

# STATE OF NEW YORK

4258--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 2, 2017

Introduced by M. of A. THIELE -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the navigation law and the vehicle and traffic law, in relation to the payment of fines for certain violations; to amend the navigation law, in relation to reductions in certain insurance rates; and to amend the state finance law, in relation to establishing the boating safety education fund

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

1 Section 1. Subdivisions 10, 11 and 12 of section 40 of the navigation  
2 law, subdivision 11 as renumbered by chapter 391 of the laws of 1971,  
3 are renumbered subdivisions 11, 12 and 13 and a new subdivision 10 is  
4 added to read as follows:

5 10. All vessels constructed after December thirty-first, two thousand  
6 eighteen which have a bilge, shall have a bilge high water alarm  
7 installed.

8 § 2. Section 73-b of the navigation law, as amended by chapter 320 of  
9 the laws of 2007, is amended to read as follows:

10 § 73-b. Misdemeanors. Every person convicted of a misdemeanor pursuant  
11 to any of the provisions of this chapter for which another penalty is  
12 not provided shall for a first conviction thereof be punished by a fine  
13 of not less than two hundred fifty nor more than five hundred dollars or  
14 by a period of imprisonment of not more than thirty days or by both such  
15 fine and imprisonment; for a conviction of a second violation, both of  
16 which were committed within a period of twenty-four months, such person  
17 shall be punished by a fine of not less than five hundred nor more than  
18 one thousand five hundred dollars or by a period of imprisonment of not  
19 more than sixty days or by both such fine and imprisonment; upon a

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

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1 conviction of a third or subsequent violation, all of which were commit-  
 2 ted within a period of twenty-four months, such person shall be punished  
 3 by a fine of not less than one thousand five hundred nor more than two  
 4 thousand five hundred dollars or by a period of imprisonment of not more  
 5 than one hundred twenty days or by both such fine and imprisonment. All  
 6 fines collected pursuant to this section are to be deposited in the  
 7 boating safety education fund established pursuant to section ninety-  
 8 seven-rrrr of the state finance law.

9 § 3. Section 73-c of the navigation law is amended by adding a new  
 10 subdivision 3 to read as follows:

11 3. All fines collected pursuant to this section are to be deposited in  
 12 the boating safety education fund established pursuant to section nine-  
 13 ty-seven-rrrr of the state finance law.

14 § 4. Section 78-a of the navigation law, as added by chapter 160 of  
 15 the laws of 1990 and as further amended by section 104 of part A of  
 16 chapter 62 of the laws of 2011, is amended to read as follows:

17 § 78-a. Insurance rate reduction. (a) Any insurance carrier licensed  
 18 to issue yacht or boating liability insurance in this state is author-  
 19 ized to grant rate reductions with the approval of the department of  
 20 financial services to any owner of a yacht or boat who has successfully  
 21 completed a boating safety course or holds a valid United States Coast  
 22 Guard operators license.

23 (b) Any insurance carrier licensed to issue yacht or boating liability  
 24 insurance in this state is authorized to grant rate reductions with the  
 25 approval of the department of financial services to any yacht or boat  
 26 that is equipped with a high water bilge alarm.

27 § 5. The state finance law is amended by adding a new section 97-rrrr  
 28 to read as follows:

29 § 97-rrrr. Boating safety education fund. 1. There is hereby estab-  
 30 lished in the joint custody of the state comptroller and the commission-  
 31 er of taxation and finance a special fund to be known as the "boating  
 32 safety education fund".

33 2. The fund shall consist of the following revenue: (i) fines  
 34 collected pursuant to section seventy-three-b of the navigation law;  
 35 (ii) fines collected pursuant to section seventy-three-c of the naviga-  
 36 tion law; (iii) beginning July first, two thousand nineteen, fifty  
 37 percent from each vessel registration or reregistration fee paid pursu-  
 38 ant to subdivision three of section two thousand two hundred fifty-one  
 39 of the vehicle and traffic law; and (iv) fines collected pursuant to  
 40 section two thousand two hundred fifty-six of the vehicle and traffic  
 41 law.

42 3. Moneys of the fund, following appropriation by the legislature,  
 43 shall be made available to the department of parks, recreation and  
 44 historic preservation only for the administration and implementation of  
 45 the boating safety education program established pursuant to section  
 46 seventy-five of the navigation law and boating law enforcement conducted  
 47 by the state or municipalities. No more than ten percent of the annual  
 48 receipts of the fund may be used for administrative and personnel costs  
 49 of the department needed to implement and administer the program.  
 50 Remaining moneys of the fund shall be used for the administrative and  
 51 operating expenses of the boating safety education courses of instruc-  
 52 tion provided pursuant to section seventy-nine of the navigation law.

53 4. The moneys of the fund shall be paid out on the audit and warrant  
 54 of the comptroller on vouchers certified or approved by the commissioner  
 55 of parks, recreation and historic preservation, including advances of  
 56 funds pursuant to a contract to a boating safety education courses of

1 instruction organization. At the end of each year any moneys remaining  
2 in the fund shall be retained in the fund and shall not revert to the  
3 general fund. The interest and income earned on money in the fund, after  
4 deducting any applicable charges, shall be credited to the fund.

5 § 6. Subdivision 3 of section 2251 of the vehicle and traffic law, as  
6 amended by section 5 of part G of chapter 59 of the laws of 2009, is  
7 amended to read as follows:

8 3. Fees. The triennial fee for registration of a vessel shall be:  
9 twenty-two dollars and fifty cents and a vessel surcharge of three  
10 dollars and seventy-five cents, if less than sixteen feet in length;  
11 forty-five dollars and a vessel surcharge of twelve dollars and fifty  
12 cents, if sixteen feet or over but less than twenty-six feet in length;  
13 seventy-five dollars and a vessel surcharge of eighteen dollars and  
14 seventy-five cents, if twenty-six feet or over. All funds derived from  
15 the collection of the vessel access surcharge pursuant to this subdivi-  
16 sion are to be deposited in a subaccount of the "I love NY waterways"  
17 vessel access account established pursuant to section ninety-seven-nn of  
18 the state finance law. The vessel access surcharge shall not be consid-  
19 ered a registration fee for purposes of section seventy-nine-b of the  
20 navigation law.

21 Notwithstanding any inconsistent provision of this section, the differ-  
22 ence collected between the fees set forth in this subdivision in effect  
23 on and after September first, two thousand nine and the fees set forth  
24 in this subdivision prior to such date shall be deposited to the credit  
25 of the dedicated highway and bridge trust fund. Notwithstanding any  
26 inconsistent provision of this section, the difference collected between  
27 the vessel surcharge set forth in this subdivision in effect on and  
28 after September first, two thousand nine and the vessel surcharge set  
29 forth in this subdivision in effect prior to such date shall be deposit-  
30 ed to the credit of the dedicated highway and bridge trust fund.

31 Notwithstanding any inconsistent provision of this section, fifty  
32 percent of the amount collected from the registration fee on and after  
33 July first, two thousand eighteen shall be deposited to the credit of  
34 the boating safety education fund established pursuant to section nine-  
35 ty-seven-rrrr of the state finance law.

36 § 7. Section 2256 of the vehicle and traffic law is amended by adding  
37 a new subdivision 3 to read as follows:

38 3. All fines collected pursuant to this section are to be deposited in  
39 the boating safety education fund established pursuant to section nine-  
40 ty-seven-rrrr of the state finance law.

41 § 8. This act shall take effect on the first of January next succeed-  
42 ing the date on which it shall have become a law.