



General Assembly

January Session, 2009

Raised Bill No. 824

LCO No. 2801

02801_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS
AND YACHT BROKERS.**

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

1 Section 1. Section 15-141 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 As used in this part, unless the context otherwise requires:
4 "Commissioner" means the Commissioner of Environmental
5 Protection; "vessel" means every description of watercraft, other than a
6 seaplane on water, used or capable of being used as a means of
7 transportation on water, exclusive of any such watercraft used
8 primarily for purposes of transporting commercial cargo; "motorboat"
9 means any watercraft fitted with propulsion machinery, whether or
10 not such machinery is the principal source of propulsion; "horsepower"
11 means the rated brake horsepower of an engine at maximum operating
12 revolutions per minute; "operate" means to navigate or otherwise use a
13 vessel; "person" means any individual, partnership, firm, association,
14 limited liability company, corporation or other entity; "owner" means a
15 person, other than a lien holder, having property in or title to a vessel.
16 The term includes a person entitled to use or possession of a vessel

17 subject to an interest in another person reserved or created by
18 agreement and securing payment or performance of an obligation, but
19 the term excludes a lessee under a lease not intended as security;
20 "marine dealer" means a person engaged in the business of
21 manufacturing, selling or repairing new or used vessels; [having an
22 established place of business for the sale, trade, display or repair of
23 motorboats;] "marine engine manufacturer" means a person engaged
24 in the business of manufacturing, selling or repairing marine engines;
25 [having an established place of business for the sale, trade, display or
26 repair of marine engines;] "marine engine" means an engine
27 manufactured for use or used in vessels; "marine surveyor" means a
28 person who is certified by the National Association of Marine
29 Surveyors or accredited by the Society of Accredited Marine Surveyors
30 and who is engaged in the business of inspection, survey or
31 examination of vessels or associated equipment to assess, monitor and
32 report on the condition of the vessel or associated equipment; "yacht
33 broker" means a marine dealer, as defined in this section, who, for
34 compensation or an expectation of compensation, sells or negotiates to
35 sell or offers to sell, buys or offers to buy, solicits or obtains listings of
36 or negotiates the purchase, sale or exchange of vessels, but who is not
37 an owner of such vessels; "federal Boat Safety Act of 1971" means an
38 Act of Congress approved August 10, 1971, Public Law 92-75; and
39 "boat livery" means a business that is engaged in the commercial rental
40 of vessels, including, but not limited to, personal watercraft.

41 Sec. 2. Section 15-145 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective July 1, 2009*):

43 (a) A marine dealer, [or] marine engine manufacturer or marine
44 surveyor may obtain one or more marine dealer's registration numbers
45 upon application to the Commissioner of Environmental Protection. [,
46 and upon payment of a fee of fifty dollars for each number.]

47 (b) The commissioner may adopt regulations, in accordance with
48 the provisions of chapter 54, to establish fees for: (1) Each marine

49 dealer registration number issued, (2) application for such numbers, (3)
50 examination of a marine dealer, marine engine manufacturer or marine
51 surveyor with respect to criteria for issuance of such numbers, and (4)
52 issuance and display of marine dealer registration numbers. Such
53 [funds] fees shall be deposited in the boating account of the
54 Conservation Fund. Such application shall contain an affidavit stating
55 that (1) such marine dealer is a person engaged in the business of
56 manufacturing, selling or repairing new or used vessels and that such
57 person has an established place of business for the sale, trade, display
58 or repair of such vessels, [or] unless specifically exempted in this
59 subsection from the requirement to have an established place of
60 business, (2) such marine engine manufacturer is a person engaged in
61 the business of manufacturing, selling or repairing marine engines and
62 that such person has an established place of business for the sale,
63 trade, display or repair of such engines, or (3) such marine surveyor is
64 a person engaged in the inspection, surveying or examination of
65 vessels and meets the definition of a "marine surveyor", as defined in
66 section 15-141, as amended by this act. Yacht brokers shall not be
67 required to have an established place of business. A marine dealer's,
68 [or] marine engine manufacturer's or marine surveyor's registration
69 certificate shall be denominated as such and shall state the dealer's,
70 [or] engine manufacturer's or surveyor's name, residence address,
71 business address, registration number, the expiration date of the
72 certificate and such other information as the Commissioner of
73 Environmental Protection may prescribe. The certificate, or a copy of
74 the certificate, shall be carried aboard and shall be available for
75 inspection upon each vessel which displays the marine dealer's,
76 marine engine manufacturer's or marine surveyor's registration
77 number whenever such vessel is in operation. A number or certificate
78 may not be used on more than one vessel at a time. Each certificate
79 shall be renewed on the first day of May of the year following the date
80 of issue and shall expire on the last day of April of the year following
81 such renewal, unless sooner terminated or surrendered. At least thirty
82 days prior to the expiration date of each certificate, the Commissioner

83 of Environmental Protection shall notify each marine dealer, [and]
84 marine engine manufacturer and marine surveyor of such expiration.
85 Within ninety days before its expiration, each marine dealer's, [or]
86 marine engine manufacturer's or marine surveyor's certificate may be
87 renewed upon application and upon payment of the fee [provided in
88 this section] prescribed by the commissioner pursuant to this
89 subsection. Each registration number assigned to a marine dealer, [or]
90 marine engine manufacturer or marine surveyor shall remain the same
91 as long as such dealer, [or] manufacturer or surveyor continues, under
92 the same name, in the business described in such dealer's, [or]
93 manufacturer's or surveyor's application affidavit as required pursuant
94 to this subsection.

