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

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2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

Introduced by Sens. FLANAGAN, DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the navigation law, in relation to the use of personal flotation devices

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

Section 1. The subdivision heading of subdivision 1 of section 40 of the navigation law, as amended by chapter 74 of the laws of 1998, is amended to read as follows:

[personal] PERSONAL flotation devices.

S 2. Paragraph (d) of subdivision 1 of section 40 of the navigation law, as amended by chapter 484 of the laws of 2005, is amended to read as follows:

(d) No person shall operate a pleasure vessel of Class A, one, two or three as classified and defined in subdivision one of section forty-three of this article or a rowboat, canoe or kayak nor shall the owner of such vessel while on board such vessel knowingly permit its operation, unless each person on such vessel [under the age of twelve] is wearing a securely fastened United States Coast Guard approved wearable personal flotation device of an appropriate size when said vessel is underway. The provisions of this paragraph shall not apply to any person on such vessel [under the age of twelve] who is within a fully enclosed cabin.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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