15-121-D1c. Transferred

Transferred to Sec. 15-140f, September 8, 1998

Sec. 15-121-D1d. Repealed

Repealed March 9, 2004.

See § 15-140f-4.

Sec. 15-121-D1e. Repealed

Repealed March 9, 2004.

Sec. 15-121-D1f. Repealed

Repealed March 9, 2004.

See § 15-140e-4.

Sec. 15-121-D2a. Repealed

Repealed March 9, 2004.

See § 15-140j-2.

Sec. 15-121-D2b—15-121-D2c. Transferred

Transferred to Sec. 15-140j, September 8, 1998

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Sec. 15-133b-1. Repealed

Repealed April 23, 1993.

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Sec. 15-133c-1. Repealed

Repealed November 5, 1991.

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Exemption From Safe Boating Certificate

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Sec. 15-140e-4. Exemption for operators of rental vessels

Any operator of a vessel rented for a period of fourteen days or less from a person or organization engaged in the business of commercial rental of vessels, who claims exemption from safe boating certificate requirements pursuant to subsection (d) of Section 15-140e of the Connecticut General Statutes, shall carry on board such vessel the original or a copy of the written agreement for such rental stating the period of such rental and the identity of the lessee. Any such operator shall produce such rental agreement upon demand of any enforcement officer identified in Section 15-154 of the Connecticut General Statutes.

(Adopted effective March 9, 2004)

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Boating Safety

Sec. 15-140f-1. Safe boating certificate course content. Safe water skiing endorsement course content

(a) Any person required by subsections (a) or (b) of section 15-140e of the Connecticut General Statutes to successfully complete a course prior to issuance of a safe boating certificate shall complete a course in safe boating operation which, for purposes of these regulations, shall include a minimum of eight hours of classroom instruction. Said course shall subscribe to the National Association of State Boating Law Administrators (NASBLA) National Boating Education Standards amended from time to time and available online at www.nasbla.org or from the NASBLA Headquarters Office, 1648 McGrathiana Parkway, Suite 360, Lexington, KY 40511. Said course shall include a section on Invasive Aquatic Vegetation as described in subsection (h) of section 15-140e of the Connecticut General Statutes.

(b) For purposes of this section, and section 15-140e and subsection (c) of section 15-140f of the Connecticut General Statutes, the following courses in safe boating operation may be approved by the commissioner:

(1) Classroom courses with a proctored, closed-book examination in safe boating operation taught by Department of Energy and Environmental Protection personnel or their agents who have been designated to teach such course by the commissioner;

(2) Classroom courses in safe boating operation which have been approved by the National Association of State Boating Law Administrators with a proctored, closed-book examination;

(3) Classroom courses in safe boating operation taught by members of the United States Coast Guard Auxiliary with a proctored, closed-book examination; and

(4) Classroom courses in safe boating operation taught by members of the United States Power Squadrons with a proctored, closed-book examination.

(c) Any person required by section 15-140e of the Connecticut General Statutes to complete instruction in safe water skiing as a prerequisite to receiving a safe water skiing endorsement shall be required to successfully complete a course of instruction approved by the commissioner.

(1) Only those instructional courses in safe water skiing and their associated examinations approved, in writing, by the commissioner shall be accepted as meeting the prerequisite for receiving a safe water skiing endorsement. The commissioner shall determine whether an instruction course and examination meets the requirements set forth in this section. An approved instruction course or examination that is altered in a way that omits required content shall be deemed to be unapproved until the commissioner approves, in writing, the change(s) or alteration(s).

(A) Any instruction course in safe water skiing that is approved by the commissioner shall include, at a minimum, the following topics: responsibilities and requirements of the vessel owner, operator, and observer while a vessel is engaged in water skiing; responsibilities and requirements of the person or persons being towed; and recognized

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safety practices for water skiing.

(B) Any person seeking to obtain a safe water skiing endorsement and who is required by section 15-140e of the Connecticut General Statutes to obtain such safe water skiing endorsement prior to operating a vessel engaged in water skiing shall be required to pass an examination consisting of a minimum of ten questions regarding safe water skiing practices with a passing score of eighty percent (80%) prior to being issued a safe water skiing endorsement.

