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

450

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. AVELLA -- 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 a mechanically propelled vessel

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

Section 1. Subdivisions 1 and 3 of section 49 of the navigation law, as amended by chapter 805 of the laws of 1992, are amended to read as follows:

1. A. No person [under the age of eighteen] SIXTEEN years OF AGE OR OLDER 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 [accompanied therein by a person who is eighteen years of age or older, or,] 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.

b. NO PERSON UNDER SIXTEEN YEARS OF AGE 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 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 AND IS ACCOMPANIED THEREIN BY A PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER WHO ALSO HOLDS SUCH A BOATING SAFETY CERTIFICATE, EXCEPT THAT A PERSON WHO IS UNDER SIXTEEN YEARS OF AGE BUT AT LEAST THIRTEEN YEARS OF AGE AND POSSESSES SUCH A BOATING SAFETY CERTIFICATE MAY OPERATE (1) A MECHANICALLY PROPELLED VESSEL POWERED SOLELY BY AN ELECTRIC MOTOR; OR (2) A MECHANICALLY PROPELLED VESSEL WHICH IS TWELVE FEET OR GREATER

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

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IN LENGTH AND POWERED BY A MOTOR, OR COMBINATION OF MOTORS, OF LESS THAN TEN HORSEPOWER.

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 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] MEETS THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.