



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo Introduces Legislation to Strengthen Boating Safety Laws

CHARLES J. FUSCHILLO JR. August 3, 2012

| ISSUE: **SEA OR BOAT**

Senator Charles J. Fuschillo, Jr. (R-Merrick) has introduced 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 before operating a boat without supervision.

“We need parallel progress between removing drunk drivers from our roads and waterways. Drunk drivers endanger innocent lives and jeopardize safety whether they’re driving a car, boat, or any other motor vehicle. Our laws need to reflect that, and right now they don’t. Tougher BUI laws will create a stronger deterrent from operating a boat while drinking and stiffer penalties for those who jeopardize innocent families’ safety on the water,” 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 (S7827) 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 contributed to one in five fatal boating accidents in New York State in 2011, according to the New York State Office of Parks, Recreation, and Historic Preservation. One in three alcohol related accidents resulted in death during that same time period.

In addition, Senator Fuschillo's legislation (S7831) 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.

"It's commonsense that boaters should know how to handle these vessels safely and properly in order to keep everyone safe on the waterways. Boats are not toys; they are large, powerful vehicles that can cause serious harm if they are operated improperly. Requiring a safety certificate would help ensure that boaters are trained in basic safety and navigation procedures, making our waterways safer for everyone," Senator Fuschillo said.

The legislation is strongly supported by Michelle Mannino, whose husband Christopher was killed in the waters off Captree Island in June when the boat he was riding on was broadsided by a powerboat. The powerboat's operator was arrested and charged with BWI. Mrs. Mannino said, "Right now, our laws don't recognize that drunk drivers, whether they're driving a car or a boat, put other people's lives and safety at risk. That needs to change, because we're seeing tragedies repeat themselves. My husband was killed by a drunk boater. No family should have their loved one taken away from them the way Christopher was taken from us. We need Senator Fuschillo's legislation to send a strong message that those who do drink and drive on the water will face tougher penalties. I will continue working with Senator Fuschillo and do whatever it takes to make this a reality in New York State."

Paul and Lisa Gaines, whose seven year old daughter Victoria died when the boat she was riding on capsized this past July 4th, strongly support the proposed laws. Mr. and Mrs. Gaines said, "Our family has been shattered forever after what happened to our 7 year old daughter Victoria on the 4th of July. We still are searching for the exact cause of our tragedy

but we know that boating safety is not up to par with our driving laws, especially in light of there being more and more boaters on our waters every day. The time is now to act and we will do everything in our power to support Senator Fuschillo's proposal. Training and safety courses for boat operators simply makes common sense. We greatly appreciate the Senator's past work on boating safety and his continuing efforts to employ his plan to protect our communities and loved ones."

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