(C) The commissioner shall incorporate the safe water skiing instruction and examination described in this section into approved safe boating courses offered pursuant to sections 15-140f and 15-140j of the Connecticut General Statutes. There shall be no additional fee for the safe water skiing instruction and examination where it has been incorporated into such courses. The commissioner may offer the safe water skiing instruction and examination described in this section as a stand-alone class. There shall be no fee for such stand-alone class, except that a facility fee of not more than ten dollars (\$10), as requested by the facility and approved by the commissioner, may be charged per student and paid to the facility for those classes that take place on property which use is not under the control of the commissioner. The commissioner may charge an administrative fee of not more than ten dollars (\$10) per student for an online safe water skiing instruction course approved by the commissioner. An examination administrative fee of not more than ten dollars (\$10) per student may be charged by a provider of an online course that has been approved, in writing, by the commissioner.

(2) The commissioner shall issue the safe water skiing endorsement as a mark or notation on a person's safe boating certificate or certificate of personal watercraft operation.

(A) The commissioner may issue a stand-alone safe water skiing endorsement to those persons seeking a safe water skiing endorsement who are not required by section 15-140e or section 15-140j of the Connecticut General Statutes to obtain or possess a safe boating certificate or certificate of personal watercraft operation, respectively.

(B) The commissioner shall not issue a safe water skiing endorsement to persons who hold a temporary safe boating certificate or a temporary certificate of personal watercraft operation.

(d) A list of approved courses shall be maintained by the commissioner.

(Effective September 24, 1992; Transferred and Amended September 8, 1998; Amended March 9, 2004; Amended December 22, 2016)

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

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answers.

(b) As provided by Section 15-140e(b)(2) of the Connecticut General Statutes, any person may take an equivalency examination 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 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.

(Effective September 24, 1992; Transferred and Amended September 8, 1998; Amended March 9, 2004; Amended July 8, 2011)

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

(a) Any person required by subsection (a) of Section 15-140e of the Connecticut General Statutes to obtain a safe boating certificate shall apply to the Commissioner for such certificate on a form provided by the 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 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 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 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.

(e) No person shall alter or deface a safe boating certificate or a duplicate certificate,

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and no person shall exhibit to any enforcement officer identified in 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 only to applicants who change their legal name or to applicants whose certificate is lost, stolen, or destroyed upon application to the Commissioner on a form provided by the 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, 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 three months from the date of vessel registration as is provided for in 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 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 may waive such requirement of proof when verification is obtained from records of the Commissioner which show such examination was passed.

(Effective September 24, 1992; Transferred and Amended September 8, 1998; Amended January 3, 2007; Amended July 8, 2011)

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

(a) There shall be no fee for an approved course in safe boating operation taught by Department of Environmental Protection personnel or its agents.

(b) The fee for a safe boating certificate equivalency examination shall be seventy five dollars for any person taking such examination.

(c) The fee for issuance of a safe boating certificate or temporary safe boating certificate shall be fifty dollars.

(d) The Commissioner may set a fee for issuance of a duplicate safe boating certificate of 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.

(Adopted effective March 9, 2004; Amended July 8, 2011)

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 may present evidence of said certificate to satisfy the educational requirements, as described in 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.

(Adopted effective January 3, 2007; Amended July 8, 2011)

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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 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 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 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 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; 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 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) of Section 15-140f-3 of the Regulations of Connecticut State Agencies of eligibility to be issued such certificate; or

(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.

The Commissioner may waive the requirements contained in subdivisions (1) to (3) of this subsection, as applicable, if the records of the Commissioner demonstrate that a course as specified in this section was successfully completed or an equivalency examination, as specified in Section 15-140j-2(c)(2) of the Regulations of the Connecticut State Agencies, 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

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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 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 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 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.

