STATE OF NEW YORK

3012

2019-2020 Regular Sessions

IN SENATE

January 31, 2019

Introduced by Sen. GAUGHRAN -- 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 providing an exemption from certain laws for operators of law enforcement and fire department vessels responding to emergencies on the navigable waters of the state

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

Section 1. The navigation law is amended by adding a new section 39-b to read as follows:

§ 39-b. Law enforcement and fire department vessels. 1. The operator of a law enforcement or fire department vessel, when involved in an emergency operation on the navigable waters of the state, may exercise the privileges set forth in subdivision two of this section, but subject to the conditions set forth in subdivisions three and four of this section.

2. The operator of a law enforcement or fire department vessel may disregard any law, rule or regulation of this state or any local law or ordinance of a municipality of this state governing the movement or turning of vessels upon such navigable waters.

3. The privileges granted to the operator of a law enforcement or fire department vessel pursuant to this section shall apply only when audible signals are sounded from any such vessel while in motion by bell, horn, siren, electronic device or exhaust whistle as may be reasonably necessary, and when the vessel is equipped with at least one lighted lamp so that from any direction, under normal atmospheric conditions from a distance of five hundred feet from such vessel, at least one blue or red light will be displayed and visible.

4. The provisions of this section shall not relieve the operator of a law enforcement or fire department vessel from the duty to operate such

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

LBD09302-01-9

vessel with due regard for the safety of all persons, nor shall such provisions protect the operator from the consequences of his or her reckless disregard for the safety of others.

§ 2. This act shall take effect immediately.