95 [(b)] (c) A marine dealer's registration number shall be displayed in
96 such manner as the Commissioner of Environmental Protection
97 prescribes on vessels: (1) [operated] Operated for the purpose of sale,
98 trade, repair or transport and on any vessel sold by such dealer for not
99 more than five days after the date of such sale, [and] (2) on any vessel
100 used by a marine engine manufacturer for the sole purpose of testing
101 or demonstrating marine engines manufactured or repaired by such
102 person, and (3) on any vessel used by a marine surveyor for the
103 purpose of inspecting, surveying or examining such vessel or
104 associated equipment to assess, monitor and report on the condition of
105 such vessel or associated equipment. Any vessel displaying a marine
106 dealer's registration number shall be presumed to be properly
107 registered.

108 [(c)] (d) No marine dealer, [or] marine engine manufacturer or
109 marine surveyor [may] shall (1) rent, or allow or cause to be rented, (2)
110 operate, or allow or cause to be operated, for hire, or (3) use, or allow
111 or cause to be used, for the purpose of conveying passengers or
112 merchandise or freight for hire, any vessel registered with a marine
113 dealer's, [or] marine engine manufacturer's or marine surveyor's
114 number and certificate. No marine dealer or marine engine
115 manufacturer may loan a number certificate to any person except (A)

116 for the purpose of demonstrating a vessel; (B) when a vessel owned by
117 or lawfully in the custody of such person is undergoing repairs; or (C)
118 when such person has purchased a vessel, the registration of which has
119 not yet been completed and in any case for not more than five
120 consecutive days. Each marine dealer or marine engine manufacturer
121 shall keep a record of each loaned number certificate showing the date
122 loaned, the vessel hull identification number (HIN) of the vessel on
123 which such number is displayed, the date returned and the name and
124 address of the person operating any vessel with such loaned number
125 certificate. Such dealer or engine manufacturer shall give a copy of this
126 record to each person to whom such number certificate is loaned,
127 which copy shall be carried in the vessel at all times when operated.
128 This record shall be retained by the dealer or engine manufacturer for
129 a period of six months from the date on which the number certificate
130 was loaned and such record shall be available during business hours
131 for examination by any police officer, marine officer or conservation
132 officer. A marine surveyor shall not loan a number certificate to any
133 person.

134 [(d)] (e) Any marine dealer may operate, or cause to be operated by
135 a bona fide full-time employee, a vessel with a marine dealer's
136 registration number (1) while a potential purchaser or customer is
137 aboard, (2) when running a new vessel from an import terminal to the
138 dealer's place of business, (3) when test running a new vessel after
139 receiving it from the manufacturer, (4) when delivering a sold vessel to
140 the new owner, (5) when running a trade-in vessel from a buyer, (6)
141 when test running a trade-in vessel before it is made available for sale,
142 (7) when running a vessel to, and using a vessel in, a fishing
143 tournament, (8) when test running a vessel after repairs, maintenance
144 or winter storage, (9) when used in connection with the business of the
145 marine dealer, (10) when running the vessel to obtain or deliver parts
146 for the repair of the vessel or another vessel, and (11) for the personal
147 use of the marine dealer. Any marine surveyor may operate, or cause
148 to be operated by a bona fide full-time employee, a vessel with a
149 marine dealer's registration number when performing an inspection,

150 survey or examination of such vessel or associated equipment
151 provided the marine surveyor has been contracted by written
152 agreement to perform such work and a copy of the written agreement
153 is carried on the vessel while the marine surveyor's registration
154 number is displayed on the vessel. Each marine dealer and marine
155 surveyor shall maintain a record of the following: (A) Each marine
156 number certificate issued by the commissioner to such dealer, (B) the
157 name, address and occupation of any bona fide full-time employee to
158 whom such certificate has been assigned, (C) the date of assignment of
159 such certificate, and (D) the exact location of each unassigned
160 certificate. For the purposes of this subsection, "bona fide full-time
161 employee" means a person who is employed by a marine dealer or
162 marine surveyor for not less than thirty-five hours per week and who
163 appears on the records of such marine dealer as an employee for
164 whom tax is withheld for Social Security, federal income tax and any
165 other withholding or deductions from salary required by law.

166 [(e)] (f) No person may use a vessel with a marine dealer's, [or]
167 marine engine manufacturer's or marine surveyor's registration
168 number for any purpose other than the purposes described in this
169 section. The commissioner may revoke any marine dealer's, [or]
170 marine engine manufacturer's or marine surveyor's registration
171 number under this section if any vessel with a number issued to such
172 dealer, [or] engine manufacturer or surveyor is used in violation of this
173 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	15-141
Sec. 2	<i>July 1, 2009</i>	15-145

Statement of Purpose:

To better regulate marine dealers, marine surveyors and yacht brokers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]