

STATE OF NEW YORK

4853

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. JEAN-PIERRE, COOK, M. G. MILLER, ORTIZ, SEAWRIGHT, D'URSO, McDONOUGH, DICKENS, RAIA, MONTESANO, GIGLIO, RAMOS, RIVERA, TITUS, QUART, LAVINE, GALEF, JAFFEE, WOERNER, LAWRENCE, RA, NIOU, BARRON, BICHOTTE, DINOWITZ, BENEDETTO, ARROYO, L. ROSENTHAL, BYRNE, CARROLL, M. L. MILLER, GARBARINO, PRETLOW, DiPIETRO, JOHNS, BARRETT, ABINANTI, WEPRIN, WALSH, SANTABARBARA, CUSICK, WILLIAMS, AUBRY, HEVESI, B. MILLER, MOSLEY, BUCHWALD, DE LA ROSA, BRABENEC, COLTON, SOLAGES, PERRY, STERN, STIRPE, WALKER, STECK, HYNDMAN, TAGUE, PALUMBO, TAYLOR, SMITH, FAHY, RODRIGUEZ, FINCH, PICHARDO, HAWLEY, DILAN -- Multi-Sponsored by -- M. of A. ABBATE, ASHBY, BLANKENBUSH, DAVILA, DenDEKKER, ENGLEBRIGHT, EPSTEIN, FITZPATRICK, FRIEND, KIM, LENTOL, LUPARDO, PALMESANO, SIMON, SIMOTAS, THIELE -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the navigation law, in relation to enacting Brianna's Law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 "Brianna's Law".
3 § 2. Subdivision 1 of section 49 of the navigation law, as amended by
4 by chapter 361 of the laws of 2013, paragraph a and subparagraph (i) of
5 paragraph b as amended by chapter 386 of the laws of 2017, is amended to
6 read as follows:
7 1. No person [~~born on or after May first, nineteen hundred ninety-six~~]
8 shall operate a mechanically propelled vessel on the navigable waters of
9 the state or any tidewaters bordering on or lying within the boundaries
10 of Nassau and Suffolk counties, unless[~~+~~
11 ~~a-~~] the operator is at least ten years old and is the holder of a
12 boating safety certificate issued to him or her upon completion of a
13 boating safety course by the commissioner, the United States Power Squa-

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

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1 drons, the United States coast guard auxiliary or the United States
2 sailing association for a powerboating course or courses which are
3 approved by the commissioner[; or

4 ~~b. the operator is younger than eighteen years of age, and is accompa-~~
5 ~~nied on the mechanically propelled vessel by at least one person who is~~
6 ~~at least eighteen years of age and is~~

7 ~~(i) the holder of a boating safety certificate issued to him or her by~~
8 ~~the commissioner, the United States Power Squadrons, the United States~~
9 ~~coast guard auxiliary or the United States sailing association for a~~
10 ~~powerboating course or courses which are approved by the commissioner,~~
11 ~~or~~

12 ~~(ii) not required by this subdivision to hold a boating safety certif-~~
13 ~~icate in order to operate a mechanically propelled vessel; or~~

14 ~~c. the operator is eighteen years of age or older, is a person~~
15 ~~required by this subdivision to hold a boating safety certificate in~~
16 ~~order to operate a mechanically propelled vessel, and is accompanied on~~
17 ~~the mechanically propelled vessel by at least one person who is at least~~
18 ~~eighteen years of age and the holder of a boating safety certificate; or~~

19 ~~d. the operator is the owner of a recently purchased vessel and may~~
20 ~~operate such vessel without the otherwise required boating safety~~
21 ~~certificate for a period of time not to exceed one hundred twenty days~~
22 ~~from the date of purchase].~~

23 [e-] a. The provisions of this subdivision shall not apply to persons
24 who are: [~~born before April thirtieth, nineteen hundred ninety-six;~~
25 certified by the commissioner as boating safety instructors; members of
26 the United States Power Squadrons; members of the United States coast
27 guard auxiliary; holders of public vessel licenses pursuant to section
28 sixty-four of this article; police officers, peace officers, fire
29 personnel, rescue personnel or lifeguards, when any such person is
30 acting pursuant to assigned duties; or licensed to operate vessels by
31 the United States coast guard or the Canadian coast guard. The commis-
32 sioner, by rule or regulation, may provide for the exemption of addi-
33 tional persons not listed in this paragraph from the requirements of
34 this section.

35 [~~f-~~] b. The provisions of this subdivision shall supersede all local
36 laws or ordinances relating to requirements for boating safety certif-
37 icates to operate a mechanically propelled vessel.

38 c. For purposes of the section:

39 (i) "boating safety course" shall mean a course of instruction that
40 has been approved by the commissioner pursuant to sections seventy-five
41 and seventy-nine of this article; and

42 (ii) "boating safety certificate" shall mean a document which cannot
43 be altered and which is provided to a person who successfully completes
44 a boating safety course.

45 § 3. Section 79 of the navigation law, as amended by chapter 361 of
46 the laws of 2013, subdivision 1 as amended by chapter 386 of the laws of
47 2017, is amended to read as follows:

48 § 79. Courses of instruction. 1. For the purpose of giving such cours-
49 es of instruction and awarding boating safety certificates, the commis-
50 sioner may designate as his or her agent any person the commissioner
51 deems qualified to act in such capacity, including, but not limited to,
52 certified instructors of the United States coast guard auxiliary, United
53 States power squadrons, the United States sailing association for a
54 powerboating course or courses which are approved by the commissioner,
55 American power boat association, boy scouts of America, Red Cross and
56 other organizations. No charge whatsoever shall be made to any person

1 less than eighteen years of age for the issuance of a boating safety
2 certificate. Persons less than eighteen years of age may be charged a
3 fee for instruction in boating safety, except that the office may not
4 charge a fee when providing such instruction to persons less than eigh-
5 teen years of age.

6 2. The commissioner is authorized, at his or her discretion, to devel-
7 op a method for approving internet-based boating safety courses as an
8 appropriate and effective method for the administration and completion
9 of training in the safe operation of vessels, including personal water-
10 craft and specialty prop-craft, for the purposes of awarding a boating
11 safety certificate pursuant to this section.

12 All approved internet-
13 based boating safety courses shall verify the identity of each individ-
14 ual taking such course, prior to awarding a boating safety certificate,
15 in accordance with rules and regulations promulgated by the commission-
16 er.

17 § 4. This act shall take effect one year after it shall have become a
18 law. Effective immediately, the addition, amendment and/or repeal of any
19 rule or regulation necessary for the implementation of this act on its
20 effective date are authorized to be made and completed on or before such
effective date.