

7831

I N S E N A T E

August 3, 2012

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

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

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

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

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

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

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

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