S T A T E O F N E W Y O R K

1532

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the navigation law, in relation to requiring all persons operating a mechanically propelled vessel to be a holder of a boating safety certificate

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 3 of section 49 of the navigation law, as amended by chapter 805 of the laws of 1992, are amended to read as follows:

1. (A) No person [under the age of eighteen years] shall operate a mechanically propelled vessel on the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties, unless[:

a. the operator is accompanied therein by a person who is eighteen years of age or older, or,

b. the operator is ten years of age or older and] SUCH PERSON is the holder of a boating safety certificate issued to him OR HER by the commissioner, the United States Power Squadrons or the United States coast guard auxiliary.

(B) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO PERSONS: CERTIFIED BY THE COMMISSIONER AS BOATING SAFETY INSTRUCTORS; MEMBERS OF THE UNITED STATES POWER SQUADRONS; MEMBERS OF THE UNITED STATES COAST GUARD AUXILIARY; HOLDERS OF PUBLIC VESSEL LICENSES PURSUANT TO SECTION SIXTY-FOUR OF THIS ARTICLE; POLICE OFFICERS ACTING PURSUANT TO ASSIGNED DUTIES; PEACE OFFICERS ACTING PURSUANT TO ASSIGNED DUTIES; LIFEGUARDS ACTING PURSUANT TO ASSIGNED DUTIES; FIRE AND RESCUE PERSONNEL ACTING PURSUANT TO ASSIGNED DUTIES; AND PERSONS LICENSED TO OPERATE VESSELS BY THE UNITED STATES COAST GUARD OR THE CANADIAN COAST GUARD. THE COMMISSIONER BY RULE AND REGULATION MAY PROVIDE FOR THE EXEMPTION OF ADDI-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD01703-01-9

TIONAL PERSONS NOT LISTED IN THIS PARAGRAPH FROM THE REQUIREMENTS OF THIS SECTION.

3. No person who is the owner of a mechanically propelled vessel shall knowingly authorize or permit the operation thereof on the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties, unless[:

a. the operator is eighteen years of age or older or,

b. the operator is accompanied therein by a person eighteen years of age or older or,

c. the operator is ten years of age or older and] THE OPERATOR is the holder of a boating safety certificate issued to him OR HER by the commissioner, the United States Power Squadrons or the United States Coast Guard Auxiliary.

S 2. Section 78 of the navigation law, as amended by chapter 138 of the laws of 1998, is amended to read as follows:

S 78. Boating safety certificate. 1. "Boating safety certificate" shall mean a certificate issued by the commissioner evidencing that the holder thereof has successfully completed a course of instruction in boating safety as herein after provided. The commissioner shall put into effect a plan for the training of youthful boat operators and the issuance of such boating safety certificates. For the purposes of this section, the term "boating safety" shall include instruction in the safe operation of ANY MECHANICALLY PROPELLED VESSEL, personal watercraft and specialty prop-craft.

2. "Boating safety certificate" shall also mean a certificate issued by the commissioner evidencing that the holder thereof has successfully completed a course of instruction in the safe operation of vessels, including THE SAFE OPERATION OF personal watercraft and [speciality] SPECIALTY prop-craft. The commissioner is authorized to collect a fee not to exceed ten dollars for the issuance of such certificate which fee shall be deposited in the "I love NY waterways" boating safety fund established by section ninety-seven-nn of the state finance law, as added by chapter eight hundred five of the laws of nineteen hundred ninety-two, and shall be solely available to support the administration of MECHANICALLY PROPELLED VESSEL, personal watercraft and specialty prop-craft safety training and enforcement.

S 3. This act shall take effect immediately; provided that section one of this act shall take effect January 1, 2011 and shall apply to all operators born on or after January 1, 2011 and shall apply to all operators born on or after January 1, 1992; provided further on and after January 1, 2012 and before January 1, 2013 such section shall apply to all operators born on or after January 1, 1980; provided, further that on and after January 1, 2013 and before January 1, 2014 such section shall apply to all operators born on and after January 1, 1970; provided, further, that on and after January 1, 2014 such section shall apply to all operators. Upon a finding that courses do not exist in sufficient numbers to enable the operators of any mechanically propelled vessel to earn boating safety certificates in a timely fashion as required by subdivision 1 of section 49 of the navigation law, as amended by section one of this act, the commissioner of parks, recreation and historic preservation is authorized by rule or regulation to modify the dates provided in this section.