

STATE OF NEW YORK
State-Specific Boating Requirements

SL 1. Law Enforcement Authority

The New York State Office of Parks, Recreation and Historic Preservation is the lead agency for the coordination of marine law enforcement efforts. Through the Marine Service Unit (MSU), the Office of Parks oversees the distribution of registration funds to qualifying counties and municipalities. The MSU also conducts training seminars for law enforcement officers from the state, county, and local levels.

Enforcement personnel stop and board vessels to check for compliance with state and federal laws. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

SL 2. Age Restrictions

Operators of motorboats, excluding Personal Watercraft (PWCs), must adhere to the following guidelines:

- If under 10 years old: You must be accompanied onboard by a person at least 18 years old.
- If 10 to 18 years of age: You must be accompanied by a person over 18, or hold a Boating Safety Education Certificate.
- If over 18: You may operate a motorboat alone.

SL 3. Boater Safety Education Requirements

As of January 1, 2006, all operators 14 years of age and older must successfully complete a boating safety education course to operate a Personal Watercraft in the State of New York. Those 10 to 18 must also have a boating safety education certificate to operate any other motorboat, unless accompanied by someone over 18.

Until January 1, 2009, those operators age ten (10) through thirteen (13) that have a boating safety certificate may continue to operate a PWC if they are accompanied by someone over 18 years of age holding a safety certificate of their own. Accompanied for this section of law shall mean the adult must be within 500 feet, on another PWC or vessel and within sight of the PWC.

SL 4. Vessel Registration

All mechanically propelled vessels - regardless of size - operating on the waters of New York State must display numbers showing valid registration in the principal state or country of use.

To register a vessel in the State of New York requires Form MV-82B, the appropriate registration fee, proof of ownership, proof of payment of sales tax, and the bill of sale.

Vessel registrations are valid for three years. When displayed, registration numbers must:

- Be visible on the forward part of the port and starboard sides of the vessel;
- Be three inches in height;
- Be of a color that contrasts with the hull;
- Be in block letters, not script;
- Have a space or hyphen between the letters and numbers: NY 1234 XY or NY-1234-XY; and
- Be placed forward of the registration validation decal on both sides of the vessel (i.e., the decal should be placed toward the stern of the registration numbers).

Exemptions from these requirements include:

- Vessels commercially documented with the USCG. Note: If recreationally documented with the USCG, the vessel must still be registered with the New York State Department of Motor Vehicles (DMV). The owner is exempt from placing registration numbers on his or her vessel, but the validation decal must be displayed.
- Vessels validly registered out-of-state when on New York waters less than 90 days
- Lifeboats
- Racing boats
- Non-motorized vessels
- Vessels owned by a state, the federal government, or someone from another country.

To register a vessel, contact the local Department of Motor Vehicles. Please call 1-800-DIAL-DMV from New York City, and 1-800-CALL-DMV from elsewhere in New York. For out-of-state boaters, please call 518-473-5595. Or visit the Department of Motor Vehicle's website at <http://www.nysdmv.com/>

SL 5. Maximum Loading and Horsepower

Overloading a boat will reduce performance and stability. A capacity plate on board vessels under 21 feet long indicates how much weight and/or people the boat can safely carry. The capacity plate is usually near the operator's station in plain sight. This capacity information includes a safety margin of safety, considering the average amount of equipment carried onboard. Should an unusually large amount of equipment be on board, remove one person from the vessel's rated capacity for each 150 lbs carried. The capacity of a vessel should never be exceeded.

Operators should also strictly follow the manufacturer's recommendations for engine size. While a boat may run faster with a bigger engine, it may not have been designed to handle the additional weight or stress. In addition, a boat's steering mechanism may not be designed to handle a larger engine, creating a risk of reduced or lost control at higher speeds.

SL 6. Equipment and Lighting Requirements

The USCG sets minimum safety standards for vessels and associated equipment. To meet these standards, some of the equipment must be USCG-approved. All boats operating on New York waters must carry and, if required, have in operation, wearable USCG-approved personal flotation devices (PFDs), visual distress signals (VDSs), fire extinguishers, sounding devices, backfire flame arrestor, ventilation systems, and navigation lights as required by federal law. If a boat manufacturer installs the safety equipment, it should not be assumed that the vessel is properly equipped at time of purchase. Boat owners are responsible for ensuring that his or her vessel meets USCG regulations in accordance with vessel size and the waters in which the vessel is being operated. To review the federal requirements for safety equipment, refer to Chapter 2 of this course.

