

5752

2009-2010 Regular Sessions

I N   S E N A T E

June 3, 2009

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the navigation law, in relation to requiring all persons operating a mechanically propelled vessel to be a holder of a boating safety certificate

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

1     Section 1. Subdivisions 1, 3 and 7 of section 49 of the navigation  
2     law, subdivisions 1 and 3 as amended by chapter 805 of the laws of 1992,  
3     and subdivision 7 as amended by chapter 138 of the laws of 1998, are  
4     amended to read as follows:  
5     1. (A) No person [under the age of eighteen years] shall operate a  
6     mechanically propelled vessel on the navigable waters of the state or  
7     any tidewaters bordering on or lying within the boundaries of Nassau and  
8     Suffolk counties, unless[:  
9     a. the operator is accompanied therein by a person who is eighteen  
10    years of age or older, or,  
11    b. the operator is ten years of age or older and] SUCH PERSON is the  
12    holder of a boating safety certificate issued to him OR HER by the  
13    commissioner, the United States Power Squadrons or the United States  
14    coast guard auxiliary.  
15    (B) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO PERSONS:  
16    CERTIFIED BY THE COMMISSIONER AS BOATING SAFETY INSTRUCTORS; HOLDERS OF  
17    PUBLIC VESSEL LICENSES PURSUANT TO SECTION SIXTY-FOUR OF THIS ARTICLE;  
18    POLICE OFFICERS ACTING PURSUANT TO ASSIGNED DUTIES; PEACE OFFICERS  
19    ACTING PURSUANT TO ASSIGNED DUTIES; LIFEGUARDS ACTING PURSUANT TO  
20    ASSIGNED DUTIES; FIRE AND RESCUE PERSONNEL ACTING PURSUANT TO ASSIGNED  
21    DUTIES; AND PERSONS LICENSED TO OPERATE VESSELS BY THE UNITED STATES  
22    COAST GUARD OR THE CANADIAN COAST GUARD. THE COMMISSIONER BY RULE AND  
23    REGULATION MAY PROVIDE FOR THE EXEMPTION OF ADDITIONAL PERSONS NOT LIST-  
24    ED IN THIS PARAGRAPH FROM THE REQUIREMENTS OF THIS SECTION.

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

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1 3. No person who is the owner of a mechanically propelled vessel shall  
2 knowingly authorize or permit the operation thereof on the navigable  
3 waters of the state or any tidewaters bordering on or lying within the  
4 boundaries of Nassau and Suffolk counties, unless[:

5 a. the operator is eighteen years of age or older or,

6 b. the operator is accompanied therein by a person eighteen years of  
7 age or older or,

8 c. the operator is ten years of age or older and] THE OPERATOR is the  
9 holder of a boating safety certificate issued to him OR HER by the  
10 commissioner, the United States Power Squadrons or the United States  
11 Coast Guard Auxiliary.

12 7. A violation of subdivision one, one-a, two, THREE or six of this  
13 section shall constitute a violation punishable as set forth in section  
14 seventy-three-c of this article.

15 S 2. Section 78 of the navigation law, as amended by chapter 138 of  
16 the laws of 1998, is amended to read as follows:

17 S 78. Boating safety certificate. 1. "Boating safety certificate"  
18 shall mean a certificate issued by the commissioner evidencing that the  
19 holder thereof has successfully completed a course of instruction in  
20 boating safety as herein after provided. The commissioner shall put into  
21 effect a plan for the training of youthful boat operators and the issu-  
22 ance of such boating safety certificates. For the purposes of this  
23 section, the term "boating safety" shall include instruction in the safe  
24 operation of ANY MECHANICALLY PROPELLED VESSEL, personal watercraft and  
25 specialty prop-craft.

26 2. "Boating safety certificate" shall also mean a certificate issued  
27 by the commissioner evidencing that the holder thereof has successfully  
28 completed a course of instruction in the safe operation of vessels,  
29 including THE SAFE OPERATION OF personal watercraft and [speciality]  
30 SPECIALTY prop-craft. The commissioner is authorized to collect a fee  
31 not to exceed ten dollars for the issuance of such certificate which fee  
32 shall be deposited in the "I love NY waterways" boating safety fund  
33 established by section ninety-seven-nn of the state finance law, as  
34 added by chapter eight hundred five of the laws of nineteen hundred  
35 ninety-two, and shall be solely available to support the administration  
36 of MECHANICALLY PROPELLED VESSEL, personal watercraft and specialty  
37 prop-craft safety training and enforcement.

38 S 3. This act shall take effect immediately; provided that section one  
39 of this act shall take effect January 1, 2011 and shall apply to all  
40 operators born on or after January 1, 2011 and shall apply to all opera-  
41 tors born on or after January 1, 1992; provided further on and after  
42 January 1, 2012 and before January 1, 2013 such section shall apply to  
43 all operators born on or after January 1, 1980; provided, further that  
44 on and after January 1, 2013 and before January 1, 2014 such section  
45 shall apply to all operators born on and after January 1, 1970;  
46 provided, further, that on and after January 1, 2014 such section shall  
47 apply to all operators. Upon a finding that courses do not exist in  
48 sufficient numbers to enable the operators of any mechanically propelled  
49 vessel to earn boating safety certificates in a timely fashion as  
50 required by subdivision 1 of section 49 of the navigation law, as  
51 amended by section one of this act, the commissioner of parks, recre-  
52 ation and historic preservation is authorized by rule or regulation to  
53 modify the dates provided in this section.