

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:

1 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
2 read as follows:
3
4 (b) The first violation of the provisions of paragraph (a) of this
5 subdivision involving personal injury to another person shall constitute
6 a class [B] A misdemeanor punishable by a fine of not less than two
7 hundred fifty nor more than five hundred dollars in addition to any
8 other penalties provided by law. Any subsequent violation involving
9 personal injury to another person after a conviction for a violation of
10 such paragraph within the preceding five years shall constitute a class
11 [A misdemeanor] E FELONY punishable by a fine of not less than five
12 hundred nor more than one thousand dollars in addition to any other
13 penalties provided by law. Any violation of the provisions of this
14 subdivision, other than the mere failure of a vessel operator to provide
15 the name and address of the vessel owner and/or the identification
16 number of the vessel, where the personal injury involved results in
17 death or serious physical injury, as defined in section 10.00 of the
18 penal law, or where a person has disappeared under the water as the
19 result of the incident shall constitute a class [E] D felony.
20 S 2. Subdivision 2 of section 73-c of the navigation law, as amended
21 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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1 2. Every person convicted of a violation for a violation of any of the
2 provisions of this article or of any ordinance, order, rule or regu-
3 lation adopted pursuant to this article for which another penalty is not
4 provided shall for a first conviction thereof [be punished] CONSTITUTE A
5 CLASS B MISDEMEANOR PUNISHABLE by a fine of not less than one hundred
6 nor more than two hundred fifty dollars [or by imprisonment for not more
7 than seven days or by both such fine and imprisonment] IN ADDITION TO
8 ANY OTHER PENALTIES PROVIDED BY LAW; for a conviction of a second
9 violation, both of which were committed within a period of twenty-four
10 months, such [person shall be punished] CONVICTION SHALL CONSTITUTE A
11 CLASS A MISDEMEANOR PUNISHABLE by a fine of not less than two hundred
12 fifty nor more than five hundred dollars [or by imprisonment of not more
13 than fifteen days or by both such fine and imprisonment] IN ADDITION TO
14 ANY OTHER PENALTIES PROVIDED BY LAW; upon a conviction for a third or
15 subsequent violation, all of which were committed within a period of
16 twenty-four months, such [person] CONVICTION shall [be punished] CONSTI-
17 TUTE A CLASS E FELONY PUNISHABLE by a fine of not less than five hundred
18 nor more than one thousand dollars [or by imprisonment for not more than
19 thirty days or by both such fine and imprisonment] IN ADDITION TO ANY
20 OTHER PENALTIES PROVIDED BY LAW.

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

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

43 S 4. This act shall take effect on the first of November next succeed-
44 ing the date on which it shall have become a law.