(Effective September 24, 1992; Transferred and Amended September 8, 1998; Amended March 9, 2004; Amended July 8, 2011)

Sec. 15-140j-2. Content for courses taken to obtain a certificate of personal watercraft operation

(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 shall provide 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 person required by subsection (b) of section 15-140j of the

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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. Such combined course shall contain all topic areas designated in section 15-140f-1 of the Regulations of Connecticut State Agencies and in subdivisions (1), (2) and (3) of subsection (a) of this section. 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 this subsection as a prerequisite to receiving a certificate of personal watercraft operation.

(Adopted effective March 9, 2004; Amended July 8, 2011; Amended December 22, 2016)

Sec. 15-140j-3. Fees for certificate of personal watercraft operation courses and for issuing certificates of personal watercraft operation, temporary certificates of 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.

(c) The fee for issuance of a certificate of personal watercraft operation or temporary certificate of personal watercraft operation shall be fifty dollars.

(d) The Commissioner may set a fee of twenty dollars for issuance of a duplicate certificate of personal watercraft operation.

(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 and duplicate certificates payable under this section shall accompany the application for a certificate of personal watercraft operation or duplicate certificate.

(Effective September 24, 1992; Transferred and Amended September 8, 1998; Amended March 9,

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2004; Amended July 8, 2011)

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Forensic Chemical Testing Under an Act Concerning Boating Safety

Sec. 15-140r-1. Definitions

As used in sections 15-140r-1 to 15-140r-10, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Alveolar” means air expired from the deepest part of the lungs;
- (2) “Analyst” means an individual trained and certified in toxicological laboratory procedures;
- (3) “Blood alcohol content” means the grams of alcohol per one hundred (100) milliliters of blood expressed as percentage, or grams of alcohol per 210 liters of breath;
- (4) “Commissioner” means the Commissioner of Public Safety or such commissioner’s designee;
- (5) “Department” means the Department of Public Safety, Division of Scientific Services;
- (6) “Device or instrument” means any apparatus and associated accessories of which alcohol or drug content in a sample is qualitatively and quantitatively determined and reported. Such apparatus may indicate an equivalent blood alcohol content;
- (7) “Direct breath alcohol test” or “direct breath alcohol testing” means the test of a sample of an individual’s expired breath using an instrument designed for this purpose in order to determine the concentration of ethyl alcohol in the individual’s blood;
- (8) “Instructor” means an individual trained and certified to make an analysis with a direct breath alcohol test device or instrument certified or approved by the commissioner and to train operators in the conduct of such tests;
- (9) “Laboratory” means any place or area in which any sample of blood, breath or urine is subjected to a forensic chemical or instrumental analysis. Such definition shall not include a place or area under the jurisdiction of, or controlled by, a law enforcement agency or the Department of Environmental Protection in which direct breath alcohol tests are performed;
- (10) “Operator” means an individual trained and certified to make an analysis with a direct breath alcohol test device or instrument certified or approved by the commissioner; and
- (11) “Person” shall have the meaning ascribed to it in subsection (k) of section 1-1 of the Connecticut General Statutes, except that it is not intended to include any hospital or clinical laboratory.

(Adopted effective August 30, 2005)

Sec. 15-140r-2. General requirements and exemptions

Sections 15-140r-1 to 15-140r-10, inclusive, of the Regulations of Connecticut State Agencies, shall apply to the forensic chemical testing of blood, breath and urine when the results thereof may be offered as evidence in a court of law or in an administrative proceeding affecting persons suspected of operating a vessel while under the influence of intoxicating liquor or drug or both. Sections 15-140r-1 to 15-140r-10, inclusive, of the Regulations of Connecticut State Agencies, shall not apply to samples collected and

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analyzed for other purposes, such as medical diagnostic testing.

(Adopted effective August 30, 2005)

Sec. 15-140r-3. Approval and certification required

(a) No person shall operate a laboratory for the performance of forensic chemical analysis within the scope of sections 15-140r-1 to 15-140r-10, inclusive, of the Regulations of Connecticut State Agencies, until the commissioner approves the methods of conducting the analyses and certifies each analyst who will be performing such chemical analysis.

