

# STATE OF NEW YORK

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5533

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

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 Assem-  
bly, do enact as follows:

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

4 (c) When a person is convicted pursuant to this article the court may,  
5 in any case before the court, and shall when the convicted person is  
6 subject to a suspension pursuant to this subdivision, in addition to any  
7 other penalties invoked under this article, require the convicted  
8 person, as a condition of the sentence, to complete a boating safety  
9 course of the state, U.S. Power Squadrons, ~~[or]~~ U.S. Coast Guard Auxil-  
10 iary, or United States sailing association and show proof of successful  
11 completion of such course to the court or its designee.

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 subpara-  
14 graph (i) of paragraph b as added by chapter 361 of the laws of 2013,  
15 are amended to read as follows:

16 a. the operator is at least ten years old and is the holder of a boat-  
17 ing safety certificate issued to him or her by the commissioner, the  
18 United States Power Squadrons ~~[or]~~, the United States coast guard auxil-  
19 iary or the United States sailing association; 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 or

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

LBD10237-01-7

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

1-a. a. No person shall operate a personal watercraft or specialty prop-craft upon the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties unless the operator is fourteen years of age or older and the holder of, or is accompanied by a person over eighteen years of age who is the holder of a boating safety certificate issued by the commissioner, the United States power squadrons, the United States coast guard auxiliary, the United States sailing association, or other state or government, as a result of completing a course approved by the commissioner.

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

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

d. The provisions of this subdivision shall not apply to persons: 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 acting pursuant to assigned duties; peace officers acting pursuant to assigned duties; lifeguards acting pursuant to assigned duties; fire and rescue personnel acting pursuant to assigned duties; and persons licensed to operate vessels by the United States coast guard or the Canadian coast guard. The commissioner by rule and regulation may provide for the exemption of additional persons not listed in this paragraph from the requirements of this section.

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

b. the operator is born on or after May first, nineteen hundred ninety-six, is at least ten years of age 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 sailing association, or the United States sailing association, or

1 (i) the holder of a boating safety certificate issued to him or her by  
2 the commissioner, the United States Power Squadrons ~~[ex]~~, the United  
3 States coast guard auxiliary, or the United States sailing association,  
4 or

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

7 13. Boating safety course. Upon the conviction of any subdivision of  
8 this section, the court shall, in addition to any other penalties  
9 invoked under this section, require the convicted person, as a condition  
10 of the sentence, to complete a boating safety course of the state, U.S.  
11 Power Squadrons ~~[ex]~~, U.S. Coast Guard Auxiliary or the United States  
12 sailing association and show proof of successful completion of such  
13 course to the court or its designee.

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

16 1. For the purpose of giving such courses of instruction and awarding  
17 boating safety certificates, the commissioner may designate as his or  
18 her agent any person the commissioner deems qualified to act in such  
19 capacity, including, but not limited to, certified instructors of the  
20 United States coast guard auxiliary, United States power squadrons, the  
21 United States sailing association, American power boat association, boy  
22 scouts of America, Red Cross and other organizations. No charge whatso-  
23 ever shall be made to any person less than eighteen years of age for the  
24 issuance of a boating safety certificate. Persons less than eighteen  
25 years of age may be charged a fee for instruction in boating safety,  
26 except that the office may not charge a fee when providing such instruc-  
27 tion to persons less than eighteen years of age.

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

30 (c) When a person is convicted pursuant to this article and is subject  
31 to a suspension pursuant to this subdivision, the court shall, in addi-  
32 tion to any other penalties invoked under this article, require the  
33 convicted person, as a condition of the sentence, to complete a boating  
34 safety course of the state, U.S. Power Squadrons, ~~[ex]~~ U.S. Coast Guard  
35 Auxiliary, or the United States sailing association and show proof of  
36 successful completion of such course to the court or its designee.

37 § 8. This act shall take effect immediately.