

# STATE OF NEW YORK

387

2015-2016 Regular Sessions

## IN SENATE

(Prefiled)

January 7, 2015

Introduced by Sen. MARCELLINO -- 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 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:

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

3 § 39-b. Law enforcement vessels. 1. The operator of a law enforcement  
4 vessel, when involved in an emergency operation on the navigable waters  
5 of the state, may exercise the privileges set forth in subdivision two  
6 of this section, but subject to the conditions set forth in subdivisions  
7 three and four of this section.

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

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

20 4. The provisions of this section shall not relieve the operator of a  
21 law enforcement vessel from the duty to operate such vessel with due  
22 regard for the safety of all persons, nor shall such provisions protect  
23 the operator from the consequences of his or her reckless disregard for  
24 the safety of others.

25 § 2. This act shall take effect immediately.

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

LBD02390-01-5

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S387

**SPONSOR:** MARCELLINO

**TITLE OF BILL:** An act to amend the navigation law, in relation to providing an exemption from certain laws for operators of law enforcement vessels responding to emergencies on the navigable waters of the state

**PURPOSE:**

This bill exempts law enforcement from laws which regulate vessels on the navigable waters of the state while in the course of responding to emergencies.

**SUMMARY OF PROVISIONS:**

Adds a new section 39-b of the Navigation Law to provide an exemption from certain laws for law enforcement vessels responding to emergencies on the navigable waters of the state.

**JUSTIFICATION:**

The New York State Harbormaster & Bay Constable Association have raised a concern that NYS Navigation Law does not exempt bona fide law enforcement agencies from deviating from the State Law when responding to emergencies or in pursuit of law enforcement activities. Such exemptions currently exist in the NYS Vehicle and Traffic Law with regards to police and emergency vehicles.

This omission may become an issue of liability on the part of State, County and Local government. This legislation will remedy the situation.

**LEGISLATIVE HISTORY:**

2002-2008: Passed Senate;  
2009-10: Senate Tourism, Recreation & Sports Development;  
2011-14: Passed Senate.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This act shall take effect immediately.