

STATE OF NEW YORK

5533--A

2017-2018 Regular Sessions

IN SENATE

April 6, 2017

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the navigation law, in relation to adding the United States sailing association to those allowed to give boating safety courses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 7 of section 45 of the navigation law, as amended by chapter 236 of the laws of 1997, is amended to read as follows:

2 (c) When a person is convicted pursuant to this article the court may, in any case before the court, and shall when the convicted person is subject to a suspension pursuant to this subdivision, in addition to any other penalties invoked under this article, require the convicted person, as a condition of the sentence, to complete a boating safety course of the state, U.S. Power Squadrons, ~~[or]~~ U.S. Coast Guard Auxiliary, or United States sailing association and show proof of successful completion of such course to the court or its designee; provided, however, that the United States sailing association may issue boating safety certificates only upon completion of the safe powerboat handling and/or basic cruising powerboat courses.

3 § 2. Paragraph a and subparagraph (i) of paragraph b of subdivision 1 of section 49 of the navigation law, paragraph a as amended and subparagraph (i) of paragraph b as added by chapter 361 of the laws of 2013, are amended to read as follows:

4 a. the operator is at least ten years old and is the holder of a boating safety certificate issued to him or her by the commissioner, the United States Power Squadrons ~~[or]~~, the United States coast guard auxiliary or the United States sailing association; provided, however, that

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

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1 the United States sailing association may issue boating safety certifi-
2 icates only upon completion of the safe powerboat handling and/or basic
3 cruising powerboat courses; or

4 (i) the holder of a boating safety certificate issued to him or her by
5 the commissioner, the United States Power Squadrons [~~ex~~], the United
6 States coast guard auxiliary or the United States sailing association;
7 provided, however, that the United States sailing association may issue
8 boating safety certificates only upon completion of the safe powerboat
9 handling and/or basic cruising powerboat courses, or

10 § 3. Subdivision 1-a of section 49 of the navigation law, as added by
11 chapter 138 of the laws of 1998, paragraphs a, b, c, and d as amended by
12 chapter 248 of the laws of 2005, is amended to read as follows:

13 1-a. a. No person shall operate a personal watercraft or specialty
14 prop-craft upon the navigable waters of the state or any tidewaters
15 bordering on or lying within the boundaries of Nassau and Suffolk coun-
16 ties unless the operator is fourteen years of age or older and the hold-
17 er of, or is accompanied by a person over eighteen years of age who is
18 the holder of a boating safety certificate issued by the commissioner,
19 the United States power squadrons, the United States coast guard auxil-
20 iary, the United States sailing association, or other state or govern-
21 ment, as a result of completing a course approved by the commissioner;
22 provided, however, that the United States sailing association may issue
23 boating safety certificates only upon completion of the safe powerboat
24 handling and/or basic cruising powerboat courses.

25 b. No person who is the owner of a personal watercraft or specialty
26 prop-craft shall knowingly authorize or permit the operation thereof on
27 the navigable waters of the state or any tidewaters bordering on or
28 lying within the boundaries of Nassau or Suffolk counties unless the
29 operator is fourteen years of age or older and the holder of, or is
30 accompanied by a person over eighteen years of age who is the holder of
31 a boating safety certificate issued by the commissioner, the United
32 States power squadrons, United States coast guard auxiliary, the United
33 States sailing association, or other state or government, as a result of
34 completing a course approved by the commissioner; provided, however,
35 that the United States sailing association may issue boating safety
36 certificates only upon completion of the safe powerboat handling and/or
37 basic cruising powerboat courses.

38 c. For the purposes of this subdivision "accompanied" shall mean upon
39 the vessel. Provided, however, that until January first, two thousand
40 nine, in relation to a person less than fourteen years of age who is the
41 holder of a boating safety certificate issued by the commissioner, the
42 United States power squadrons, United States coast guard auxiliary, the
43 United States sailing association or other state or government, accompa-
44 nied shall also mean within view and not more than five hundred feet
45 from a person aboard a vessel or personal watercraft, who is over eigh-
46 teen years of age and the holder of a boating safety certificate issued
47 by the commissioner, the United States power squadrons, United States
48 coast guard auxiliary, the United States sailing association or other
49 state or government, as a result of completing a course approved by the
50 commissioner; provided, however, that the United States sailing associ-
51 ation may issue boating safety certificates only upon completion of the
52 safe powerboat handling and/or basic cruising powerboat courses.