(b) To be eligible for approval, a method shall be based upon one or more of the following quantitative techniques:

- (1) titration with potassium dichromate;
- (2) use of alcohol dehydrogenase;
- (3) gas chromatography;
- (4) infrared analysis;
- (5) fuel cell analysis;
- (6) gas chromatography/mass spectrometry;
- (7) enzyme immunoassay; or
- (8) high performance liquid chromatography.

(c) The commissioner may approve a method not based on the techniques listed in subsection (b) of this section, provided that such alternative method produces a comparable degree of precision and accuracy.

(d) Results shall not be reported until the requirements of subsection (a) of this section are met. Failure to obtain such approvals or certifications may result in the suspension or revocation of any approvals or certifications subsequently obtained.

(Adopted effective August 30, 2005)

Sec. 15-140r-4. Application for approval of methods and equipment

Application for approval of the methods to be used in conducting analyses shall be made to the commissioner by the person seeking to operate the laboratory where such analyses are to be performed. The application shall be in writing, shall be accompanied by a complete description of the proposed method or methods, including specifications for laboratory sampling equipment and associated accessories, and shall include any additional information that the commissioner may require in evaluating the application. Citation to any publication wherein such proposed method or methods have been described may be substituted in whole or in part for a written description. The commissioner may consider design, susceptibility to environmental influences or other limitations and any other factors relevant to a determination of whether the device or instrument should be approved for use, even in instances where the initial analysis results are accurate.

(Adopted effective August 30, 2005)

Sec. 15-140r-5. Application for certification of analysts to perform tests

An individual or his or her employer may apply for certification to allow the individual to perform alcohol or drug analyses. Such application for certification as an analyst shall be in writing, shall be accompanied by a statement of the training and experience of the applicant and shall include any additional information that the commissioner may require in evaluating the application.

(Adopted effective August 30, 2005)

Sec. 15-140r-6. Granting of approvals and certifications

(a) An approval or certification shall be made subject to such conditions as the commissioner determines are necessary to protect the health and safety of persons who submit to chemical analyses and to insure reasonable accuracy of results.

(b) An applicant for certification as an analyst shall be required to demonstrate the ability to perform and control such alcohol or drug analyses or to operate and control analytical devices or instruments before certification is granted.

(c) An approval or certification shall be subject to periodic review by the commissioner. Such review shall include performance evaluations.

(d) Approval of an analytic method shall include the device or instrument and associated accessories specified in the application for approval, provided that such device or instrument is, in the opinion of the commissioner, properly maintained.

(Adopted effective August 30, 2005)

Sec. 15-140r-7. Suspension or revocation of approval or certification

The commissioner may suspend or revoke an approval or certification in instances where such commissioner determines that fraudulent or inaccurate results are being reported or where it is proven that the performance or practices of a laboratory or analyst or operator are otherwise unethical or unsatisfactory. For the purposes of this section, the term “unsatisfactory” may include, but its definition shall not be limited to, any violation of the provisions of sections 15-140r-1 to 15-140r-10, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted effective August 30, 2005)

Sec. 15-140r-8. Operation and use of test devices

(a) No device or instrument may be used to conduct analyses in accordance with the provisions of sections 15-140r-1 to 15-140r-10, inclusive, of the Regulations of Connecticut State Agencies, until the commissioner inspects such device or instrument and determines that it is capable of providing accurate results.

(b) Only an analyst or operator may operate a device or instrument.

(c) Each time a sample is analyzed by a device or instrument other than a direct breath alcohol test device or instrument, the analyst shall analyze duplicate samples.

(d) An analyst shall check each device or instrument for accuracy immediately before

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and after each analysis. An operator shall verify the accuracy of a direct breath alcohol testing device or instrument immediately before and after each test.

(Adopted effective August 30, 2005)

Sec. 15-140r-9. Requirements for the conduct of the analysis of blood and urine

(a) Requirements for blood collection

(1) Blood shall be withdrawn as provided in section 15-140r(a)(3) of the Connecticut General Statutes.

(2) Blood samples shall be collected using a sterile syringe and hypodermic needle or other equipment of equivalent sterility. The skin at the area of puncture shall be thoroughly cleansed and disinfected, provided that any solution containing ethyl alcohol shall not be used as a skin antiseptic.

