



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Calls for Stronger Boating Safety Laws

CHARLES J. FUSCHILLO JR. July 19, 2012

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Will Be Introducing New Legislation to Raise Penalties for BUI & Require Greater Safety Training

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that he will be introducing new boating safety legislation to make our waterways safer for boaters. The legislation would raise the penalties for Boating Under the Influence (BUI) and require safety training for anyone who operates a boat. Michelle Mannino, whose husband Christopher was killed by another boater accused of BWI, the Nassau County Police Department's Marine Bureau, Nassau County Executive Ed Mangano, and Assemblyman David McDonough joined Senator

Fuschillo in calling for stronger laws.

“Boats operated by intoxicated individuals are as dangerous a weapon as cars driven by drunk drivers. Our laws do not reflect that right now, and that must change. Stronger BUI laws will make people think twice before operating a boat under the influence, help remove intoxicated boat operators from the waterways, and ensure that they face tougher penalties for endangering the lives of others,” said Senator Fuschillo, Chairman of the Senate’s Transportation Committee.

New York State has some of the nation’s toughest driving under the influence (DUI) laws, but its BUI laws have not kept pace. As a result, BUI offenders do not face some of the stronger penalties that they would if they were driving drunk in a car.

The legislation Senator Fuschillo will be introducing would:

- Allow intoxicated boaters to face class E felony charges if they had a child on the boat, just as they would if they were driving drunk in a car;
- Create the charge of aggravated BUI for boaters with a BAC of .18 or higher, just as currently exists for driving under the influence (DUI);
- Create mandatory boating privilege suspensions for DUI offenders:
 - * DWAI- mandatory 90 day suspension of boating privileges
 - * DWI- mandatory 6 month suspension of boating privileges
 - * Multiple DWIs in 10 years- mandatory 1 year suspension of boating privileges;
- Require a mandatory driver license suspension for BUI offenders:

* BWAI- mandatory 45 day driver license suspension

* BWI- mandatory 90 day driver license suspension

* BWI with a child onboard- mandatory 180 day driver license suspension

- Ensure that DUI, BUI and Snowmobiling Under the Influence (SUI) offenses are linked together when determining whether an individual is a repeat alcohol offender. Under current law, these offenses are unlinked, meaning an individual arrested for BUI with a prior DUI conviction is not treated as a repeat offender despite having a prior alcohol-related conviction;

Alcohol contributes to one in five fatal boating accidents in New York State, according to a recent Newsday report. Just last month, West Islip resident Christopher Mannino was killed in the waters off Captree Island when the boat he was riding on was broadsided by a powerboat. The powerboat's operator was arrested and charged with BWI.

Mr. Mannino's wife, Michelle, said "It's long past time to strengthen the BUI laws. Drunk drivers, whether they're operating a car or boat, jeopardize other people's lives. The laws must recognize that. With the rise in boating injuries and recent boating fatalities involving alcohol, we're seeing tragedies repeat themselves, and it has to stop. My husband was killed by a drunk boater; I lost my best friend, my children lost a loving father and amazing role model, and all of Long Island lost a dedicated and driven citizen. That's why I'm joining the fight for stronger laws, and I look forward to working with Senator Fuschillo on this issue."

"Nassau County residents on a daily basis enjoy boating for leisure and some derive their livelihood from commercial boating and fishing. History has provided far too many boating tragedies. Today we gather to stem the tide of such tragedies. I commend Senator Fuschillo for his initiative and the Nassau County Police Department stands ready to enforce tougher

BWI laws to enhance boater safety,” said County Executive Mangano.

In addition, Senator Fuschillo’s legislation would require all boaters to complete a boating safety course in order to operate a vessel. Boaters would be required to provide proof that they completed a boating safety course when they register or re-register their boat.

Under current law, adults do not need to have taken a boating safety course prior to operating a boat. 23 states, including New Jersey, Connecticut, Pennsylvania, and Rhode Island, as well as the District of Columbia, require boat operators to have a boating safety certificate.

“Boats are large, powerful vehicles that can be very dangerous if they are not handled safely and properly. Requiring a safety certificate is a commonsense step to ensure that someone who drives a boat has received instruction about basic safety procedures and the rules of the water,” Senator Fuschillo said.