

# STATE OF NEW YORK

4853--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 5, 2019

Introduced by M. of A. JEAN-PIERRE, COOK, M. G. MILLER, ORTIZ, SEAWRIGHT, D'URSO, McDONOUGH, DICKENS, RAIA, MONTESANO, GIGLIO, RAMOS, RIVERA, TITUS, QUART, LAVINE, GALEF, JAFFEE, WOERNER, LAWRENCE, RA, NIOU, BARRON, BICHOTTE, DINOWITZ, BENEDETTO, ARROYO, L. ROSENTHAL, BYRNE, CARROLL, M. L. MILLER, GARBARINO, PRETLOW, DiPIETRO, JOHNS, BARRETT, ABINANTI, WEPRIN, WALSH, SANTABARBARA, CUSICK, WILLIAMS, AUBRY, HEVESI, B. MILLER, MOSLEY, BUCHWALD, DE LA ROSA, BRABENEC, COLTON, SOLAGES, PERRY, STERN, STIRPE, WALKER, STECK, HYNDMAN, TAGUE, PALUMBO, TAYLOR, SMITH, FAHY, RODRIGUEZ, FINCH, PICHARDO, HAWLEY, DILAN, LiPETRI -- Multi-Sponsored by -- M. of A. ABBATE, ASHBY, BLANK-ENBUSH, DAVILA, DenDEKKER, ENGLEBRIGHT, EPSTEIN, FITZPATRICK, FRIEND, KIM, LENTOL, LUPARDO, PALMESANO, SIMON, SIMOTAS, THIELE -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Brianna's Law".  
3 § 2. Subdivision 1 of section 49 of the navigation law, as amended by  
4 chapter 361 of the laws of 2013, paragraph a and subparagraph (i) of  
5 paragraph b as amended by chapter 386 of the laws of 2017, is amended to  
6 read as follows:  
7 1. No person [~~born on or after May first, nineteen hundred ninety-six~~]  
8 shall operate a mechanically propelled vessel on the navigable waters of  
9 the state or any tidewaters bordering on or lying within the boundaries  
10 of Nassau and Suffolk counties, unless[+  
11 a-] the operator is at least ten years old and is the holder of a  
12 boating safety certificate issued to him or her upon completion of a

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

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1 boating safety course approved by the commissioner, the United States  
2 Power Squadrons, the United States coast guard auxiliary or the United  
3 States sailing association for a powerboating course or courses which  
4 are approved by the commissioner[ ~~or~~

5 ~~b. the operator is younger than eighteen years of age, and is accompa-~~  
6 ~~nied on the mechanically propelled vessel by at least one person who is~~  
7 ~~at least eighteen years of age and is~~

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

13 ~~(ii) not required by this subdivision to hold a boating safety certif-~~  
14 ~~icate in order to operate a mechanically propelled vessel; or~~

15 ~~c. the operator is eighteen years of age or older, is a person~~  
16 ~~required by this subdivision to hold a boating safety certificate in~~  
17 ~~order to operate a mechanically propelled vessel, and is accompanied on~~  
18 ~~the mechanically propelled vessel by at least one person who is at least~~  
19 ~~eighteen years of age and the holder of a boating safety certificate; or~~

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

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

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

39 c. For purposes of the section:

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

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

46 § 3. Section 79 of the navigation law, as amended by chapter 361 of  
47 the laws of 2013, subdivision 1 as amended by chapter 386 of the laws of  
48 2017, is amended to read as follows:

49 § 79. Courses of instruction. 1. For the purpose of giving such cours-  
50 es of instruction and awarding boating safety certificates, the commis-  
51 sioner may designate as his or her agent any person the commissioner  
52 deems qualified to act in such capacity, including, but not limited to,  
53 certified instructors of the United States coast guard auxiliary, United  
54 States power squadrons, the United States sailing association for a  
55 powerboating course or courses which are approved by the commissioner,  
56 American power boat association, boy scouts of America, Red Cross and

1 other organizations. No charge whatsoever shall be made to any person  
2 less than eighteen years of age for the issuance of a boating safety  
3 certificate. Persons less than eighteen years of age may be charged a  
4 fee for instruction in boating safety, except that the office may not  
5 charge a fee when providing such instruction to persons less than eigh-  
6 teen years of age.

7 2. The commissioner is authorized, at his or her discretion, to devel-  
8 op a method for approving internet-based boating safety courses as an  
9 appropriate and effective method for the administration and completion  
10 of training in the safe operation of vessels, including personal water-  
11 craft and specialty prop-craft, for the purposes of awarding a boating  
12 safety certificate pursuant to this section. All approved internet-based  
13 boating safety courses shall employ methods to ensure attendance of the  
14 student throughout the course.

15 § 4. This act shall take effect January 1, 2020 and shall apply to all  
16 operators born on or after January 1, 1993, provided further on and  
17 after January 1, 2021 and before January 1, 2022 this act shall apply to  
18 all operators born on or after January 1, 1988; provided further on and  
19 after January 1, 2022 and before January 1, 2023 this act shall apply to  
20 all operators born on or after January 1, 1983; provided further on and  
21 after January 1, 2023 and before January 1, 2024 this act shall apply to  
22 all operators born on or after January 1, 1978; provided further on and  
23 after January 1, 2024 and before January 1, 2025 this act shall apply to  
24 all operators.