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

4628--A

2013-2014 Regular Sessions

I N S E N A T E

April 16, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the navigation law and the vehicle and traffic law, in relation to the payment of fines for certain violations; to amend the insurance law, in relation to reductions in certain insurance rates; and to amend the state finance law, in relation to establishing the boating safety education fund

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

Section 1. Subdivisions 10, 11 and 12 of section 40 of the navigation law, subdivision 11 as renumbered by chapter 391 of the laws of 1971, are renumbered subdivisions 11, 12 and 13 and a new subdivision 10 is added to read as follows:

10. ALL VESSELS CONSTRUCTED AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN WHICH HAVE A BILGE, SHALL HAVE A BILGE HIGH WATER ALARM INSTALLED.

S 2. Section 73-b of the navigation law, as amended by chapter 320 of the laws of 2007, is amended to read as follows:

S 73-b. Misdemeanors. Every person convicted of a misdemeanor pursuant to any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than two hundred fifty nor more than five hundred dollars or by a period of imprisonment of not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of twenty-four months, such person shall be punished by a fine of not less than five hundred nor more than one thousand five hundred dollars or by a period of imprisonment of not

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

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more than sixty days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of twenty-four months, such person shall be punished by a fine of not less than one thousand five hundred nor more than two thousand five hundred dollars or by a period of imprisonment of not more than one hundred twenty days or by both such fine and imprisonment. ALL FINES COLLECTED PURSUANT TO THIS SECTION ARE TO BE DEPOSITED IN THE BOATING SAFETY EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-OOOO OF THE STATE FINANCE LAW.

S 3. Section 73-c of the navigation law is amended by adding a new subdivision 3 to read as follows:

3. ALL FINES COLLECTED PURSUANT TO THIS SECTION ARE TO BE DEPOSITED IN THE BOATING SAFETY EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-OOOO OF THE STATE FINANCE LAW.

S 4. The insurance law is amended by adding a new section 2327 to read as follows:

S 2327. MARINE LIABILITY, AND COMPREHENSIVE INSURANCE RATES; PREMIUM REDUCTIONS IN CERTAIN CASES. (A) ANY SCHEDULE OF RATES OR RATING PLAN FOR MARINE LIABILITY INSURANCE SUBMITTED TO THE SUPERINTENDENT SHALL PROVIDE FOR AN APPROPRIATE REDUCTION IN PREMIUM CHARGES FOR ANY INSURED FOR A THREE YEAR PERIOD AFTER SUCCESSFULLY COMPLETING A BOATING SAFETY CERTIFICATE, ISSUED TO HIM OR HER BY THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE UNITED STATES POWER SQUADRONS OR THE UNITED STATES COAST GUARD AUXILIARY. SUCH REDUCTION IN PREMIUM CHARGES SHALL BE SUBSEQUENTLY MODIFIED TO THE EXTENT APPROPRIATE, BASED UPON ANALYSIS OF LOSS EXPERIENCE STATISTICS AND OTHER RELEVANT FACTORS. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ATTENDANCE AT A COURSE PURSUANT TO ARTICLE FOUR OF THE NAVIGATION LAW AS A RESULT OF ANY INFRACTION OR VIOLATION.

(B) ANY SCHEDULE OR RATING PLAN FOR MARINE LIABILITY INSURANCE SHALL PROVIDE FOR AN APPROPRIATE REDUCTION IN PREMIUM CHARGES WITH RESPECT TO ANY INSURED VESSEL EQUIPPED WITH A HIGH WATER BILGE ALARM.

S 5. The state finance law is amended by adding a new section 97-oooo to read as follows:

S 97-OOOO. BOATING SAFETY EDUCATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "BOATING SAFETY EDUCATION FUND".

