

State of Connecticut
Regulation of
Department of Energy and Environmental Protection
Concerning
USCG Boating Safety Regulation Conformance Amendments

Section 1. Section 15-121-A1 of the Regulations of the Connecticut State Agencies is amended to read as follows:

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 a personal flotation device [bearing a United States Coast Guard approval number which indicates the performance type of the device] that is labeled, maintained, stored and used in compliance with 33 CFR 175, Subpart B.
- (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] Marine dealer” means a person engaged in the business of manufacturing, selling or repairing new or used vessels.
- (o) “[marine] Marine engine manufacturer” means a person engaged in the business of manufacturing, selling or repairing marine engines.
- (p) “[marine] Marine surveyor” means a person who is certified by the National Association of Marine Surveyors or accredited by the Society of Accredited Marine Surveyors and who is engaged in the business of inspection, survey or examination of vessels or associated equipment to assess, monitor and report on the condition of the vessel or associated equipment.

- (q) “Airboat” means a vessel that is typically flat-bottomed and propelled by an aircraft-type propeller powered by an engine.
- (r) “Auxiliary sail” means a vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method.
- (s) “Cabin motorboat” means a vessel propelled by propulsion machinery and providing enclosed spaces inside its structure.
- (t) “Houseboat” means a motorized vessel that is usually non-planing and designed primarily for multi-purpose accommodation spaces with low freeboard and little or no foredeck or cockpit.
- (u) “Hull identification number” or HIN means a number required by 33 CFR 181.23.
- (v) “Inboard”, in the context of an engine, means an engine mounted inside the confines of a vessel which powers a drive shaft that turns a water jet impeller or that runs through the bottom of the hull and is attached to a propeller at the other end.
- (w) “Inflatable boat” means a vessel that uses air-filled flexible fabric for buoyancy.
- (x) “Open motorboat” means a vessel equipped with propulsion machinery and having an open load carrying area that does not have a continuous deck to protect it from the entry of water.
- (y) “Outboard”, in the context of an engine, means an engine with propeller or water jet integrally attached, which is usually mounted at the stern of a vessel.
- (z) “Overall length of vessel” means the horizontal distance between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets and similar fittings or attachments, as reported on the manufacturer’s certificate of origin or builder’s certificate for the subject vessel; or absent such certificate of origin or builder’s certificate, as reported on a current or expired certificate of number or certificate of documentation for the subject vessel issued by a governmental agency; or absent such certificate of origin, certificate of number, builder’s certificate or certificate of documentation, as measured by the owner.
- (aa) “Paddlecraft” means a vessel powered only by its occupants, using a single or double-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches, or similar arrangements.
- (bb) “Pod drive” means an engine mounted in front of the transom of a vessel and attached through the bottom of the hull to a steerable propulsion unit.
- (cc) “Pontoon boat” means a vessel with a broad, flat deck that is affixed on top of closed cylinders which are used for buoyancy, the basic design of which is usually implemented with two rows of floats as a catamaran or with three rows of floats as a trimaran.
- (dd) “Rowboat” means an open vessel manually propelled by oars.
- (ee) “Sail only” means a vessel propelled only by sails.
- (ff) “State of principal operation” or “State of principal use” means the state in whose waters a vessel is or will be operated most during a calendar year.
- (gg) “Sterndrive” means an engine, powering a propeller through a series of shafts and gears, mounted in front of the transom of a vessel and attached through the transom to a drive unit that is similar to the lower unit of an outboard; and may also be known as an inboard-outdrive or an inboard-outboard.

Sec. 2. Subsection (b) of section 15-121-A8 of the Regulations of the Connecticut State Agencies is amended to read as follows:

- (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;]
- [(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.]

- (1) Number and name of each vessel involved;
- (2) Name and address of each owner of each vessel involved;
- (3) Name of the nearest city or town, the county, the State, and the body of water;
- (4) Time and date the casualty or accident occurred;
- (5) Location on the water;
- (6) Visibility, weather, and water conditions;
- (7) Estimated air and water temperatures;
- (8) Name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report;
- (9) Name and address of each operator of each vessel involved;
- (10) Number of persons onboard or towed on skis by each vessel;
- (11) Name, address, and date of birth of each person injured or killed;
- (12) Cause of each death;
- (13) Weather forecasts available to and weather reports used by the operator before and during the use of the vessel;
- (14) Name and address of each owner of property involved;
- (15) Availability and use of personal flotation devices;
- (16) Type and number of each fire extinguisher used;
- (17) Nature and extent of each injury;
- (18) Description of all property damage and vessel damage with an estimate of the cost of all repairs;
- (19) Description of each equipment failure that caused or contributed to the cause of the casualty;
- (20) Description of the vessel casualty or accident;
- (21) Type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, explosion, or other);
- (22) Opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause of or contributed to causing the casualty;

