STATE OF NEW YORK

9092

IN SENATE

June 15, 2018

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the navigation law, in relation to enacting Brianna's Law

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

Section 1. Short title. This act shall be known and may be cited as "Brianna's Law".

§ 2. Subdivision 1 of section 49 of the navigation law, as amended by by chapter 361 of the laws of 2013, paragraph a and subparagraph (i) of paragraph b as amended by chapter 386 of the laws of 2017, is amended to read as follows:

1. No person [~~born on or after May first, nineteen hundred ninety-six~~] shall operate a mechanically propelled vessel on the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties, unless[~~:~~

~~a.~~] the operator is at least ten years old and is the holder of a boating safety certificate issued to him or her **upon completion of a boating safety course** by the commissioner, the United States Power Squadrons, the United States coast guard auxiliary or the United States sailing association for a powerboating course or courses which are approved by the commissioner[~~; or~~

~~b. the operator is younger than eighteen years of age, and is accompanied on the mechanically propelled vessel by at least one person who is at least eighteen years of age and is~~

~~(i) the holder of a boating safety certificate issued to him or her by the commissioner, the United States Power Squadrons, the United States coast guard auxiliary or the United States sailing association for a powerboating course or courses which are approved by the commissioner, or~~

~~(ii) not required by this subdivision to hold a boating safety certificate in order to operate a mechanically propelled vessel; or~~

~~c. the operator is eighteen years of age or older, is a person required by this subdivision to hold a boating safety certificate in~~

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

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~~order to operate a mechanically propelled vessel, and is accompanied on the mechanically propelled vessel by at least one person who is at least eighteen years of age and the holder of a boating safety certificate; or~~

~~d. the operator is the owner of a recently purchased vessel and may operate such vessel without the otherwise required boating safety certificate for a period of time not to exceed one hundred twenty days from the date of purchase~~].

[~~e.~~] a. The provisions of this subdivision shall not apply to persons who are: [~~born before April thirtieth, nineteen hundred ninety-six;~~] certified by the commissioner as boating safety instructors; members of the United States Power Squadrons; members of the United States coast guard auxiliary; holders of public vessel licenses pursuant to section sixty-four of this article; police officers, peace officers, fire personnel, rescue personnel or lifeguards, when any such person is acting pursuant to assigned duties; or licensed to operate vessels by the United States coast guard or the Canadian coast guard. The commissioner, by rule or regulation, may provide for the exemption of additional persons not listed in this paragraph from the requirements of this section.

[~~f.~~] b. The provisions of this subdivision shall supersede all local laws or ordinances relating to requirements for boating safety certificates to operate a mechanically propelled vessel.

c. For purposes of the section:

(i) "boating safety course" shall mean a course of instruction that has been approved by the commissioner pursuant to sections seventy-five and seventy-nine of this article; and

(ii) "boating safety certificate" shall mean a document which cannot be altered and which is provided to a person who successfully completes a boating safety course.

§ 3. Section 79 of the navigation law, as amended by chapter 361 of the laws of 2013, subdivision 1 as amended by chapter 386 of the laws of 2017, is amended to read as follows:

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

2. The commissioner is authorized, at his or her discretion, to develop a method for approving internet-based boating safety courses as an appropriate and effective method for the administration and completion of training in the safe operation of vessels, including personal watercraft and specialty prop-craft, for the purposes of awarding a boating safety certificate pursuant to this section. All approved internet-based boating safety courses shall verify the identity of each individual taking such course, prior to awarding a boating safety certificate, in accordance with rules and regulations promulgated by the commissioner.

§ 4. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.