



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo's Boating Safety Legislation Approved by Senate Transportation Committee

CHARLES J. FUSCHILLO JR. January 30, 2013

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Legislation Would Raise Penalties for BUI & Require Greater Safety Training for Boaters

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that boating safety legislation he sponsors has been approved by the Senate Transportation Committee. The legislation would raise the penalties for Boating Under the Influence (BUI) and require safety training before operating a boat without supervision.

“Whether they drive a car, a boat, or any other vehicle, drunk drivers put the lives and safety of others at risk. Our laws must be changed to reflect that and ensure that there is parallel progress between removing drunk drivers from the roads and waterways. Strengthening New York’s BUI laws will ensure that those who operate a boat under the influence will face tougher penalties for recklessly endangering innocent lives,” 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.

Senator Fuschillo's legislation (S771) 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:
 - o DWAI- mandatory 90 day suspension of boating privileges

 - o DWI- mandatory 6 month suspension of boating privileges

 - o Multiple DWIs in 10 years- mandatory 1 year suspension of boating privileges;

- Require a mandatory driver license suspension for BUI offenders:
 - o BWAI- mandatory 45 day driver license suspension

 - o BWI- mandatory 90 day driver license suspension

 - o 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;

In addition, Senator Fuschillo's legislation (S747) would require all boaters to complete a boating safety course in order to operate a vessel unsupervised. Under current law, adults do not need to complete any formal boating safety training or educational 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 dangerous and cause serious harm if they are operated improperly. Requiring individuals to receiving training about basic safety and navigation procedures in order to operate a boat is a commonsense step that will make our waterways safer for everyone," said Senator Fuschillo.

The legislation is strongly supported by Michelle Mannino, whose husband Christopher was killed in the waters off Captree Island last June when the boat he was riding on was broadsided by a powerboat. The powerboat's operator later admitted that he operated the vessel drunk while returning home from a night of heavy drinking.

Mrs. Mannino said "It makes no difference whether a drunk driver is using a car or a boat; they are endangering people's lives either way. Right now, the law doesn't recognize that, and it should. No family should have their loved one taken away from them by a drunk driver the way Christopher was taken away from us. If strengthening the BUI and boating safety laws will prevent even one tragedy, that's more than enough reason to act. I am pleased that this legislation is moving forward and I will keep working with Senator Fuschillo to get it passed and signed into law."

The legislation has completed the committee process in the Senate and will soon be eligible to be voted on by the full Senate.