STATE OF NEW YORK

5533--B

Cal. No. 1094

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 -- 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:

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:

(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 a powerboating course or courses offered by the United States sailing association which are approved by the commissioner** and show proof of successful completion of such course to the court or its designee.

§ 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:

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

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

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United States Power Squadrons [~~or~~], 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

(i) 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 for a powerboating course or courses which are approved by the commissioner**, or

§ 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 for a powerboating course or courses which are approved by the commissioner,** 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 for a powerboating course or courses which are approved by the commissioner,** 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 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 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 addi-

tional 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 nine-ty-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 coast guard auxiliary, **or the United States sailing association for a powerboating course or courses which are approved by the commissioner,** or

(i) 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 for a powerboating course or courses which are approved by the commissioner,** or

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

13. Boating safety course. Upon the conviction of any subdivision of this section, the court shall, in addition to any other penalties invoked under this section, 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 a powerboating course or courses offered by the United States sailing association which are approved by the commissioner** and show proof of successful completion of such course to the court or its designee.

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

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.

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

(c) When a person is convicted pursuant to this article and is subject to a suspension pursuant to this subdivision, the court shall, 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 a powerboating course or courses offered by the United States sailing association which are approved by the commissioner** and show proof of successful completion of such course to the court or its designee.

§ 8. This act shall take effect immediately.