

# Warren County Board of Supervisors

## RESOLUTION NO. 336 OF 2017

**RESOLUTION INTRODUCED BY SUPERVISORS BRAYMER AND SEEBER**

**RESOLUTION CALLING UPON THE NEW YORK STATE LEGISLATURE TO AMEND NAVIGATION LAW 49-A IN AN EFFORT TO STOP BOATING WHILE INTOXICATED**

WHEREAS, boaters operating watercraft when under the influence of alcohol and/or drugs is a problem that seems to be on the rise based upon the number of accidents and injuries reported recently, and

WHEREAS, impairment by alcohol and/or drugs may be considered to be even more dangerous when in the context of a boating environment for several reasons including but not limited to that: 1) a boater must, in addition to dealing with starting, stopping, and situational awareness, deal with wind, weather, the lack of mechanical advantage for braking, steering, and progression which makes the impairment of visual cognition, judgment, and coordination far more critical, 2) the motion, vibration, noise in the environment, and need to balance accelerate the operator's impairment, and 3) the average boater spends only a limited amount of time on the water annually making them much more in need of concentration and clarity to perform routine functions, and

WHEREAS, Section 49-a of the Navigation Law contains the legal aspects of Boating While Intoxicated ("BWI") enforcement in New York State, and

WHEREAS, Navigation Law Section 49-a, while well-intentioned and useful, contains some weaknesses such as failing to compel chemical tests (49-a(7)), containing a flawed definition of intoxication (49-a(2)[b]), and failing to define vessels or operation in a broad enough sense to cover all aspects of recreational boating, and

WHEREAS, BWI is a crime that transfers insofar as most boaters leave the waterway and get into motor vehicles to return to their homes after a day of recreation, and

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WHEREAS, BWI laws should be strengthened so that they can have a significant impact in order to prevent accidents, injuries, and deaths as opposed to simply reacting after these negative events have occurred, and

WHEREAS, funding for state, county, and municipal navigation enforcement have been systematically cut for over two decades with increased shrinkage to followed recently proposed tax caps on local government, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors call upon the New York State Legislature to amend Navigation Law 49-a to close the aforementioned loopholes, make it mirror exactly the motor vehicle laws (VTL 1192,) and allow for suspension of operating privilege to include all motorized vehicles upon conviction under either VTL 1192 or NL 49-a, and be it further

RESOLVED, that the Warren County Board of Supervisors call for a return of adequate funding to state, county, and municipal enforcement units to ensure rapid and certain interdiction of BWI violators on the waters of New York State, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, directed to forward copies of this resolution to Senator Elizabeth O’C. Little, Assemblyman Dan Stec, the New York State Association of Counties, and the Intercounty Legislative Committee of the Adirondacks.