

387--A

Cal. No. 611

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the navigation law, in relation to providing an exemption from certain laws for operators of law enforcement and fire department vessels responding to emergencies on the navigable waters of the state

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

1 Section 1. The navigation law is amended by adding a new section 39-b  
2 to read as follows:

3 S 39-B. LAW ENFORCEMENT AND FIRE DEPARTMENT VESSELS. 1. THE OPERATOR  
4 OF A LAW ENFORCEMENT OR FIRE DEPARTMENT VESSEL, WHEN INVOLVED IN AN  
5 EMERGENCY OPERATION ON THE NAVIGABLE WATERS OF THE STATE, MAY EXERCISE  
6 THE PRIVILEGES SET FORTH IN SUBDIVISION TWO OF THIS SECTION, BUT SUBJECT  
7 TO THE CONDITIONS SET FORTH IN SUBDIVISIONS THREE AND FOUR OF THIS  
8 SECTION.

9 2. THE OPERATOR OF A LAW ENFORCEMENT OR FIRE DEPARTMENT VESSEL MAY  
10 DISREGARD ANY LAW, RULE OR REGULATION OF THIS STATE OR ANY LOCAL LAW OR  
11 ORDINANCE OF A MUNICIPALITY OF THIS STATE GOVERNING THE MOVEMENT OR  
12 TURNING OF VESSELS UPON SUCH NAVIGABLE WATERS.

13 3. THE PRIVILEGES GRANTED TO THE OPERATOR OF A LAW ENFORCEMENT OR FIRE  
14 DEPARTMENT VESSEL PURSUANT TO THIS SECTION SHALL APPLY ONLY WHEN AUDIBLE  
15 SIGNALS ARE SOUNDED FROM ANY SUCH VESSEL WHILE IN MOTION BY BELL, HORN,  
16 SIREN, ELECTRONIC DEVICE OR EXHAUST WHISTLE AS MAY BE REASONABLY NECES-

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

LBD02390-02-6

1 SARY, AND WHEN THE VESSEL IS EQUIPPED WITH AT LEAST ONE LIGHTED LAMP SO  
2 THAT FROM ANY DIRECTION, UNDER NORMAL ATMOSPHERIC CONDITIONS FROM A  
3 DISTANCE OF FIVE HUNDRED FEET FROM SUCH VESSEL, AT LEAST ONE BLUE OR RED  
4 LIGHT WILL BE DISPLAYED AND VISIBLE.

5 4. THE PROVISIONS OF THIS SECTION SHALL NOT RELIEVE THE OPERATOR OF A  
6 LAW ENFORCEMENT OR FIRE DEPARTMENT VESSEL FROM THE DUTY TO OPERATE SUCH  
7 VESSEL WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS, NOR SHALL SUCH  
8 PROVISIONS PROTECT THE OPERATOR FROM THE CONSEQUENCES OF HIS OR HER  
9 RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.

10 S 2. This act shall take effect immediately.