

1610--A

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

Introduced by Sens. VALESKY, HASSELL-THOMPSON, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the navigation law, in relation to penalties for persons leaving the scene of a boating accident

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

1 Section 1. Paragraph (b) of subdivision 2 of section 47 of the naviga-
2 tion law, as added by chapter 587 of the laws of 2003, is amended to
3 read as follows:
4 (b) The first violation of the provisions of paragraph (a) of this
5 subdivision involving personal injury to another person *RESULTING SOLELY*
6 *FROM THE FAILURE OF A VESSEL OPERATOR TO PROVIDE THE NAME AND ADDRESS OF*
7 *THE VESSEL OWNER AND/OR THE IDENTIFICATION NUMBER OF THE VESSEL* shall
8 constitute a class B misdemeanor punishable by a fine of not less than
9 two hundred fifty nor more than five hundred dollars in addition to any
10 other penalties provided by law. Any subsequent *SUCH* violation [involv-
11 ing personal injury to another person] after a conviction for [a] *SUCH*
12 violation [of such paragraph] within the preceding five years shall
13 constitute a class A misdemeanor punishable by a fine of not less than
14 five hundred nor more than one thousand dollars in addition to any other
15 penalties provided by law. Any violation of the provisions of *PARAGRAPH*
16 *(A) OF* this subdivision, other than the mere failure of a vessel opera-
17 tor to provide the name and address of the vessel owner and/or the iden-
18 tification number of the vessel, *SHALL CONSTITUTE A CLASS A MISDEMEANOR,*
19 *PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED NOR MORE THAN ONE*
20 *THOUSAND DOLLARS IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW. ANY*

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

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1 SUCH VIOLATION COMMITTED BY A PERSON AFTER SUCH PERSON HAS PREVIOUSLY
2 BEEN CONVICTED OF SUCH A VIOLATION SHALL CONSTITUTE A CLASS E FELONY,
3 PUNISHABLE BY A FINE OF NOT LESS THAN ONE THOUSAND NOR MORE THAN TWO
4 THOUSAND FIVE HUNDRED DOLLARS IN ADDITION TO ANY OTHER PENALTIES
5 PROVIDED BY LAW. ANY VIOLATION OF THE PROVISIONS OF PARAGRAPH (A) OF
6 THIS SUBDIVISION, OTHER THAN THE MERE FAILURE OF A VESSEL OPERATOR TO
7 PROVIDE THE NAME AND ADDRESS OF THE VESSEL OWNER AND/OR THE IDENTIFICA-
8 TION NUMBER OF THE VESSEL where the personal injury involved (I)
9 results in [death or] serious physical injury, as defined in section
10 10.00 of the penal law, or where a person has disappeared under the
11 water as the result of the incident shall constitute a class E felony OR
12 (II) RESULTS IN DEATH SHALL CONSTITUTE A CLASS D FELONY.
13 S 2. This act shall take effect on the first of November next succeed-
14 ing the date on which it shall have become a law and shall apply to
15 violations occurring on and after such date.