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I N   S E N A T E

May 8, 2014

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Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to aquatic invasive species, spread prevention, and penalties

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

1     Section 1. The environmental conservation law is amended by adding a  
2     new section 9-1710 to read as follows:

3     S 9-1710. AQUATIC INVASIVE SPECIES; SPREAD PREVENTION.

4     1. FOR PURPOSES OF THIS SECTION:

5     (A) "ANIMAL" SHALL MEAN EVERY LIVING AND NON-LIVING CREATURE EXCEPT A  
6     HUMAN BEING, DOG OR OTHER COMPANION ANIMAL AS DEFINED IN SECTION THREE  
7     HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW.

8     (B) "WATERCRAFT" SHALL MEAN EVERY MOTORIZED OR NON-MOTORIZED BOAT OR  
9     VEHICLE CAPABLE OF BEING USED OR OPERATED AS A MEANS OF TRANSPORTATION  
10    OR RECREATION IN OR ON WATER.

11    (C) "LAUNCH" SHALL MEAN TO PLACE A WATERCRAFT INTO A WATERBODY FOR ANY  
12    PURPOSE AND ANY ACTIVITY THAT TAKES PLACE WITHIN FIFTY FEET OF THE HIGH  
13    WATER MARK OF THE WATERBODY FOR THE PURPOSE OF PLACING A WATERCRAFT  
14    INTO A WATERBODY, INCLUDING MOVING BY TRAILER OR OTHER DEVICE OR CARRY-  
15    ING BY HAND A WATERCRAFT TOWARD THE WATERBODY, OR ENTERING A QUEUE PRIOR  
16    TO LAUNCHING.

17    2. NO PERSON SHALL LAUNCH, OR ATTEMPT TO LAUNCH A WATERCRAFT FROM A  
18    BOAT LAUNCHING SITE, A FISHING ACCESS SITE, OR ANY OTHER SITE FROM WHICH  
19    A WATERCRAFT MAY BE LAUNCHED, OR LEAVE FROM THESE SITES WITH ANY PLANT  
20    OR ANIMAL, OR PARTS THEREOF, VISIBLE TO THE HUMAN EYE, IN, ON, OR  
21    ATTACHED TO ANY PART OF THE WATERCRAFT, INCLUDING LIVEWELLS, THE MOTOR,  
22    RUDDER, ANCHOR OR OTHER APPURTENANTS; ANY EQUIPMENT OR GEAR; OR THE  
23    TRAILING OR ANY OTHER DEVICE USED TO TRANSPORT OR LAUNCH A WATERCRAFT  
24    THAT MAY COME INTO CONTACT WITH THE WATER, UNLESS A WRITTEN PERMIT IS  
25    OBTAINED FROM THE DEPARTMENT.

26    3. NO PERSON SHALL LAUNCH, OR ATTEMPT TO LAUNCH A WATERCRAFT FROM A  
27    BOAT LAUNCHING SITE, A FISHING ACCESS SITE, OR ANY OTHER SITE FROM WHICH  
28    A WATERCRAFT MAY BE LAUNCHED, OR LEAVE FROM THESE SITES WITHOUT DRAINING

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

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1 THE WATERCRAFT, INCLUDING BILGE AREAS, LIVEWELLS, BAIT WELLS AND BALLAST  
2 TANKS, UNLESS A WRITTEN PERMIT IS OBTAINED.

3 4. IT SHALL BE UNLAWFUL FOR ANY PERSON TO LEAVE A LAUNCH SITE WITHOUT  
4 FIRST REMOVING ANY PLANT MATTER OR ANIMAL MATTER ON THE WATERCRAFT OR  
5 RELATED EQUIPMENT.

6 THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO:

7 (A) NATIVE PLANTS AFFIXED TO OR TRANSPORTED IN WATERCRAFT FOR USE AS  
8 CAMOUFLAGE FOR HUNTING OR WILDLIFE VIEWING PURPOSES.

9 (B) BAIT, INCLUDING BAITFISH, THAT CAN LEGALLY BE USED ON A WATERBODY  
10 AND IS POSSESSED CONSISTENT WITH ALL APPLICABLE LAW AND REGULATIONS.

11 (C) LEGALLY TAKEN GAME AS DEFINED IN SUBDIVISION 2 OF SECTION 11-0103  
12 OF THIS CHAPTER OR FISH AS DEFINED IN PARAGRAPH A OF SUBDIVISION ONE OF  
13 SUCH SECTION.

14 (D) THE USE OF PLANTS OR ANIMALS FOR HABITAT RESTORATION, WEED  
15 CONTROL, SCIENTIFIC RESEARCH, AQUACULTURE, OR OTHER ACTIVITY, CONSISTENT  
16 WITH ALL APPLICABLE LAWS AND REGULATIONS RELATED TO THEIR USE,  
17 POSSESSION OR HARVEST.

18 S 2. Section 71-0703 of the environmental conservation law is amended  
19 by adding a new subdivision 10 to read as follows:

20 10. ANY PERSON WHO VIOLATES SECTION 9-1710 OF THIS CHAPTER SHALL BE  
21 GUILTY OF A VIOLATION AND SHALL BE PUNISHABLE AND LIABLE TO A CIVIL  
22 PENALTY AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, PROVIDED, HOWEV-  
23 ER, THAT UPON A SECOND OR ANY SUBSEQUENT CONVICTION, THE FINE SHALL BE  
24 NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND  
25 DOLLARS.

26 S 3. This act shall take effect on the ninetieth day after it shall  
27 have become a law.