Navigation Lights:

Vessels must display required navigation lights at all times between sunset and sunrise, and during daylight periods of reduced visibility. Sail vessels under 23 feet and manually propelled vessels may carry, in place of fixed lighting, a lantern with a white light that can be displayed in time to prevent a collision. PWC are not allowed to operate from sunset to sunrise so they are not required to have navigation lights.

Law enforcement vessels may carry a blue, flashing light. No other vessels are permitted to carry a blue light. If you see this light, reduce speed, yield, and if necessary, stop your vessel.

All vessels between 7 and 50 meters long must exhibit an all around white light when anchored between sunset and sunrise. During the day, a black ball shape must be exhibited so as to be visible 360 degrees around the vessel.

PFDs:

Every recreational vessel operated on New York waters must carry at least one USCG-approved Type I, II, or III Personal Flotation Device (PFD), for each person on board. All PFDs on board must be:

- Serviceable - free from tears, punctures, rot, water logging, and with all straps functional;
- Readily accessible – able to be reached easily in an emergency, never kept in plastic bags or locked away;
- Appropriately sized for the intended wearer - The USCG approval label has information on the intended user for a particular PFD.
- All boats 16 feet in length and over must carry one type IV PFD.

Children under the age of 12 must wear a Type I, II or III PFD on board any vessel unless they are in a fully enclosed cabin.

VDSs:

State law requires all mechanically propelled vessels 16 feet or more in length to carry USCG-approved VDS equipment of the number and type required by the USCG. The flares must be USCG-approved and not past their expiration date. Never use road flares on your boat as they produce hot slag, which can drip and burn.

If you operate on the high seas, coastal waters, or Great Lakes, the state and USCG requires all vessels to carry VDSs. However, powerboats under 16 feet, sailboats under 26 feet, and all manually propelled vessels need only carry VDSs when operating at night.

Anchors:

All mechanically propelled vessels must carry an anchor and line of sufficient weight and strength to allow safe anchorage and suitable for the types of waters in which the vessel will be operating. It is recommended that the anchor line should be between 4 and 7 times the depth of the water in which you would normally anchor.

Sounding Devices:

All mechanically propelled vessels 39 feet and over must have a mechanical whistle or horn capable of producing a blast of two or more seconds. On vessels under 39 feet, a mouth whistle may be used.

All vessels 39 feet and over must have a bell on board. The purpose of the bell is to comply with the rules of the road when anchored or grounded in reduced visibility.

Fire Extinguishers:

All boats must have the required USCG-approved fire extinguishers on board. Extinguishers should be checked frequently to ensure they are fully charged and undamaged. Check the pressure gauge or weigh it to determine the charge; replace cracked or broken hoses. Also ensure that the hoses are free from obstructions.

The State of New York also suggests that mechanically propelled vessels have the following equipment on board:

- Tool kit
- First Aid kit
- Oar/Paddle

- Radio
- Spare lines
- Binoculars

SL 7. Marine Sanitation Devices (MSDs)

The MSD requirements on New York State waters are dictated by both federal and state law, depending on where the vessel is operated. On the state's land-locked lakes, all marine sewage must be kept aboard the vessel in a Type III MSD (holding tank) and pumped ashore at a marine pumpout facility. No sewage discharges are allowed on any land-locked lake located completely within New York's borders.

On Canandaigua, Skaneateles, Greenwood (Orange County) Lakes, and Lake George, any vessel equipped with a toilet, sink, tub, etc., which results in the drainage of wastewater must have all such material drain into a holding tank so that it may be pumped ashore at a marine pumpout facility. Overboard lines from these systems must either be sealed or removed.

Vessels operating on the Great Lakes, State Canals, Hudson River, Long Island Sound, or on tidal waters may discharge sewage overboard only after it has been treated in a USCG-certified Type I or II MSD. Type I MSDs may not be used on vessels greater than 65 feet. Recent legislation now permits localities situated in tidal areas to adopt No-Discharge Zones. In the State of New York the following are No-Discharge zones: Mamaroneck Harbor, Lake George, East Hampton, Greater Huntington/North Port, Port Jefferson Harbor Complex, Peconic Estuary, and part of the Hudson River. When operating on No-Discharge Zones, sewage may only be stored on board a vessel in an approved Type III device for later transfer to a marine pumpout facility. When operating on Lake Champlain, boaters must have their MSD rendered inoperable and all overboard lines disconnected and plugged.