(3) Containers and other equipment for sample collection shall be of a type that will preserve the integrity and suitability of the sample from the time of collection until analysis. Following collection, the container for each sample shall be sealed and labeled. Only those samples that have been properly sealed shall be analyzed.

(b) Requirements for urine collection

(1) The peace officer collecting the sample shall monitor the collection of the sample to ensure that adulteration or misidentification does not occur. Collections shall be monitored by a peace officer of the same gender as the individual from whom the sample is obtained.

(2) Containers and other equipment for sample collection shall be of a type that will preserve the integrity and suitability of the sample from the time of collection until it is analyzed. Following collection, the container for each sample shall be sealed and labeled. Only those samples that have been properly sealed shall be analyzed.

(c) Requirements for blood and urine tests

(1) No analysis may be reported or used for the purposes specified in section 15-140r-2 of the Regulations of Connecticut State Agencies, unless the method or methods used to conduct the analysis have been approved by the commissioner and such analysis is performed by an analyst.

(2) In conducting the analysis, the analyst shall use standards and controls approved by the commissioner.

(3) All analyses shall be performed in duplicate. Alcohol test results shall be reported to the requesting agency only when the duplicate results correspond to each other within 5 percent of the mean value. Drug test results shall be reported to the requesting agency only when the duplicate results correspond to each other within 20 percent of the mean value.

(4) All reports, written and oral, shall indicate the determined or equivalent blood alcohol content in terms of hundredths of a percent. When determinations are made to the nearest thousandth of a percent, results shall be truncated to the first two digits after the decimal point. For example, a determination of 0.149 percent shall be reported as 0.14 percent.

(Adopted effective August 30, 2005)

Sec. 15-140r-10. Direct breath alcohol test

(a) No person shall operate a direct breath alcohol testing device or instrument unless such person has been certified by the commissioner and is employed by a law enforcement agency, the Department of Environmental Protection or the department. Such operator shall conduct tests according to methods and with such devices and instruments approved by the commissioner and shall verify the accuracy of the device or instrument immediately before and after each test.

(b) Approval of device or instrument

(1) Standard of performance

Approval of a particular type and model of device or instrument shall be based on a laboratory evaluation of each device or instrument and its accessories to meet the following standard of performance:

(A) The device or instrument shall be capable of collecting and analyzing breath samples that are alveolar in composition;

(B) The device or instrument shall be capable of accurately analyzing a blank sample and suitable reference samples, such as air equilibrated with reference solutions of known alcohol concentration at known temperature; and

(C) The device or instrument shall be capable of alcohol analyses that result in a concentration less than 0.01 gram per 210 liters of air, i.e. 0.01 percent, when alcohol-free subjects are tested.

(2) Evaluation and approval

(A) The applicant shall provide the commissioner with each device or instrument and all related accessories for which approval is sought, complete operating instructions, and such other materials or technical assistance as the commissioner may require to conduct an evaluation of the application.

(B) The commissioner may also approve modified versions of such devices or instruments and accessories when the modifications do not alter the capabilities of the devices or instruments and their associated accessories to meet the standards of performance as provided in subdivision (1) of this subsection.

(3) Certification of specific devices or instruments

(A) Each device or instrument shall be examined and certified prior to being placed in operation and after repairs that affect or alter its calibration. Repairs to printers shall not be subject to the requirements of this subdivision.

(B) Annual certification shall not be required.

(c) Methods for conducting direct breath alcohol tests

All direct breath alcohol testing shall be conducted in accordance with the following procedures:

(1) Sample collection

(A) The expired breath sample shall be air that is alveolar in composition. The breath sample shall be collected only after the subject has been monitored for at least 15 minutes prior to the collection of each sample. During this period, the test subject shall not have

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ingested alcoholic beverages or food, regurgitated or smoked.

(B) Samples of the test subject's breath shall be collected with a device or instrument approved in accordance with subsection (b) of this section.

