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

4311

2009-2010 Regular Sessions

I N S E N A T E

April 21, 2009

Introduced by Sens. DeFRANCISCO, LARKIN, MORAHAN, PADAVAN, RANZENHOFER, SEWARD, YOUNG -- 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 increasing the penalties for persons leaving the scene of a boating accident without making a report

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

Section 1. Paragraph (b) of subdivision 2 of section 47 of the navigation law, as added by chapter 587 of the laws of 2003, is amended to read as follows:

(b) The first violation of the provisions of paragraph (a) of this subdivision involving personal injury to another person shall constitute a class [B] A misdemeanor punishable by a fine of not less than two hundred fifty nor more than five hundred dollars in addition to any other penalties provided by law. Any subsequent violation involving personal injury to another person after a conviction for a violation of such paragraph within the preceding five years shall constitute a class [A misdemeanor] E FELONY punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of this subdivision, other than the mere failure of a vessel operator to provide the name and address of the vessel owner and/or the identification number of the vessel, where the personal injury involved results in death or serious physical injury, as defined in section 10.00 of the penal law, or where a person has disappeared under the water as the result of the incident shall constitute a class [E] D felony.

S 2. Subdivision 2 of section 73-c of the navigation law, as amended by chapter 320 of the laws of 2007, is amended to read as follows:

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

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2. Every person convicted of a violation for a violation of any of the provisions of this article or of any ordinance, order, rule or regulation adopted pursuant to this article for which another penalty is not provided shall for a first conviction thereof [be punished] CONSTITUTE A CLASS B MISDEMEANOR PUNISHABLE by a fine of not less than one hundred nor more than two hundred fifty dollars [or by imprisonment for not more than seven days or by both such fine and imprisonment] IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW; for a conviction of a second violation, both of which were committed within a period of twenty-four months, such [person shall be punished] CONVICTION SHALL CONSTITUTE A CLASS A MISDEMEANOR PUNISHABLE by a fine of not less than two hundred fifty nor more than five hundred dollars [or by imprisonment of not more than fifteen days or by both such fine and imprisonment] IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW; upon a conviction for a third or subsequent violation, all of which were committed within a period of twenty-four months, such [person] CONVICTION shall [be punished] CONSTITUTE A CLASS E FELONY PUNISHABLE by a fine of not less than five hundred nor more than one thousand dollars [or by imprisonment for not more than thirty days or by both such fine and imprisonment] IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

S 3. Section 47-b of the navigation law, as added by chapter 587 of the laws of 2003, is amended to read as follows:

S 47-b. Report to the commissioner required upon accident. Every person operating a vessel, including, but not limited to, rowboats and canoes, upon the navigable waters of the state, or on any other waters within the boundaries of the state, which is in any manner involved in an accident, in which any person is killed, injured or disappears under the water, or in which damage to the property of any one person, including himself or herself, in excess of one thousand dollars is sustained shall, within five days after such accident, report the matter in writing to the commissioner. If the owner is not involved in such accident or is incapacitated, the owner shall, within five days after learning of the facts of such accident, report the matter to the commissioner together with such information as may have come to the owner's knowledge relating to such accident. Every such operator of a vessel, or surviving participant in any such accident, or the owner of the vessel involved in any such accident, shall make such other and additional reports as the commissioner may require. A violation of this section shall constitute a [violation] CLASS A MISDEMEANOR punishable by a fine of not less than twenty-five nor more than one hundred dollars. Nothing contained in this section shall be deemed to supersede the provisions of section forty-seven of this article.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.