the

ALLIANCE OF NEW YORK STATE YMCAS YOUTH AND GOVERNMENT Legislative Bill

ASSEMBLY Bill # 9

Referred to Committee:

Authors: Kate Wimberly, Avery Bayse, Hannah McNally, Brent Tucker	Action on the Bill

School: Minerva -

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House Senate

__ Defeated ___ Defeated

AN ACT TO: Amend New York State navigation law 71-d to mandate boat liveries to require boaters

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

safety courses in order to rent a motorized vessel.

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PURPOSE: We initiate this bill as a way to prevent uncertified drivers from renting motorized vehicles in turn preventing boating fatalities.

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SUMMARY OF PROVISIONS:

- 11 Section 1:
- 12 Definitions:
- Boater Safety Certificate: A certificate acquired through the completion of an approved boater safety course.
- Section 2: I 71-d. Liveries; safety regulations; penalty. 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) Who does not hold a current 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 watercraft 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;
- 30 (b) the operator of such livery or his or her designated agent, is the holder of a boating safety
- 31 certificate, and prior to permitting the use by such person of the vessel explains and
- 32 demonstrates to such person by video or actual in water demonstration the operation of such
- 33 vessel, and the use and location of such vessel's safety equipment;

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I	(c) such person, after receiving the explanation and demonstration required pursuant to
2	paragraph (b) of this subdivision, demonstrates to the livery
3	operator or the livery operator's designated agent the
4	ability to operate such vessel and use the applicable safety equipment;
5	(d) such person presents genuine proof of identification and age to the livery operator;
6	(e) the livery operator or the livery operator's designated agent, at the time of the leasing,
7	hiring, or renting, records the name, address, and age of the operator of the
8	leased, hired or rented vessel. Such
9	records shall be maintained for a period of not less than one year; and

days.

2. Any person convicted of violating this section shall be guilty of a violation punishable by a fine of not less than twenty five nor more than one hundred dollars a

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

\$100, repeat offenders are subjected to the revoking of their livery license.

JUSTIFICATION: In the last 3 years, there have been approximately 60 fatalities and 300 accidents in New York State due to boating accidents. In the summer of 2016, there was a major motorboating accident on Lake George. The result was the death of an 8 year-old girl. This accident also heavily injured the girl's mother. The intention of our bill is to limit these types of accidents and to require boat liveries to mandate boater safety courses to be able to rent motorized water vessels.

FISCAL IMPLICATIONS: There are no fiscal implications.

EFFECTIVE DATE: This bill will go into effect immediately upon passage.