

10805

I N A S S E M B L Y

August 10, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weisenberg, Englebright) -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the navigation law and the vehicle and traffic law, in relation to boating safety certificates

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

1 Section 1. Subdivisions 1 and 3 of section 49 of the navigation law,
2 as amended by chapter 805 of the laws of 1992, are amended to read as
3 follows:
4 1. No person under the age of [eighteen] TEN years shall operate a
5 mechanically propelled vessel on the navigable waters of the state or
6 any tidewaters bordering on or lying within the boundaries of Nassau and
7 Suffolk counties[, unless:]. NO PERSON TEN YEARS OF AGE OR OLDER SHALL
8 OPERATE A MECHANICALLY PROPELLED VESSEL ON THE NAVIGABLE WATERS OF THE
9 STATE OR ANY TIDEWATER BORDERING ON OR LYING WITHIN THE BOUNDARIES OF
10 NASSAU AND SUFFOLK COUNTIES, EXCEPT AS FOLLOWS:
11 a. [the operator is accompanied therein by a person who is eighteen
12 years of age or older, or,] PERSONS TEN YEARS OF AGE TO THIRTEEN YEARS
13 OF AGE SHALL ONLY OPERATE A MECHANICALLY PROPELLED VESSEL WHEN ACCOMPA-
14 NIED BY A PERSON EIGHTEEN YEARS OF AGE OR OLDER WHO IS THE HOLDER OF A
15 BOATING SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE COMMISSIONER, THE
16 UNITED STATES POWER SQUADRONS, THE UNITED STATES COAST GUARD AUXILIARY
17 OR OTHER STATE OR GOVERNMENT;
18 b. [the operator is ten years of age or older and is the holder of a
19 boating safety certificate issued to him by the commissioner, the United
20 States Power Squadrons or the United States coast guard auxiliary.]
21 PERSONS FOURTEEN YEARS OF AGE OR OLDER MAY OPERATE A MECHANICALLY
22 PROPELLED VESSEL WHEN ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF AGE OR
23 OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM
24 OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE
25 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT, OR MAY
26 OPERATE A MECHANICALLY PROPELLED VESSEL UNACCOMPANIED IF SUCH PERSON IS
27 THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE

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

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1 COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE UNITED STATES COAST
2 GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT; PROVIDED, HOWEVER, THAT A
3 PERSON FOURTEEN YEARS OF AGE TO SEVENTEEN YEARS OF AGE WHO IS THE HOLDER
4 OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE COMMISSION-
5 ER, THE UNITED STATES POWER SQUADRONS, THE UNITED STATES COAST GUARD
6 AUXILIARY OR OTHER STATE OR GOVERNMENT MAY ONLY OPERATE A MECHANICALLY
7 PROPELLED VESSEL UNACCOMPANIED BETWEEN SUNRISE AND SUNSET;

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

12 a. the operator is [eighteen years of age or older] TEN YEARS OF AGE
13 TO THIRTEEN YEARS OF AGE AND ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF
14 AGE OR OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO
15 HIM OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE
16 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT or,

17 b. the operator is [accompanied therein by a person eighteen years of
18 age or older or,

19 c. the operator is ten years of age or older and is the holder of a
20 boating safety certificate issued to him by the commissioner, the United
21 States Power Squadrons or the United States Coast Guard Auxiliary] FOUR-
22 TEEN YEARS OF AGE OR OLDER AND ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF
23 AGE OR OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO
24 HIM OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE
25 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT, OR IS
26 OPERATING BETWEEN SUNRISE AND SUNSET AND IS THE HOLDER OF A BOATING
27 SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE COMMISSIONER, THE UNITED
28 STATES POWER SQUADRONS, THE UNITED STATES COAST GUARD AUXILIARY OR OTHER
29 STATE OR GOVERNMENT.

30 S 2. Section 75 of the navigation law, as amended by chapter 138 of
31 the laws of 1998, is amended to read as follows:

32 S 75. Educational program. In order to protect the public interest in
33 the prudent and equitable use of the waters of the state and enhance the
34 enjoyment of pleasure boating and other sports thereon, the commissioner
35 shall initiate and put into effect a comprehensive educational program
36 designed to advance boating safety [including], WHICH PROVIDES FOR the
37 training of [youthful] ALL boat operators [and an adult education
38 program for] IN the safe operation of vessels including personal water-
39 craft and specialty prop-craft.

