

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

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.