

7831

I N   S E N A T E

August 3, 2012

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

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 ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF AGE OR OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT;  
14  
15     b. [the operator is ten years of age or older and is the holder of a  
16 boating safety certificate issued to him by the commissioner, the United  
17 States Power Squadrons or the United States coast guard auxiliary.]  
18 PERSONS FOURTEEN YEARS OF AGE OR OLDER MAY OPERATE A MECHANICALLY  
19 PROPELLED VESSEL WHEN ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF AGE OR  
20 OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM  
21 OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE  
22 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT, OR MAY  
23 OPERATE A MECHANICALLY PROPELLED VESSEL UNACCOMPANIED IF SUCH PERSON IS  
24 THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE  
25 COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE UNITED STATES COAST  
26  
27  
28

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

LBD16369-14-2

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

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

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

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

18 c. 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] FOUR-  
21 TEEN YEARS OF AGE OR OLDER AND ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF  
22 AGE OR OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO  
23 HIM OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE  
24 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT, OR IS  
25 OPERATING BETWEEN SUNRISE AND SUNSET AND IS THE HOLDER OF A BOATING  
26 SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE COMMISSIONER, THE UNITED  
27 STATES POWER SQUADRONS, THE UNITED STATES COAST GUARD AUXILIARY OR OTHER  
28 STATE OR GOVERNMENT.

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

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

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

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

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

51 S 79. Courses of instruction. For the purpose of giving such courses  
52 of instruction and awarding boating safety certificates, [including  
53 those issued to adults for the safe operation of vessels including  
54 personal watercraft or specialty prop-craft] the commissioner may desig-  
55 nate as his or her agent any person the commissioner deems qualified to  
56 act in such capacity, including, but not limited to, certified instruc-

tors of the United States coast guard auxiliary, United States power squadrons, American power boat association, boy scouts of America, Red Cross and other organizations. No charge whatsoever shall be made to any person less than eighteen years of age for the issuance of a boating safety certificate. Persons less than eighteen years of age may be charged a fee for instruction in boating safety, except that the office may not charge a fee when providing such instruction to persons less than eighteen years of age.

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

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

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

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

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

S 7. This act shall take effect immediately and the department of parks, recreation and historic preservation, in consultation with the department of motor vehicles, shall conduct a two year public information campaign to make the public aware of changes to the boating safety certificate requirements; provided however that 180 days after the effective date of this act, persons under the age of eighteen may not operate a mechanically propelled vessel pursuant to the provisions of section one of this act unless they are holders of a boating safety certificate; provided further that one year after the effective date of this act, persons eighteen years of age and older who were not registrants of vessels pursuant to article 48 of the vehicle and traffic law as of the effective date of this act may not operate a mechanically propelled vessel pursuant to section one of this act; and, provided further that two years after the effective date of this act, persons eighteen years of age and older who were registrants of vessels pursuant to article 48 of the vehicle and traffic law as of the effective date of this act may not operate a mechanically propelled vessel pursuant to section one of this act.