

1442

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. FLANAGAN -- 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 the operation of rowboats, canoes and kayaks

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

1 Section 1. The opening paragraph and paragraphs (c), (d) and (e) of
2 subdivision 1 of section 40 of the navigation law, the opening paragraph
3 as amended by chapter 163 of the laws of 1991, paragraph (c) as amended
4 by chapter 74 of the laws of 1998, paragraph (d) as amended by chapter
5 484 of the laws of 2005 and paragraph (e) as added by chapter 115 of the
6 laws of 2009, are amended and a new paragraph (f) is added to read as
7 follows:

8 Equipment required herein shall be carried on every vessel except as
9 otherwise provided, while underway, or at anchor with any person aboard,
10 while on the navigable waters of the state and any tidewaters bordering
11 on or lying within the boundaries of Nassau and Suffolk counties. Should
12 the federal government adopt vessel equipment requirements different
13 from those contained in this section, the commissioner shall be author-
14 ized to adopt rules and regulations [superceding] SUPERSEDING the vessel
15 equipment requirements of this section to achieve consistency with
16 federal standards, and shall submit such proposed rules and regulations
17 to the secretary of state in accordance with the state administrative
18 procedure act within thirty days of the adoption of federal equipment
19 requirements or submit a statement as to why such conforming changes are
20 not being proposed.

21 (c) Every operator or person in charge or control of a pleasure
22 vessel, rowboat [or], canoe[,] OR KAYAK as described in paragraphs (a)

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

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1 and (b) of this subdivision, shall be responsible for compliance with
2 the provisions of this subdivision.

3 (d) No person shall operate a pleasure vessel of Class A, one, two or
4 three as classified and defined in subdivision one of section forty-
5 three of this article [or a rowboat, canoe or kayak] nor shall the owner
6 of such vessel while on board such vessel knowingly permit its opera-
7 tion, unless each person on such vessel under the age of twelve is wear-
8 ing a securely fastened United States Coast Guard approved wearable
9 personal flotation device of an appropriate size when said vessel is
10 underway. The provisions of this paragraph shall not apply to any person
11 on such vessel under the age of twelve who is within a fully enclosed
12 cabin.

13 (e) No owner or operator of a pleasure vessel less than twenty-one
14 feet[, including rowboats, canoes, and kayaks] shall permit its opera-
15 tion, between November first and May first, unless each person on board
16 such vessel is wearing a securely fastened United States Coast Guard
17 approved wearable personal flotation device of an appropriate size when
18 such vessel is underway.

19 (F) NO OWNER OR OPERATOR OF A ROWBOAT, CANOE OR KAYAK SHALL PERMIT ITS
20 OPERATION UNLESS EACH PERSON ON BOARD SUCH VESSEL IS WEARING A SECURELY
21 FASTENED UNITED STATES COAST GUARD APPROVED WEARABLE PERSONAL FLOTATION
22 DEVICE OF AN APPROPRIATE SIZE WHEN SUCH VESSEL IS UNDERWAY.

23 S 2. This act shall take effect on the thirtieth day after it shall
24 have become a law.