(2) Operation of device or instrument

(A) Operators shall follow the manufacturer's operating instructions for the device or instrument, unless the commissioner has accepted a modification of such instructions. If the instructions have been so modified, then the instructions as modified shall be followed. The operating instructions applicable to the device or instrument shall be available at each location where a device or instrument is used.

(B) All agencies using a device or instrument shall make available for inspection by the commissioner all devices or instruments used by them, together with the current logbook associated with each such device or instrument. Such logbook shall include the identity of each operator using the device or instrument, the frequency with which the device or instrument has been checked for accuracy, and the results of each subject's analysis and calibration.

(d) Certification of operators and instructors

(1) Certification of operators

(A) General requirements

An operator of a direct breath alcohol testing device or instrument shall meet the following requirements:

(i) Employment by a law enforcement agency, the Department of Environmental Protection or the department;

(ii) Successful completion of at least four hours of training in the operation of the device or instrument to be used. Such training may be acquired by attending training courses offered by the department or by certified instructors; and

(iii) Demonstration to the commissioner of the proper use and application of such device or instrument.

(B) Proficiency instruction and review

(i) At any time after certification, the commissioner may require an operator to satisfactorily demonstrate proficiency in the use of such device or instrument.

(ii) Each operator shall demonstrate to a certified instructor competence in the operation of a device or instrument at least once during the 12-month period following the last such demonstration. The results of each such review shall be reported to the commissioner.

(2) Certification of instructors

In order to be certified as an instructor in the use of a direct breath alcohol testing device or instrument, the following requirements shall be met:

(A) Employment by a law enforcement agency, the Department of Environmental Protection or the department;

(B) Successful completion of at least seven hours of instruction approved by the commissioner on a designated device or instrument. Such instruction shall include the following:

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- (i) The theory of the devices or instruments used in the analytical process that measures the alcohol content of the blood;
- (ii) Practical application and experience in the use of such devices or instruments; and
- (iii) Presentations and discussions of the pharmacological and physiological effects of alcohol on the human body.

(C) Proficiency instruction and review

Each instructor shall attend an annual course of instruction conducted by the commissioner.

(e) Revocation of certification of operators and instructors

(1) The commissioner may revoke a certification issued to an operator for the following reasons:

(A) Failure to remain employed by a law enforcement agency, the Department of Environmental Protection or the department;

(B) Misuse of the device or instrument or incompetence in the performance of tests; or

(C) Failure to participate in proficiency review and testing or failure to properly perform tests during proficiency review and testing.

(2) The commissioner may revoke a certification issued to an instructor for the following reasons:

(A) Failure to remain employed by a law enforcement agency, the Department of Environmental Protection or the department;

(B) Failure to demonstrate knowledge of the device or instrument or testing procedures to the extent necessary to instruct operators; or

(C) Failure to attend an annual course of instruction conducted by the commissioner.

(Adopted effective August 30, 2005)

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Sec. 15-140v-1. Reinstatement of safe boating certificate, right to operate vessel or certificate of personal watercraft operation (Repealed)

Repealed June 11, 2014.

(Adopted effective January 3, 2007; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

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Issuance of Vessel Registrations by Marine Dealers

Sec. 15-144-1. Dealer qualifications

No marine dealer shall be authorized by the commissioner of motor vehicles to assign identification numbers and issue temporary certificates of number upon the sale or transfer of a motorboat pursuant to the provisions of subsection (e) of section 15-144 of the General Statutes until such dealer has satisfied the commissioner that he meets the following requirements:

(a) Such dealer qualifies as a marine dealer as defined in section 15-141 of the General Statutes.

(b) That his application for authorization to assign such motorboat identification numbers and temporary certificates of number is accompanied by a surety bond in such form as the commissioner shall prescribe in the amount of one thousand five hundred dollars conditioned on the faithful performance by the applicant of his duties in connection with the assignment of identification numbers and temporary certificates of number to motorboats, such bond to be held by the commissioner to satisfy any loss suffered by his department through any action, malfeasance or failure to act on the part of such applicant.