40 S 3. Subdivision 1 of section 78 of the navigation law, as amended by
41 chapter 138 of the laws of 1998, is amended to read as follows:

42 1. "Boating safety certificate" shall mean a certificate issued by the
43 commissioner evidencing that the holder thereof has successfully
44 completed a course of instruction in boating safety as [herein after]
45 provided IN THIS SECTION. The commissioner shall put into effect a plan
46 for the training of [youthful] ALL boat operators and the issuance of
47 such boating safety certificates. For the purposes of this section, the
48 term "boating safety" shall include instruction in the safe operation of
49 personal watercraft and specialty prop-craft.

50 S 4. Section 79 of the navigation law, as amended by chapter 169 of
51 the laws of 2004, is amended to read as follows:

52 S 79. Courses of instruction. For the purpose of giving such courses
53 of instruction and awarding boating safety certificates, [including
54 those issued to adults for the safe operation of vessels including
55 personal watercraft or specialty prop-craft] the commissioner may desig-
56 nate as his or her agent any person the commissioner deems qualified to

1 act in such capacity, including, but not limited to, certified instruc-
2 tors of the United States coast guard auxiliary, United States power
3 squadrons, American power boat association, boy scouts of America, Red
4 Cross and other organizations. No charge whatsoever shall be made to any
5 person less than eighteen years of age for the issuance of a boating
6 safety certificate. Persons less than eighteen years of age may be
7 charged a fee for instruction in boating safety, except that the office
8 may not charge a fee when providing such instruction to persons less
9 than eighteen years of age.

10 S 5. The navigation law is amended by adding two new sections 78-b and
11 78-c to read as follows:

12 S 78-B. COURSES OF INSTRUCTION FOR RENTERS OF VESSELS. THE COMMISSION-
13 ER SHALL ESTABLISH RULES AND REGULATIONS PURSUANT TO SECTION
14 SEVENTY-SEVEN OF THIS PART PROVIDING FOR A COURSE OF INSTRUCTION FOR AND
15 THE ISSUANCE OF A TEMPORARY BOATING SAFETY CERTIFICATE TO RENTERS OF
16 VESSELS.

17 S 78-C. WRITTEN TEST IN LIEU OF COURSE OF INSTRUCTION. THE COMMISSION-
18 ER SHALL ESTABLISH RULES AND REGULATIONS PURSUANT TO SECTION
19 SEVENTY-SEVEN OF THIS PART PROVIDING FOR A WRITTEN TEST IN LIEU OF A
20 COURSE OF INSTRUCTION FOR PERSONS OVER THE AGE OF EIGHTEEN AS OF THE
21 EFFECTIVE DATE OF THIS SECTION THAT ATTEST TO HAVING ACQUIRED IN EXCESS
22 OF ONE HUNDRED HOURS OF OPERATION OF A MECHANICALLY PROPELLED VESSEL.

23 S 6. Section 2251 of the vehicle and traffic law is amended by adding
24 a new subdivision 10 to read as follows:

25 10. BOATING SAFETY CERTIFICATES. THE OWNER OF EACH VESSEL REQUIRING
26 REGISTRATION UNDER THIS SECTION SHALL PRESENT TO THE COMMISSIONER AT THE
27 TIME OF REGISTRATION, RE-REGISTRATION OR CHANGE OF OWNERSHIP PROOF THAT
28 THE OWNER IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED PURSUANT
29 TO PART FIVE OF ARTICLE FOUR OF THE NAVIGATION LAW PRIOR TO REGISTRA-
30 TION.

31 S 7. This act shall take effect immediately and the department of
32 parks, recreation and historic preservation, in consultation with the
33 department of motor vehicles, shall conduct a two year public informa-
34 tion campaign to make the public aware of changes to the boating safety
35 certificate requirements; provided however that 180 days after the
36 effective date of this act, persons under the age of eighteen may not
37 operate a mechanically propelled vessel pursuant to the provisions of
38 section one of this act unless they are holders of a boating safety
39 certificate; provided further that one year after the effective date of
40 this act, persons eighteen years of age and older who were not regis-
41 trants of vessels pursuant to article 48 of the vehicle and traffic law
42 as of the effective date of this act may not operate a mechanically
43 propelled vessel pursuant to section one of this act; and, provided
44 further that two years after the effective date of this act, persons
45 eighteen years of age and older who were registrants of vessels pursuant
46 to article 48 of the vehicle and traffic law as of the effective date of
47 this act may not operate a mechanically propelled vessel pursuant to
48 section one of this act.