

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. MAGNARELLI -- read once and referred to the  
Committee on Transportation

AN ACT to amend the navigation law, in relation to increasing the penalties for persons leaving the scene of a boating accident without making a report

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

1     Section 1. Paragraph (b) of subdivision 2 of section 47 of the navigation law, as amended by chapter 297 of the laws of 2009, is amended to  
2     read as follows:  
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4     (b) The first violation of the provisions of paragraph (a) of this  
5     subdivision involving personal injury to another person resulting solely  
6     from the failure of a vessel operator to provide the name and address of  
7     the vessel owner and/or the identification number of the vessel shall  
8     constitute a class [B] A misdemeanor punishable by a fine of not less  
9     than two hundred fifty nor more than five hundred dollars in addition to  
10    any other penalties provided by law. Any subsequent such violation after  
11    a conviction for such violation within the preceding five years shall  
12    constitute a class [A misdemeanor] E FELONY punishable by a fine of not  
13    less than five hundred nor more than one thousand dollars in addition to  
14    any other penalties provided by law. Any violation of the provisions of  
15    paragraph (a) of this subdivision, other than the mere failure of a  
16    vessel operator to provide the name and address of the vessel owner  
17    and/or the identification number of the vessel, shall constitute a class  
18    [A misdemeanor] E FELONY, punishable by a fine of not less than five  
19    hundred nor more than one thousand dollars in addition to any other  
20    penalties provided by law. Any such violation committed by a person  
21    after such person has previously been convicted of such a violation  
22    shall constitute a class [E] D felony, punishable by a fine of not less  
23    than one thousand nor more than two thousand five hundred dollars in

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

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1 addition to any other penalties provided by law. Any violation of the  
2 provisions of paragraph (a) of this subdivision, other than the mere  
3 failure of a vessel operator to provide the name and address of the  
4 vessel owner and/or the identification number of the vessel where the  
5 personal injury involved (i) results in serious physical injury, as  
6 defined in section 10.00 of the penal law, or where a person has disap-  
7 peared under the water as the result of the incident shall constitute a  
8 class [E] D felony or (ii) results in death shall constitute a class [D]  
9 C felony.

10 S 2. Subdivision 2 of section 73-c of the navigation law, as amended  
11 by chapter 320 of the laws of 2007, is amended to read as follows:

12 2. Every person convicted of a violation for a violation of any of the  
13 provisions of this article or of any ordinance, order, rule or regu-  
14 lation adopted pursuant to this article for which another penalty is not  
15 provided shall for a first conviction thereof [be punished] CONSTITUTE A  
16 CLASS B MISDEMEANOR PUNISHABLE by a fine of not less than one hundred  
17 nor more than two hundred fifty dollars [or by imprisonment for not more  
18 than seven days or by both such fine and imprisonment] IN ADDITION TO  
19 ANY OTHER PENALTIES PROVIDED BY LAW; for a conviction of a second  
20 violation, both of which were committed within a period of twenty-four  
21 months, such [person shall be punished] CONVICTION SHALL CONSTITUTE A  
22 CLASS A MISDEMEANOR PUNISHABLE by a fine of not less than two hundred  
23 fifty nor more than five hundred dollars [or by imprisonment of not more  
24 than fifteen days or by both such fine and imprisonment] IN ADDITION TO  
25 ANY OTHER PENALTIES PROVIDED BY LAW; upon a conviction for a third or  
26 subsequent violation, all of which were committed within a period of  
27 twenty-four months, such [person] CONVICTION shall [be punished] CONSTI-  
28 TUTE A CLASS E FELONY PUNISHABLE by a fine of not less than five hundred  
29 nor more than one thousand dollars [or by imprisonment for not more than  
30 thirty days or by both such fine and imprisonment] IN ADDITION TO ANY  
31 OTHER PENALTIES PROVIDED BY LAW.

32 S 3. Section 47-b of the navigation law, as added by chapter 587 of  
33 the laws of 2003, is amended to read as follows:

34 S 47-b. Report to the commissioner required upon accident. Every  
35 person operating a vessel, including, but not limited to, rowboats and  
36 canoes, upon the navigable waters of the state, or on any other waters  
37 within the boundaries of the state, which is in any manner involved in  
38 an accident, in which any person is killed, injured or disappears under  
39 the water, or in which damage to the property of any one person, includ-  
40 ing himself or herself, in excess of one thousand dollars is sustained  
41 shall, within five days after such accident, report the matter in writ-  
42 ing to the commissioner. If the owner is not involved in such accident  
43 or is incapacitated, the owner shall, within five days after learning of  
44 the facts of such accident, report the matter to the commissioner  
45 together with such information as may have come to the owner's knowledge  
46 relating to such accident. Every such operator of a vessel, or surviving  
47 participant in any such accident, or the owner of the vessel involved in  
48 any such accident, shall make such other and additional reports as the  
49 commissioner may require. A violation of this section shall constitute a  
50 [violation] CLASS A MISDEMEANOR punishable by a fine of not less than  
51 twenty-five nor more than one hundred dollars. Nothing contained in this  
52 section shall be deemed to supersede the provisions of section forty-  
53 seven of this article.

54 S 4. This act shall take effect on the first of November next succeed-  
55 ing the date on which it shall have become a law.