SL 8. Muffling Devices

The noise from a boat's engine should not exceed 75 dB(a) when measured from the shoreline consistent with testing standards listed in SAE J1970, or 90 dB measured when stationary, according to testing standards described in SAE J2005. The SAE standards are set forth by the Society of Automotive Engineers. To meet these noise standards, motorboat engines must have to be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system.

SL 9. Boating Accidents

If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, crew or the vessel. Information must be exchanged with all the parties involved. Failure to stop constitutes a misdemeanor.

A boating accident that results in a death, a disappearance, an injury requiring professional aid, or damage in excess of \$1,000 is considered a reportable accident. Death, disappearance or injury must be immediately reported to the police, and then a written report must be filed with the Office of Parks, Recreation and Historic Preservation within 48 hours. If the accident resulted in damage only, it must be reported to the Office of Parks Recreation and Historic Preservation within 5 days.

SL 10. Vessel Speed Restrictions

In the State of New York, vessel speed is generally limited to 5 nautical mph when within 100 feet of the shore, a dock, float, pier, raft, or anchored boat. On some specific bodies of water the 5 mph limit has been extended to 200 feet of the shore. There may also be daytime and nighttime speed limits imposed. When no speed limit is posted, vessels must always be

operated safely so as not to endanger others. A vessel must be able to stop within the clear space ahead. Boat operators are responsible for damage caused by their vessel's wake. When encountering marine regattas or parades, always transit with an escort vessel. Should no transit be provided, vessels should proceed at a safe, no wake speed.

SL 11. Mooring to Markers or Buoys

It is unlawful to moor or attach a vessel to a beacon, light, buoy (except a mooring buoy) or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid. Mooring buoys are generally round with a horizontal blue stripe.

SL 12. Reckless and Careless Operation

All boats must be operated in a responsible manner and in accordance with capacity plate and speed restrictions. Failure to do so is considered reckless and careless operation. New York State law also prohibits operating or manipulating a device for towing a person in a reckless or negligent manner that could endanger life, limb or property of a person, or cause a person to collide with an object or another person.

Bow Riding

Bow riding can be very dangerous, unless the vessel has an open bow designed specifically for passengers. If the boat hits a large wake or wave, or makes a sudden, sharp turn, the person riding the bow may be thrown overboard. Once in the water, the vessel's forward motion will quickly cause it to run over the person's body, possibly inflicting as many as 100 separate propeller cuts from a single pass. To prevent such a tragedy, boat operators should insist that their passengers take a seat, and stay in that seat, while the boat is underway.

SL 13. Interference with Navigation

Except in the event of an emergency, it is unlawful to anchor or operate a vessel in a way that will unreasonably interfere with the navigation of other vessels.

For example, it is unlawful to:

- Anchor a vessel in the traveled portion of a river or channel that will prevent or interfere with any other passing vessel.
- Obstruct a boat ramp, pier, wharf or access to any facility.
- Obstruct or mark the waters of New York in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of New York.

SL 14. Boating Under the Influence

In the State of New York it is unlawful to operate a vessel while impaired or intoxicated due to the consumption of either alcohol or drugs. New York law now prescribes heavy fines, imprisonment, and the suspension of the operator's privileges for the violation of this regulation. If a vessel operator refuses to submit to a breath test voluntarily, his or her privilege to operate a vessel may be immediately suspended, pending a hearing.

In New York, the blood alcohol concentration intoxication level is 0.08%. There is zero tolerance for alcohol consumption if under 21.

SL 15. Mandatory Violator Education

When an operator has his/her operating privilege and vessel registration suspended pursuant to repeat violation of speed or reckless operation they are required to take a boating safety course as a condition of the sentence. Judges do have the option of requiring a violator to take a boating safety class for any violations of speed or reckless operation.

SL 16. PWC Regulations

Operation of a PWC is prohibited from sunset to sunrise. A PFD must be worn by the operator and all passengers. A Type III PFD is recommended. If equipped, the engine cut-off lanyard must be attached to the operator. Visual distress signals and a sound-signaling device (horn or whistle) must be carried on board the vessel. Fire extinguishers are not required to be carried. PWCs are not allowed within 500 feet of a marked swimming area. Reckless operation, defined as wake jumping, playing "chicken" and weaving in and out of congested traffic is forbidden, and constitutes a misdemeanor.

