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Int. No. 563

By Council Members Fidler, Nelson, Gonzalez, James, Koppell, Weprin, White Jr. and Gerson

A Local Law to amend the administrative code of the city of New York, in relation to the sale of personal watercraft and specialty prop-craft.

Be it enacted by the Council as follows:

Section 1. Chapter five of title twenty of the administrative code of the city of New York is amended by adding a new subchapter sixteen to read as follows:

Subchapter 16. PERSONAL WATERCRAFT

§20-810. Definitions. a. "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel.

b. “Specialty prop-craft” means a vessel which is powered by an outboard motor or a propeller driven motor and which is designed to be operated by a person sitting, standing or kneeling on, or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel.

c. “Retailer” shall mean any person, firm, corporation or partnership that sells, leases, hires, or rents to the public personal watercraft or specialty prop-craft, or offers for sale, lease, hire or rent to the public personal watercraft or specialty prop-craft.

§20-811. Prohibitions. a. No retailer shall sell, lease, hire, or rent a personal watercraft or a specialty prop-craft to any person unless:

1. such person is sixteen years of age or older;

2. the retailer, prior to completion of such sale, lease, hire or rental of such personal watercraft or specialty prop-craft to such person, explains and demonstrates to such person by video or actual in-water demonstration the operating procedures for such personal watercraft or specialty prop-craft and the use of such vessel's safety equipment;

3. such person, after receiving the explanation and demonstration required pursuant to paragraph two of this subdivision, demonstrates to such retailer the ability to operate such vessel and use the applicable safety equipment;

4. such person has presented genuine proof of identification and age and has demonstrated compliance with section forty-nine of the New York state navigation law, to such retailer prior to the time of sale, lease, hire or rental of such vessel; and

5. such retailer, at the time of such sale, lease, hire or rental, records the name, address and age of the user of the vessel sold, leased, hired or rented, and the model, year, name of manufacturer, and state registration or federal documentation numbers of such vessel. Such records shall be maintained for a period of not less than one year.

b. No retailer shall sell lease, hire, or rent a personal watercraft or a specialty prop-craft unless such

vessel is equipped with:

1. a United States Coast Guard approved device for arresting carburetor backfire;
2. at least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases provided, however, if the vessel is constructed so as to have the greater portion of the bilges under the engine and fuel tanks open and exposed to the natural atmosphere at all times such vessel need not be fitted with such ventilators;
3. an efficient sound producing mechanical appliance, other than a siren, capable of producing a blast of two seconds or more in duration and of such strength as to be heard plainly for a distance of at least one-half mile in still weather;
4. a fluorescent-orange distress flag which shall be a minimum of one foot square in size or other appropriate United States Coast Guard-approved visual distress signal; and
5. a notice no less than six inches in length and one inch in height permanently affixed to a clearly visible and indispensable part of the personal watercraft or specialty prop-craft in a clearly distinguishable font and color that reads: "Pursuant to section 73-a of New York State Navigation Law, no person shall operate or ride this craft unless each person is wearing a securely fastened United States Coast Guard approved personal flotation device."

§20-812. Penalties. Any retailer that violates section 20-811 of this subchapter shall be liable for a civil penalty of five hundred dollars per violation. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of hearing that shall be returnable before the administrative tribunal of the department.

§20-813. Police officers, and authorized employees of the department and any other agency designated by the mayor, shall have the authority to enforce the provisions of this section.

§2. This local law shall become effective sixty days after its enactment into law.

JTB

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