53 d. The provisions of this subdivision shall not apply to persons:
54 certified by the commissioner as boating safety instructors; members of
55 the United States power squadrons; members of the United States coast
56 guard auxiliary; holders of public vessel licenses pursuant to section

1 sixty-four of this article; police officers acting pursuant to assigned
2 duties; peace officers acting pursuant to assigned duties; lifeguards
3 acting pursuant to assigned duties; fire and rescue personnel acting
4 pursuant to assigned duties; and persons licensed to operate vessels by
5 the United States coast guard or the Canadian coast guard. The commis-
6 sioner by rule and regulation may provide for the exemption of addi-
7 tional persons not listed in this paragraph from the requirements of
8 this section.

9 § 4. Paragraph b and subparagraph (i) of paragraph c of subdivision 3
10 of section 49 of the navigation law, as added by chapter 361 of the laws
11 of 2013, are amended to read as follows:

12 b. the operator is born on or after May first, nineteen hundred nine-
13 ty-six, is at least ten years of age and is the holder of a boating
14 safety certificate issued to him or her by the commissioner, the United
15 States Power Squadrons [~~or~~], the United States coast guard auxiliary, or
16 the United States sailing association; provided, however, that the
17 United States sailing association may issue boating safety certificates
18 only upon completion of the safe powerboat handling and/or basic cruis-
19 ing powerboat courses, or

20 (i) the holder of a boating safety certificate issued to him or her by
21 the commissioner, the United States Power Squadrons [~~or~~], the United
22 States coast guard auxiliary, or the United States sailing association;
23 provided, however, that the United States sailing association may issue
24 boating safety certificates only upon completion of the safe powerboat
25 handling and/or basic cruising powerboat courses, or

26 § 5. Subdivision 13 of section 49-a of the navigation law, as added by
27 chapter 805 of the laws of 1992, is amended to read as follows:

28 13. Boating safety course. Upon the conviction of any subdivision of
29 this section, the court shall, in addition to any other penalties
30 invoked under this section, require the convicted person, as a condition
31 of the sentence, to complete a boating safety course of the state, U.S.
32 Power Squadrons [~~or~~], U.S. Coast Guard Auxiliary or the United States
33 sailing association and show proof of successful completion of such
34 course to the court or its designee; provided, however, that the United
35 States sailing association may issue boating safety certificates only
36 upon completion of the safe powerboat handling and/or basic cruising
37 powerboat courses.

38 § 6. Subdivision 1 of section 79 of the navigation law, as amended by
39 chapter 361 of the laws of 2013, is amended to read as follows:

40 1. For the purpose of giving such courses of instruction and awarding
41 boating safety certificates, the commissioner may designate as his or
42 her agent any person the commissioner deems qualified to act in such
43 capacity, including, but not limited to, certified instructors of the
44 United States coast guard auxiliary, United States power squadrons, the
45 United States sailing association, American power boat association, boy
46 scouts of America, Red Cross and other organizations; provided, however,
47 that the United States sailing association may issue boating safety
48 certificates only upon completion of the safe powerboat handling and/or
49 basic cruising powerboat courses. No charge whatsoever shall be made to
50 any person less than eighteen years of age for the issuance of a boating
51 safety certificate. Persons less than eighteen years of age may be
52 charged a fee for instruction in boating safety, except that the office
53 may not charge a fee when providing such instruction to persons less
54 than eighteen years of age.

55 § 7. Subdivision (c) of section 103 of the navigation law, as added by
56 chapter 420 of the laws of 1995, is amended to read as follows:

1 (c) When a person is convicted pursuant to this article and is subject
2 to a suspension pursuant to this subdivision, the court shall, in addi-
3 tion to any other penalties invoked under this article, require the
4 convicted person, as a condition of the sentence, to complete a boating
5 safety course of the state, U.S. Power Squadrons, [✗] U.S. Coast Guard
6 Auxiliary, or the United States sailing association and show proof of
7 successful completion of such course to the court or its designee;
8 provided, however, that the United States sailing association may issue
9 boating safety certificates only upon completion of the safe powerboat
10 handling and/or basic cruising powerboat courses.
11 § 8. This act shall take effect immediately.