Mandatory Education

As of January 1, 2004, in order to operate a PWC within New York the operator must be a minimum of 14 years of age. Until January 1, 2009, however, individuals between the ages of 10 and 14 may continue to operate a PWC provided they have an approved boating safety certificate and are accompanied by someone 18 years of age or older who is also the holder of a state approved boating safety certificate.

Personal Watercraft operators should be aware of the wake's impact on the surrounding areas. Operating a vessel at high speeds close to shore can cause erosion. Racing through shallows, marshes, and other areas can also harm wildlife. To protect the future of New York's waterways, a safe and reasonable speed should be maintained at all times.

SL 17. Water Ski Regulations

All vessels towing a person on water skis or other towed device must have an observer onboard who is at least 10 years of age.

Water skiing is prohibited in New York State from sunset to sunrise.

USCG-approved PFDs must be worn by water skiers.

If towing a skier from a PWC, the vessel must have at least a 3-person capacity, with the observer facing backwards (toward the stern).

SL 18. Divers-down Flag

Federal navigation rules require vessels restricted in the ability to maneuver to display appropriate day shapes or lights. To meet this requirement, recreational vessels engaged in diving activities may exhibit a rigid replica of the international code flag "A" or a "Divers-Down" flag not less than one meter in height, or at night, display navigation lights 360 degrees red on top, white in middle and red on the bottom. Scuba divers, skin divers and snorkelers must mark their diving area by means of a diver's down flag. Under no circumstances should a vessel approach within 100 feet of any craft or object displaying a divers down flag.

SL 19. Liveries (Rental Agencies)

The State of New York prohibits livery operators from leasing, hiring, or renting a vessel when the number of people to be using the vessel will exceed the maximum safety load according to the capacity plate. The required equipment also must be onboard a rented vessel. Violations of this provision can result in fines of \$25 to \$100. When renting a boat or PWC from a livery you should be required to provide your identification and boating safety certification, if applicable. The livery operator or agent must keep information on the user of the vessel, together with information on the vessel, on file for a period of one year.

PWC Liveries - Livery operators are prohibited from renting a personal watercraft to persons under the age of 16. Persons renting personal watercraft are limited to operation within 2500 feet of the livery, or to within 500 feet of a livery representative riding his own PWC. Anyone under the age of 18 is still required to possess a safety certificate to operate a PWC rented from a livery, and no one under the age of 16 may rent one.

SL 20. Other State-Specific Regulations

Floating Object Permits

In general, waterfront property owners are permitted to put one mooring buoy and/or one diving platform (100 square foot maximum) within 100 feet of their shoreline, and within the boundaries of their property lines. If they wish to place a floating object beyond 100 feet from shore, or floating objects in excess of the number allowed, they must apply to Office of Parks, Recreation, and Historical Preservation for a permit. Please note that this applies only to sole state waters outside of the Adirondack and Catskill Park Regions, in which case the Department of Environmental Conservation should be contacted. For waters falling under federal jurisdiction, such as Long Island Sound, the Great Lakes, Lake Champlain and other tidal waters, please contact the U.S. Army Corp of Engineers.

A blank floating object permit in PDF format is available online at http://nysparks.state.ny.us/boating/docs/flt_obj_app.pdf.

Regatta Permits

Any person or organization wishing to conduct a regatta on state waters must receive written permission from the Commissioner of Parks, Recreation and Historic Preservation. If you plan on conducting an event on the waters of the Adirondack or Catskill Forest Preserves, please contact the New York State Department of Environmental Conservation. For waters falling under federal jurisdiction (any body of water allowing international or inter-state travel), contact the U.S. Coast Guard. Although the Erie Barge Canal system and its adjoining lakes fall under the definition of waters under federal jurisdiction, it is an exception to this rule and falls under state jurisdiction.

SL 21. Environmental Awareness

A Citizen Guide, describing New York's vast environmental resources and environmental protection programs, is available on the New York State website at <http://www.nysegov.com>.

Additional Information

For more information on New York boating law refer to the New York State Parks web site at <http://www.nysparks.com/>; New York Consolidated Laws - Vehicle and Traffic, Art. 48 - Registration of Vessels, Section 2250 *et seq.*, NY Consolidated Laws - Navigation, Part 3 - Pleasure Vessels, at <http://assembly.state.ny.us/leg/>.