- (23) Characteristics of the reporting operator's vessel, including:
- (A) Make;
- (B) Model;
- (C) Type: authorized terms are "air boat", "auxiliary sail", "cabin motorboat", "houseboat", "inflatable boat", "open motorboat", "paddlecraft", "personal watercraft", "pontoon boat", "rowboat", "sail only", or "other";
- (D) Beam width at widest point;
- (E) Overall length of vessel;
- (F) Depth from transom to keel;
- (G) Horsepower;
- (H) Propulsion: authorized terms are "air thrust", "manual", "propeller", "sail", "water jet", or "other";
- (I) Fuel: authorized terms are "electric", "diesel", "gas", or "other";
- (J) Engine drive type: authorized terms are "inboard", "outboard", "pod drive", "sterndrive", or "other";
- (K) Hull material: authorized terms are "aluminum", "fiberglass", "plastic", "rubber/vinyl/canvas", "steel", "wood", or "other"; and,
- (L) Model year.
- (24) Name, address, and telephone number of each witness;
- (25) Manufacturer's hull identification number, if any, of the reporting operator's vessel; and,
- (26) Name, address, and telephone number of the person submitting the report.

Sec. 3. Subdivision (1) of section 15-121-A15(a) of the Regulations of the Connecticut State Agencies is amended to read as follows:

(1) All persons aboard personal watercraft shall wear a United States Coast Guard approved [Type I, II, III or V personal flotation device] PFD 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] PFD to meet the [PFD] requirements of this section.

Sec. 4. Section 15-121-A17 of the Regulations of the Connecticut State Agencies is amended to read as follows:

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] PFD 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.

Sec. 5. Section 15-121-B1 of the Regulations of the Connecticut State Agencies is amended to read as follows:

Sec. 15-121-B1. Requirements of an application for a certificate of number

The application for a certificate of 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;]
- [(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.]
 - (1) Name of owner;
 - (2) Address of owner, including ZIP code;
 - (3) Owner identifier, which must be the owner's tax identification number, date of birth together with driver's license number, or date of birth together with other unique number;
 - (4) State of principal operation;
 - (5) Number previously issued by an issuing authority;
 - (6) Application type: Authorized terms are "new number", "renewal of number", or "transfer of ownership";
 - (7) Primary operation: Authorized terms are, "charter fishing", "commercial fishing", "commercial passenger carrying", "other commercial operation", "pleasure", or "rent or lease" or "livery";
 - (8) Make and model of vessel;
 - (9) Model year;
 - (10) Hull identification number, if any;
 - (11) Overall length of vessel;
 - (12) Vessel type: Authorized terms are "air boat", "auxiliary sail", "cabin motorboat", "canoe", "houseboat", "inflatable boat", "open motorboat", "paddlecraft", "personal watercraft", "pontoon boat", "rowboat", "sail only", or "other";
 - (13) Hull material: Authorized terms are "aluminum", "fiberglass", "plastic", "rubber/vinyl/canvas", "steel", "wood", or "other";
 - (14) Propulsion type: Authorized terms are "air thrust", "manual", "propeller", "sail", "water jet", or "other";
 - (15) Engine drive type: Authorized terms are "inboard", "outboard", "pod drive", "sterndrive", or "other";
 - (16) Fuel: Authorized terms are "electric", "diesel", "gas", or "other"; and,
 - (17) Signature of the owner.

Sec. 6. Section 15-121-B2 of the Regulations of the Connecticut State Agencies is amended to read as follows:

Sec. 15-121-B2. Information on a certificate of 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.]

