

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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;

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

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

1 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT, OR MAY
2 OPERATE A MECHANICALLY PROPELLED VESSEL UNACCOMPANIED IF SUCH PERSON IS
3 THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE
4 COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE UNITED STATES COAST
5 GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT; PROVIDED, HOWEVER, THAT A
6 PERSON FOURTEEN YEARS OF AGE TO SEVENTEEN YEARS OF AGE WHO IS THE HOLDER
7 OF A BOATING SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE COMMISSION-
8 ER, THE UNITED STATES POWER SQUADRONS, THE UNITED STATES COAST GUARD
9 AUXILIARY OR OTHER STATE OR GOVERNMENT MAY ONLY OPERATE A MECHANICALLY
10 PROPELLED VESSEL UNACCOMPANIED BETWEEN SUNRISE AND SUNSET;

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

15 a. the operator is [eighteen years of age or older] TEN YEARS OF AGE
16 TO THIRTEEN YEARS OF AGE AND ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF
17 AGE OR OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO
18 HIM OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE
19 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT or,

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

22 c. the operator is ten years of age or older and is the holder of a
23 boating safety certificate issued to him by the commissioner, the United
24 States Power Squadrons or the United States Coast Guard Auxiliary] FOUR-
25 TEEN YEARS OF AGE OR OLDER AND ACCOMPANIED BY A PERSON EIGHTEEN YEARS OF
26 AGE OR OLDER WHO IS THE HOLDER OF A BOATING SAFETY CERTIFICATE ISSUED TO
27 HIM OR HER BY THE COMMISSIONER, THE UNITED STATES POWER SQUADRONS, THE
28 UNITED STATES COAST GUARD AUXILIARY OR OTHER STATE OR GOVERNMENT, OR IS
29 OPERATING BETWEEN SUNRISE AND SUNSET AND IS THE HOLDER OF A BOATING
30 SAFETY CERTIFICATE ISSUED TO HIM OR HER BY THE COMMISSIONER, THE UNITED
31 STATES POWER SQUADRONS, THE UNITED STATES COAST GUARD AUXILIARY OR OTHER
32 STATE OR GOVERNMENT.

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

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

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

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

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

55 S 79. Courses of instruction. For the purpose of giving such courses
56 of instruction and awarding boating safety certificates, [including

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

13 S 5. The navigation law is amended by adding two new sections 78-b and
14 78-c to read as follows:

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

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

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

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

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