

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Tourism, Recreation
and Sports Development

AN ACT to amend the navigation law, in relation to providing an
exemption from certain laws for operators of law enforcement vessels
responding to emergencies on the navigable waters of the state

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

- 1 Section 1. The navigation law is amended by adding a new section 39-b
2 to read as follows:
3 S 39-B. LAW ENFORCEMENT VESSELS. 1. THE OPERATOR OF A LAW ENFORCEMENT
4 VESSEL, WHEN INVOLVED IN AN EMERGENCY OPERATION ON THE NAVIGABLE WATERS
5 OF THE STATE, MAY EXERCISE THE PRIVILEGES SET FORTH IN SUBDIVISION TWO
6 OF THIS SECTION, BUT SUBJECT TO THE CONDITIONS SET FORTH IN SUBDIVISIONS
7 THREE AND FOUR OF THIS SECTION.
8 2. THE OPERATOR OF A LAW ENFORCEMENT VESSEL MAY DISREGARD ANY LAW,
9 RULE OR REGULATION OF THIS STATE OR ANY LOCAL LAW OR ORDINANCE OF A
10 MUNICIPALITY OF THIS STATE GOVERNING THE MOVEMENT OR TURNING OF VESSELS
11 UPON SUCH NAVIGABLE WATERS.
12 3. THE PRIVILEGES GRANTED TO THE OPERATOR OF A LAW ENFORCEMENT VESSEL
13 PURSUANT TO THIS SECTION SHALL APPLY ONLY WHEN AUDIBLE SIGNALS ARE
14 SOUNDED FROM ANY SUCH VESSEL WHILE IN MOTION BY BELL, HORN, SIREN, ELEC-
15 TRONIC DEVICE OR EXHAUST WHISTLE AS MAY BE REASONABLY NECESSARY, AND
16 WHEN THE VESSEL IS EQUIPPED WITH AT LEAST ONE LIGHTED LAMP SO THAT FROM
17 ANY DIRECTION, UNDER NORMAL ATMOSPHERIC CONDITIONS FROM A DISTANCE OF
18 FIVE HUNDRED FEET FROM SUCH VESSEL, AT LEAST ONE BLUE LIGHT WILL BE
19 DISPLAYED AND VISIBLE.
20 4. THE PROVISIONS OF THIS SECTION SHALL NOT RELIEVE THE OPERATOR OF A
21 LAW ENFORCEMENT VESSEL FROM THE DUTY TO OPERATE SUCH VESSEL WITH DUE
22 REGARD FOR THE SAFETY OF ALL PERSONS, NOR SHALL SUCH PROVISIONS PROTECT
23 THE OPERATOR FROM THE CONSEQUENCES OF HIS OR HER RECKLESS DISREGARD FOR
24 THE SAFETY OF OTHERS.
25 S 2. This act shall take effect immediately.

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

LBD02926-01-9