(Effective November 23, 1988)

Sec. 15-144-2. Automatic revocation

The forfeiture of any bond filed with the commissioner of motor vehicles under the provisions of subsection (b) of section 15-144-1 shall result in the automatic revocation of any authorization to assign identification numbers and issue temporary certificates of number for motorboats granted under the authority of subsection (e) of section 15-144 of the General Statutes and all forms bearing identification numbers and other materials on hand shall be immediately returned to the department.

(Effective November 23, 1988)

Sec. 15-144-3. Motorboats not to be numbered

No identification number or temporary certificate of number shall be issued by the commissioner of motor vehicles pursuant to subsection (e) of section 15-144 of the General Statutes unless such motorboat was sold to the owner in whose name the motorboat will be registered by such authorized marine dealer.

(Effective November 23, 1988)

Sec. 15-144-4. Submission of registration application

Each marine dealer assigning an identification number and issuing a temporary certificate of number pursuant to the provisions of subsection (e) of section 15-144 of the General Statutes shall within ten days of the issuance by him of such identification number and/or certificate of number submit to the commissioner of motor vehicles an application together

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with all necessary documents and fees required for the registration of such motorboat.

(Effective November 23, 1988)

Sec. 15-144-5. Suspension or revocation

The commissioner of motor vehicles may suspend or revoke the authorization to issue identification numbers and temporary certificates of number pursuant to subsection (e) of section 15-144 of the General Statutes when after notice and an opportunity to be heard as provided by the Uniform Administrative Procedures Act as set forth in sections 4-177 through 4-183 of the General Statutes it is established to the commissioner's satisfaction that such marine dealer has violated a provision of these regulations, subsection (e) of section 15-144 of the General Statutes or of any other regulation or statute relating to the conduct of his business as a marine dealer.

(Effective November 23, 1988)

Marine Vessel Registration Requirements

Sec. 15-144-6. Purpose

These regulations apply to registrations of marine vessels where the registrant desires to claim an exemption from or reduction in the fees or registration authorized by section 15-144 of the general statutes.

(Effective December 29, 1988)

Sec. 15-144-7. Evidence of ownership

Any owner desiring to obtain a vessel registration number or decal shall furnish evidence of ownership in the form of a bill of sale indicating that the owner has been the purchaser of the vessel. If the applicant for registration does not have a bill of sale, the applicant may file a sworn affidavit as to the fact of such applicant's ownership of the vessel desired to be registered. The applicant also shall disclose in writing to the commissioner any other ownership interests in a vessel. Any marine dealer selling a used marine vessel shall provide the new owner with the name and address of the former owner and the previous vessel number.

(Effective December 29, 1988)

Sec. 15-144-8. Fee reductions for commercial fishing

In order to pay the fee applicable to commercial fishing activities as prescribed by section 15-144 (b) (2), the applicant shall file a copy of form L-20 or a similar form indicating commercial fishing tax status approved by the commissioner of revenue services. The applicant also shall file a form B-229, the Commercial Fishing Affidavit. The filing of this form also is required with each application for renewal.

(Effective December 29, 1988)

Regulations of Connecticut State Agencies

TITLE 15. Navigation and Aeronautics

Department of Motor Vehicles

§15-144-11

Sec. 15-144-9. Educational institution vessel

In order to claim the registration fee exemption applicable to vessels built by students in an educational institution authorized by section 15-144 (b) (4) (B), the applicant shall furnish a statement attesting to the character of the vessel from an authorized official of the institution.

(Effective December 29, 1988)

Sec. 15-144-10. Nonprofit organizations

In order to claim the registration fee prescribed for a nonprofit organization in accordance with section 15-144 (b) (6), the applicant must file its exemption number ("E" number) issued by the Department of Revenue Services.

(Effective December 29, 1988)

Sec. 15-144-11. Coast Guard auxiliary vessels

Applications for registration of Coast Guard auxiliary vessels claiming fee exemptions provided by section 15-144 (b) (8) shall be accompanied by an affidavit of prescribed use, certified by an officer of the United States Coast Guard. Initially all applications claiming this exemption must be submitted directly to and approved by the Marine Vessel Section of the Department of Motor Vehicles.

(Effective December 29, 1988)