



Legislation Text

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Int. No. 514

By Council Members Nelson, Brewer, Gentile, James, Koppell, Mendez, Weprin, and Gerson

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the commissioner of the department of transportation enforce the speed limits in the vessel regulation zone and the no wake zone by means of a photo violation-monitoring device.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-134 to read as follows:

§18-134. Enforcement of watercraft speed. a. In addition to any other enforcement methods employed by the commissioner, the commissioner shall be required to use photo violation-monitoring devices to enforce the vessel regulation zone, as established by section 10-158 of this code, and the "no wake area," as established by section 10-158.1 of this code. Such photo violation-monitoring devices shall be used to identify any vessel used or operated in violation of sections 10-158 and 10-158.1 of this code by registration number, so that the owner of such vessel can be held liable for violations of those sections.

b. For the purposes of this section, "photo violation-monitoring device" shall mean a speed or wake detecting device that automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vessel at the time it is used or operated in violation of section 10-158 and 10-158.1 of this code.

§2. Subdivision d of section 10-158 of the administrative code of the city of New York is amended to read as follows:

d. Penalties. Any person violating any of the regulations including the speed limit as set forth in this

section shall be guilty of a misdemeanor punishable upon conviction by a fine not exceeding fifty dollars or by imprisonment for not more than ninety days or by both. An owner of a vessel shall be liable for a civil penalty not exceeding fifty dollars if such vessel was used by or operated with the express or implied permission of the owner in violation of any regulation set forth in this section, provided however, that no owner of a vessel shall be liable for a penalty imposed pursuant to this section where the operator of such vessel has been convicted of the underlying violation of this section.

§3. Subdivision e of section 10-158.1 of the administrative code of the city of New York is amended to read as follows

e. Any person violating paragraph one of subdivision c of this section shall be guilty of a misdemeanor punishable upon conviction by a fine not exceeding one hundred fifty dollars or by imprisonment for not more than ninety days or by both. An owner of a vessel shall be liable for a civil penalty not exceeding fifty dollars if such vessel was used by or operated with the express or implied permission of the owner in violation of any provision of in this section, provided however, that no owner of a vessel shall be liable for a penalty imposed pursuant to this section where the operator of such vessel has been convicted of the underlying violation of this section. Any such penalty shall be in addition to any penalty provided for in the New York State navigation law.

§4. This local law shall take effect one hundred twenty days after enactment.

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