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

2262

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. STIRPE, DelMONTE, KOON, SPANO, EDDINGTON, MAGNARELLI, FIELDS, ERRIGO, FINCH, ESPAILLAT, BACALLES -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, BRENNAN, BROOK-KRASNY, CALHOUN, CHRISTENSEN, COLTON, CONTE, CROUCH, CYMBROWITZ, DUPREY, GALEF, GIGLIO, GLICK, GUNTHER, HIKIND, MAGEE, McENENY, MILLMAN, PHEFFER, RABBITT, REILLY, ROSENTHAL, SAYWARD, SCHIMEL, WALKER, WEISENBERG -- read once and referred to the Committee on Transportation

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:

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 RESULTING SOLELY FROM THE FAILURE OF A VESSEL OPERATOR TO PROVIDE THE NAME AND ADDRESS OF THE VESSEL OWNER AND/OR THE IDENTIFICATION NUMBER OF THE VESSEL shall constitute a class B 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 SUCH subsequent violation [involving personal injury to another person] after a conviction for [a] SUCH violation [of such paragraph] within the preceding five years shall constitute a class A misdemeanor 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 PARAGRAPH (A) 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, SHALL CONSTITUTE A CLASS A MISDEMEANOR, 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

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

LBD05045-01-9

SUCH VIOLATION COMMITTED BY A PERSON AFTER SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF SUCH A VIOLATION SHALL CONSTITUTE A CLASS E FELONY, PUNISHABLE BY A FINE OF NOT LESS THAN ONE THOUSAND NOR MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW. ANY VIOLATION OF THE PROVISIONS OF PARAGRAPH (A) 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 (I) 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 felony OR (II) RESULTS IN DEATH SHALL CONSTITUTE A CLASS D FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to violations occurring on and after such date.