STATE OF NEW YORK

1414

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Transportation

AN ACT to amend the navigation law, in relation to requiring individuals renting a boat to take a boating safety course

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

Section 1. Subdivisions 1 and 1-a of section 71-d of the navigation law, subdivision 1 as added by chapter 698 of the laws of 1971 and subdivision 1-a as added by chapter 361 of the laws of 2013, are amended to read as follows:

1. No livery operator shall knowingly lease, hire or rent a vessel to any person:

(a) When the number of persons using the vessel shall exceed the number deemed to constitute a maximum safety load for said vessel, according to its capacity plate or industry-accepted standards.

(b) When the manufacturer's rated horsepower of the motor exceeds the capacity of the vessel, making the vessel unsafe to operate.

(c) When the vessel does not contain the equipment required by its respective class, as provided by section forty.

(d) When such person is not the holder of a boating safety certificate.

[~~**1-a. Notwithstanding subdivision one of section forty-nine of this article, a livery may lease, hire or rent a mechanically propelled vessel, except a personal water craft or specialty prop craft, to a person who is not the holder of a boating safety certificate if:**~~

~~**(a) the person is eighteen years or older;**~~

~~**(b) the operator of such livery or his or her designated agent, is the holder of a boating safety certificate, and prior to permitting the use by such person of the vessel explains and demonstrates to such person by video or actual in water demonstration the operation of such vessel, and the use and location of such vessel's safety equipment;**~~

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

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~~(c) such person, after receiving the explanation and demonstration required pursuant to paragraph (b) of this subdivision, demonstrates to the livery operator or the livery operator's designated agent the ability to operate such vessel and use the applicable safety equipment;~~

~~(d) such person presents genuine proof of identification and age to the livery operator;~~

~~(e) the livery operator or the livery operator's designated agent, at the time of the leasing, hiring, or renting, records the name, address, and age of the operator of the leased, hired or rented vessel. Such records shall be maintained for a period of not less than one year; and~~

~~(f) the vessel is not leased, hired or rented to the same person for a period exceeding sixty days.~~]

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.