S T A T E O F N E W Y O R K

9634

I N A S S E M B L Y

May 13, 2014

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the navigation law, in relation to requirements for the operation of a boat in tidewaters

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

Section 1. Subdivision 1 of section 49 of the navigation law, as amended by chapter 361 of the laws of 2013, is amended to read as follows:

1. No person [born on or after May first, nineteen hundred ninety-six] shall operate a mechanically propelled vessel 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 at least [ten] FOURTEEN years old and is the holder of a boating safety certificate issued to him or her by the commissioner, the United States Power Squadrons or the United States coast guard auxiliary; or

b. [the operator is younger than eighteen years of age, and is accompanied on the mechanically propelled vessel by at least one person who is at least eighteen years of age and is

(i) the holder of a boating safety certificate issued to him or her by the commissioner, the United States Power Squadrons or the United States coast guard auxiliary, or

(ii) not required by this subdivision to hold a boating safety certificate in order to operate a mechanically propelled vessel; or

c.] the operator is eighteen years of age or older, is a person required by this subdivision to hold a boating safety certificate in order to operate a mechanically propelled vessel, and is accompanied on the mechanically propelled vessel by at least one person who is at least eighteen years of age and the holder of a boating safety certificate; or

[d.] C. the operator is the owner of a recently purchased vessel and may operate such vessel without the otherwise required boating safety certificate for a period of time not to exceed one hundred twenty days from the date of purchase.

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

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[e.] D. The provisions of this subdivision shall not apply to persons who are: [born before April thirtieth, nineteen hundred ninety-six;] certified by the commissioner as boating safety instructors; members of the United States Power Squadrons; members of the United States coast guard auxiliary; holders of public vessel licenses pursuant to section sixty-four of this article; police officers, peace officers, fire personnel, rescue personnel or lifeguards, when any such person is acting pursuant to assigned duties; or licensed to operate vessels by the United States coast guard or the Canadian coast guard. The commissioner, by rule or regulation, may provide for the exemption of additional persons not listed in this paragraph from the requirements of this section.

[f.] E. The provisions of this subdivision shall supersede all local laws or ordinances relating to requirements for boating safety certificates to operate a mechanically propelled vessel.

F. EFFECTIVE JANUARY FIRST, TWO THOUSAND FIFTEEN, THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL PERSONS BETWEEN FOURTEEN AND TWENTY-TWO YEARS OF AGE; EFFECTIVE JANUARY FIRST, TWO THOUSAND SIXTEEN, THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL PERSONS BETWEEN FOURTEEN AND TWENTY-EIGHT YEARS OF AGE; EFFECTIVE JANUARY FIRST, TWO THOUSAND SEVENTEEN, THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL PERSONS BETWEEN FOURTEEN AND THIRTY-FOUR YEARS OF AGE; EFFECTIVE JANUARY FIRST, TWO THOUSAND EIGHTEEN, THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL PERSONS BETWEEN FOURTEEN AND FORTY YEARS OF AGE; EFFECTIVE JANUARY FIRST, TWO THOUSAND NINETEEN, THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL PERSONS BETWEEN FOURTEEN AND FORTY-SIX YEARS OF AGE; EFFECTIVE JANUARY FIRST, TWO THOUSAND TWENTY, THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO ALL PERSONS.

S 2. Paragraphs a and b of subdivision 3 of section 49 of the navigation law, as added by chapter 361 of the laws of 2013, are amended to read as follows:

a. the operator is [born on or before April thirtieth, nineteen hundred ninety-six] EIGHTEEN YEARS OF AGE OR OLDER; or,

b. the operator is born on or after May first, nineteen hundred ninety-six, is at least [ten] FOURTEEN years of age and is the holder of a boating safety certificate issued to him or her by the commissioner, the United States Power Squadrons or the United States coast guard auxiliary[,]; or

S 3. Section 79 of the navigation law, as amended by chapter 361 of the laws of 2013, is amended to read as follows:

S 79. Courses of instruction. 1. For the purpose of giving such courses of instruction and awarding boating safety certificates, the commissioner may designate as his or her agent any person the commissioner deems qualified to act in such capacity, including, but not limited to, certified instructors 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.

2. [The commissioner is authorized, at his or her discretion, to develop a method for approving internet-based boating safety courses as an appropriate and effective method for the administration and completion of training in the safe operation of vessels, including

personal watercraft and specialty prop-craft, for the purposes of awarding a boating safety certificate pursuant to this section] ALL COURSES OF INSTRUCTION MUST BE PROCTORED; ONLINE CLASSES ARE NOT PERMITTED.

S 4. This act shall take effect on the same date and in the same manner as chapter 361 of the laws of 2013, takes effect.