

# STATE OF NEW YORK

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5533--B

Cal. No. 1094

2017-2018 Regular Sessions

## IN SENATE

April 6, 2017

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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 -- 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 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,  
3 in any case before the court, and shall when the convicted person is  
4 subject to a suspension pursuant to this subdivision, in addition to any  
5 other penalties invoked under this article, require the convicted  
6 person, as a condition of the sentence, to complete a boating safety  
7 course of the state, U.S. Power Squadrons, ~~[or]~~ U.S. Coast Guard Auxiliary,  
8 or a powerboating course or courses offered by the United States  
9 sailing association which are approved by the commissioner and show  
10 proof of successful completion of such course to the court or its designee.  
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12 § 2. Paragraph a and subparagraph (i) of paragraph b of subdivision 1  
13 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:

14 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  
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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1 United States Power Squadrons [~~or~~], the United States coast guard auxil-  
2 iary or the United States sailing association for a powerboating course  
3 or courses which are approved by the commissioner; or

4 (i) the holder of a boating safety certificate issued to him or her by  
5 the commissioner, the United States Power Squadrons [~~or~~], the United  
6 States coast guard auxiliary or the United States sailing association  
7 for a powerboating course or courses which are approved by the commis-  
8 sioner, or

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

12 1-a. a. No person shall operate a personal watercraft or specialty  
13 prop-craft upon the navigable waters of the state or any tidewaters  
14 bordering on or lying within the boundaries of Nassau and Suffolk coun-  
15 ties unless the operator is fourteen years of age or older and the hold-  
16 er of, or is accompanied by a person over eighteen years of age who is  
17 the holder of a boating safety certificate issued by the commissioner,  
18 the United States power squadrons, the United States coast guard auxil-  
19 iary, the United States sailing association for a powerboating course or  
20 courses which are approved by the commissioner, or other state or  
21 government, as a result of completing a course approved by the commis-  
22 sioner.

23 b. No person who is the owner of a personal watercraft or specialty  
24 prop-craft shall knowingly authorize or permit the operation thereof on  
25 the navigable waters of the state or any tidewaters bordering on or  
26 lying within the boundaries of Nassau or Suffolk counties unless the  
27 operator is fourteen years of age or older and the holder of, or is  
28 accompanied by a person over eighteen years of age who is the holder of  
29 a boating safety certificate issued by the commissioner, the United  
30 States power squadrons, United States coast guard auxiliary, the United  
31 States sailing association for a powerboating course or courses which  
32 are approved by the commissioner, or other state or government, as a  
33 result of completing a course approved by the commissioner.

34 c. For the purposes of this subdivision "accompanied" shall mean upon  
35 the vessel. [~~Provided, however, that until January first, two thousand~~  
36 ~~nine, in relation to a person less than fourteen years of age who is the~~  
37 ~~holder of a boating safety certificate issued by the commissioner, the~~  
38 ~~United States power squadrons, United States coast guard auxiliary or~~  
39 ~~other state or government, accompanied shall also mean within view and~~  
40 ~~not more than five hundred feet from a person aboard a vessel or~~  
41 ~~personal watercraft, who is over eighteen years of age and the holder of~~  
42 ~~a boating safety certificate issued by the commissioner, the United~~  
43 ~~States power squadrons, United States coast guard auxiliary or other~~  
44 ~~state or government, as a result of completing a course approved by the~~  
45 ~~commissioner.~~]

46 d. The provisions of this subdivision shall not apply to persons:  
47 certified by the commissioner as boating safety instructors; members of  
48 the United States power squadrons; members of the United States coast  
49 guard auxiliary; holders of public vessel licenses pursuant to section  
50 sixty-four of this article; police officers acting pursuant to assigned  
51 duties; peace officers acting pursuant to assigned duties; lifeguards  
52 acting pursuant to assigned duties; fire and rescue personnel acting  
53 pursuant to assigned duties; and persons licensed to operate vessels by  
54 the United States coast guard or the Canadian coast guard. The commis-  
55 sioner by rule and regulation may provide for the exemption of addi-

1 tional persons not listed in this paragraph from the requirements of  
2 this section.

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

6 b. the operator is born on or after May first, nineteen hundred nine-  
7 ty-six, is at least ten years of age and is the holder of a boating  
8 safety certificate issued to him or her by the commissioner, the United  
9 States Power Squadrons ~~[ex]~~, the United States coast guard auxiliary, or  
10 the United States sailing association for a powerboating course or  
11 courses which are approved by the commissioner, or

12 (i) the holder of a boating safety certificate issued to him or her by  
13 the commissioner, the United States Power Squadrons ~~[ex]~~, the United  
14 States coast guard auxiliary, or the United States sailing association  
15 for a powerboating course or courses which are approved by the commis-  
16 sioner, or

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

19 13. Boating safety course. Upon the conviction of any subdivision of  
20 this section, the court shall, in addition to any other penalties  
21 invoked under this section, require the convicted person, as a condition  
22 of the sentence, to complete a boating safety course of the state, U.S.  
23 Power Squadrons ~~[ex]~~, U.S. Coast Guard Auxiliary or a powerboating  
24 course or courses offered by the United States sailing association which  
25 are approved by the commissioner and show proof of successful completion  
26 of such course to the court or its designee.

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

29 1. For the purpose of giving such courses of instruction and awarding  
30 boating safety certificates, the commissioner may designate as his or  
31 her agent any person the commissioner deems qualified to act in such  
32 capacity, including, but not limited to, certified instructors of the  
33 United States coast guard auxiliary, United States power squadrons, the  
34 United States sailing association for a powerboating course or courses  
35 which are approved by the commissioner, American power boat association,  
36 boy scouts of America, Red Cross and other organizations. No charge  
37 whatsoever shall be made to any person less than eighteen years of age  
38 for the issuance of a boating safety certificate. Persons less than  
39 eighteen years of age may be charged a fee for instruction in boating  
40 safety, except that the office may not charge a fee when providing such  
41 instruction to persons less than eighteen years of age.

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

44 (c) When a person is convicted pursuant to this article and is subject  
45 to a suspension pursuant to this subdivision, the court shall, in addi-  
46 tion to any other penalties invoked under this article, require the  
47 convicted person, as a condition of the sentence, to complete a boating  
48 safety course of the state, U.S. Power Squadrons, ~~[ex]~~ U.S. Coast Guard  
49 Auxiliary, or a powerboating course or courses offered by the United  
50 States sailing association which are approved by the commissioner and  
51 show proof of successful completion of such course to the court or its  
52 designee.

53 § 8. This act shall take effect immediately.