2. THE FUND SHALL CONSIST OF THE FOLLOWING REVENUE: (I) FINES COLLECTED PURSUANT TO SECTION SEVENTY-THREE-B OF THE NAVIGATION LAW; (II) FINES COLLECTED PURSUANT TO SECTION SEVENTY-THREE-C OF THE NAVIGATION LAW; PARAGRAPH (C-1) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED THREE OF THE VEHICLE AND TRAFFIC LAW; (III) BEGINNING JULY FIRST, TWO THOUSAND FIFTEEN, FIFTY PERCENT FROM EACH VESSEL REGISTRATION OR REREGISTRATION FEE PAID PURSUANT TO SUBDIVISION THREE OF SECTION TWO THOUSAND TWO HUNDRED FIFTY-ONE OF THE VEHICLE AND TRAFFIC LAW; AND (IV) FINES COLLECTED PURSUANT TO SECTION TWO THOUSAND TWO HUNDRED FIFTY-SIX OF THE VEHICLE AND TRAFFIC LAW.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, SHALL BE MADE AVAILABLE TO THE DEPARTMENT OF PARKS, RECREATION AND HISTORIC PRESERVATION ONLY FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE BOATING SAFETY EDUCATION PROGRAM ESTABLISHED PURSUANT TO SECTION SEVENTY-FIVE OF THE NAVIGATION LAW AND BOATING LAW ENFORCEMENT CONDUCTED BY THE STATE OR MUNICIPALITIES. NO MORE THAN TEN PERCENT OF THE ANNUAL RECEIPTS OF THE FUND MAY BE USED FOR ADMINISTRATIVE AND PERSONNEL COSTS OF THE DEPARTMENT NEEDED TO IMPLEMENT AND ADMINISTER THE PROGRAM.

REMAINING MONEYS OF THE FUND SHALL BE USED FOR THE ADMINISTRATIVE AND OPERATING EXPENSES OF THE BOATING SAFETY EDUCATION COURSES OF INSTRUCTION PROVIDED PURSUANT TO SECTION SEVENTY-NINE OF THE NAVIGATION LAW.

4. THE MONEYS OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF PARKS, RECREATION, AND HISTORIC PRESERVATION, INCLUDING ADVANCES OF FUNDS PURSUANT TO A CONTRACT TO A BOATING SAFETY EDUCATION COURSES OF INSTRUCTION ORGANIZATION. AT THE END OF EACH YEAR ANY MONEYS REMAINING IN THE FUND SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE INTEREST AND INCOME EARNED ON MONEY IN THE FUND, AFTER DEDUCTING ANY APPLICABLE CHARGES, SHALL BE CREDITED TO THE FUND.

S 6. Subdivision 3 of section 2251 of the vehicle and traffic law, as amended by section 5 of part G of chapter 59 of the laws of 2009, is amended to read as follows:

3. Fees. The triennial fee for registration of a vessel shall be: twenty-two dollars and fifty cents and a vessel surcharge of three dollars and seventy-five cents, if less than sixteen feet in length; forty-five dollars and a vessel surcharge of twelve dollars and fifty cents, if sixteen feet or over but less than twenty-six feet in length; seventy-five dollars and a vessel surcharge of eighteen dollars and seventy-five cents, if twenty-six feet or over. All funds derived from the collection of the vessel access surcharge pursuant to this subdivision are to be deposited in a subaccount of the "I love NY waterways" vessel access account established pursuant to section ninety-seven-nn of the state finance law. The vessel access surcharge shall not be considered a registration fee for purposes of section seventy-nine-b of the navigation law.

Notwithstanding any inconsistent provision of this section, the difference collected between the fees set forth in this subdivision in effect on and after September first, two thousand nine and the fees set forth in this subdivision prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund. Notwithstanding any inconsistent provision of this section, the difference collected between the vessel surcharge set forth in this subdivision in effect on and after September first, two thousand nine and the vessel surcharge set forth in this subdivision in effect prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund.

NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, FIFTY PERCENT OF THE AMOUNT COLLECTED FROM THE REGISTRATION FEE ON AND AFTER JULY FIRST, TWO THOUSAND FIFTEEN SHALL BE DEPOSITED TO THE CREDIT OF THE BOATING SAFETY EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-OOOO OF THE STATE FINANCE LAW.

S 7. Section 2256 of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. ALL FINES COLLECTED PURSUANT TO THIS SECTION ARE TO BE DEPOSITED IN THE BOATING SAFETY EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-OOOO OF THE STATE FINANCE LAW.

S 8. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.