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

S. 7288 A. 10073

S E N A T E - A S S E M B L Y

May 2, 2012

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

IN ASSEMBLY -- Introduced by M. of A. WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the navigation law, in relation to the operation of rowboats, canoes and kayaks

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

Section 1. The opening paragraph and paragraphs (c), (d) and (e) of subdivision 1 of section 40 of the navigation law, the opening paragraph as amended by chapter 163 of the laws of 1991, paragraph (c) as amended by chapter 74 of the laws of 1998, paragraph (d) as amended by chapter 484 of the laws of 2005 and paragraph (e) as added by chapter 115 of the laws of 2009, are amended and a new paragraph (f) is added to read as follows:

Equipment required herein shall be carried on every vessel except as otherwise provided, while underway, or at anchor with any person aboard, while on the navigable waters of the state and any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties. Should the federal government adopt vessel equipment requirements different from those contained in this section, the commissioner shall be authorized to adopt rules and regulations [superceding] SUPERSEDING the vessel equipment requirements of this section to achieve consistency with federal standards, and shall submit such proposed rules and regulations to the secretary of state in accordance with the state administrative procedure act within thirty days of the adoption of federal equipment requirements or submit a statement as to why such conforming changes are not being proposed.

(c) Every operator or person in charge or control of a pleasure vessel, rowboat [or], canoe[,] OR KAYAK as described in paragraphs (a) and (b) of this subdivision, shall be responsible for compliance with the provisions of this subdivision.

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

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(d) No person shall operate a pleasure vessel of Class A, one, two or three as classified and defined in subdivision one of section forty-three of this article [or a rowboat, canoe or kayak] nor shall the owner of such vessel while on board such vessel knowingly permit its operation, unless each person on such vessel under the age of twelve is wearing a securely fastened United States Coast Guard approved wearable personal flotation device of an appropriate size when said vessel is underway. The provisions of this paragraph shall not apply to any person on such vessel under the age of twelve who is within a fully enclosed cabin.

(e) No owner or operator of a pleasure vessel less than twenty-one feet[, including rowboats, canoes, and kayaks] shall permit its operation, between November first and May first, unless each person on board such vessel is wearing a securely fastened United States Coast Guard approved wearable personal flotation device of an appropriate size when such vessel is underway.

(F) NO OWNER OR OPERATOR OF A ROWBOAT, CANOE OR KAYAK SHALL PERMIT ITS OPERATION UNLESS EACH PERSON ON BOARD SUCH VESSEL IS WEARING A SECURELY FASTENED UNITED STATES COAST GUARD APPROVED WEARABLE PERSONAL FLOTATION DEVICE OF AN APPROPRIATE SIZE WHEN SUCH VESSEL IS UNDERWAY.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.