

922

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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

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.

LBD04398-01-1