- (1) Number issued to the vessel;
- (2) Expiration date of the certificate;
- (3) State of principal operation;
- (4) Name of owner;
- (5) Address of owner, including ZIP code;
- (6) Primary operation: Authorized terms are, “charter fishing”, “commercial fishing”, “commercial passenger carrying”, “other commercial operation”, “pleasure”, or “rent or lease” or “livery”;
- (7) Hull identification number, if any;
- (8) Make and model of vessel;
- (9) Model year;
- (10) Overall length of vessel;
- (11) Vessel type: Authorized terms are “air boat”, “auxiliary sail”, “cabin motorboat”, “canoe”, “houseboat”, “inflatable boat”, “open motorboat”, “paddlecraft”, “personal watercraft”, “pontoon boat”, “rowboat”, “sail only”, or “other”;
- (12) Hull material: Authorized terms are “aluminum”, “fiberglass”, “plastic”, “rubber/vinyl/canvas”, “steel”, “wood”, or “other”;
- (13) Propulsion type: Authorized terms are “air thrust”, “manual”, “propeller”, “sail”, “water jet”, or “other”;
- (14) Engine drive type: Authorized terms are “inboard”, “outboard”, “pod drive”, “sterndrive”, or “other”; and,
- (15) Fuel: Authorized terms are “electric”, “diesel”, “gas”, or “other”

R-39 Rev. 02/2012

Statement of Purpose

It is the lawful duty of the Commissioner of the Department of Energy and Environmental Protection (DEEP) pursuant to the boating statutes to “cooperate with the United States and the several states in promoting uniformity of boating laws and regulations” and to “adopt such regulations as... necessary to...promote the...safe operation of vessels” (section 15-121(b) of the Connecticut General Statutes (CGS)). The DEEP fulfills its obligation to cooperate with the United States through a program administered by the United States Coast Guard (USCG) known as the Recreational Boating Safety (RBS) program. Under the RBS program the state assumes the primary share of boating safety education, navigation safety, boating enforcement and vessel registration activities in the state in conformance with certain federal boating regulations. Contingent upon such conformance, the USCG provides federal funding those activities. Accordingly, the Commissioner herewith proposes to amend six sections of the state boating safety regulations (segregated into two groups) to conform to recent changes in federal boating regulation.

The first group of amendments comes under the rubric of “Changes to Standard Numbering System, Vessel Identification System and Boating Accident Report Database.” Announced as a Final Rule in the Federal Register, Volume 77, No. 60 and beginning on Page 18689, the USCG makes changes to modernize the terminology collected at the time of vessel registration and during accident reporting. In order to comply, it is necessary to amend a section of regulation containing definitions (Regulations of the Connecticut State Agencies (RCSA) sec. 15-121-A1, amendment Section 1), a section regarding the reporting of boating accidents (RCSA sec. 15-121-A8, amendment Section 2), a section that prescribes the information to be collected at the time of vessel registration (RCSA sec. 15-121-B1, amendment Section 5) and a section that prescribes the type of information that must appear on a vessel’s registration document (RCSA sec. 15-121-B2, amendment Section 6).

The second group of amendments comes under the rubric of “Personal Flotation Devices Labeling and Standards.” Announced as a Final Rule in the Federal Register, Volume 79, No. 183 and beginning on page 56491, the USCG changes its labeling standards for personal flotation devices (PFDs) by removing familiar “type codes” (such as “Type I”, “Type II”, “Type III”, etc.) and replacing those type codes with labeling that better describes the uses and limitations of a given personal flotation device. In this particular case, state statute already incorporates by reference federal labeling requirements and any changes made thereto (CGS sec. 15-129(a)), but in order to foreclose any confusion regarding compliance with the change, it is necessary to change the regulatory definition of “PFD” and to amend those sections of regulation where type codes have been written into the text (RCSA sec. 15-121-A1, amendment Section 1; RCSA sec. 15-121-A15(a)(1), amendment Section 3; and, RCSA sec. 15-121-A17, amendment Section 4).

Finally, DEEP proposes to amend RCSA sec. 15-121-A1 to include a definition for “Overall Length of Vessel.” The definition is offered to end the practice of understating or overstating the length of a vessel at the time of registration; a practice that boat dealers and boat owners have engaged in to avoid paying certain taxes or to exempt their vessel from certain length-limit regulations. In general, this definition gives deference to the length of a vessel as determined by the manufacturer prior to sale and as recorded on the Manufacturer Statement of Origin, which DEEP regards as the definitive measure of a manufactured vessel’s length.

This action is not expected to affect small business directly; as such, the requirement to prepare a

R-39 Rev. 02/2012

regulatory flexibility analysis under CGS section 4-168a of the General Statutes does not apply.

The Commissioner is authorized to propose this action by Connecticut General Statute Sections 15-121(b)(4), (b)(10), (b)(11), (c)(2), (c)(4) and (c)(5), and by Sections 15-144(a), 15-149a(a).