

3176

2013-2014 Regular Sessions

I N A S S E M B L Y

January 23, 2013

Introduced by 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

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

LBD01428-01-3

OPERATE A MECHANICALLY PROPELLED VESSEL UNACCOMPANIED IF SUCH PERSON 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; PROVIDED, HOWEVER, THAT A PERSON FOURTEEN YEARS OF AGE TO SEVENTEEN YEARS OF AGE 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 MAY ONLY OPERATE A MECHANICALLY PROPELLED VESSEL UNACCOMPANIED BETWEEN SUNRISE AND SUNSET;

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

a. the operator is [eighteen years of age or older] TEN YEARS OF AGE TO THIRTEEN YEARS OF AGE AND 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 or,

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

c. the operator is ten years of age or older and is the holder of a boating safety certificate issued to him by the commissioner, the United States Power Squadrons or the United States Coast Guard Auxiliary] FOURTEEN YEARS OF AGE OR OLDER AND 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, OR IS OPERATING BETWEEN SUNRISE AND SUNSET AND 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.

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

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

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

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

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

S 79. Courses of instruction. For the purpose of giving such courses of instruction and awarding boating safety certificates, [including those issued to adults for the safe operation of vessels including

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

12 S 5. The navigation law is amended by adding two new sections 78-b and
13 78-c to read as follows:

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

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

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

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

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