



Legislation Text

File #: Res 0492-2002, **Version:** *

Res. No. 492

Resolution calling upon the Governor and the State Legislature to amend the New York State Navigation Law to require that all operators of mechanically propelled vessels be holders of a boating safety certificate and prohibit children under the age of fifteen from operating such vessels unless accompanied by a certificated person sixteen or older except for the operation of certain vessels with small engines.

By Council Members Avella, Jackson, Nelson, Oddo, Quinn, Seabrook, Yassky, Weprin, Addabbo, Baez, Comrie, DeBlasio, Dilan, Felder, Gennaro, Gerson, Jennings, Koppell, McMahon, Sanders, Stewart, Liu, Reyna, Martinez and Gallagher

Whereas, The United States Coast Guard Commandant Publication P16754.14 dated October 1, 2001 reports that "84% of all boating fatalities occurred on boats where the operator had not completed a boating safety education course;" and

Whereas, Operators without safety certificates are more likely to engage in negligent and inappropriate behavior according to the Coast Guard such as "operator inattention, careless and reckless operation, operating at an unsafe speed and no proper lookout;" and

Whereas, These behaviors and "operator inexperience" account for "nearly 70 percent of all reported accidents" according to the Coast Guard; and

Whereas, The New York State Navigation Law contains no general provisions to require all operators of a mechanically propelled vessel to obtain a safety certificate yet imposes such a requirement on minors between the ages of ten and eighteen; and

Whereas, Given the high correlation between a lack of a safety certificate and fatal boating accidents, it is reasonable and prudent to mandate that anyone who operates a mechanically propelled vehicle have such a certificate; and

Whereas, A certificate is obtained by taking a course approved by the New York State Commissioner of Parks, Recreation and Historical Preservation that requires about 8 hours of preparation and costs between \$25 and \$75; and

Whereas, In addition to this mandatory education requirement, the State Navigation Law should be amended to require that any child between the ages of ten and fifteen in possession of a safe boating certificate, who operates a mechanically propelled vessel, shall be accompanied at all times by a person sixteen and over who also possesses such a certificate; and

Whereas, New Jersey law (NJSA 12:7-61) makes an exception for children between thirteen and fifteen years of age with safety certificates who operate a vessel alone if that vessel is powered solely by a motor of less than one horsepower or an electric trolling motor of 12 volts; and

Whereas, New Jersey makes a further exception for children thirteen to fifteen years of age with safety certificates who operate a vessel 12 feet or longer provided that the motor is ten horsepower or less; and

Whereas, These provisions of New Jersey law seem reasonable, and deserve consideration by the Governor and the State legislature; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and the State Legislature to amend the New York State navigation law to require that all operators of mechanically propelled vessels be holders of a boating safety certificate and prohibit children under the age of fifteen from operating such vessels unless accompanied by a certificated person sixteen or older except for the operation of certain vessels with small engines.

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