

# For Completing Form OPS-218/13

## Updated May 2013

The OPS-218/12 Boat Accident Investigation Report form is a standard 8 1/2" X 11" size, which can be printed and completed or filled out as a PDF file. A copy of this form is being provided to all law enforcement agencies with active marine patrols, and copies may be printed from this original as necessary. Should a replacement copy be needed one may be found on our website at [www.nysparks.com/recreation/boating/resources.aspx](http://www.nysparks.com/recreation/boating/resources.aspx).

Please mail the investigative forms to the address listed on the report or fax them to the number listed. Please inform any operators involved in an accident of their obligation to do the same. A report filed by law enforcement does not relieve the operators/owners of the vessels involved from reporting as well.

All of the information asked on this form is required to be submitted as per the Code of Federal Regulations (33 CFR 173.57). Your cooperation in completing this report as fully as possible is requested. The information made available by accurate and professional accident investigation and reporting is of major value in developing programs designed to reduce the number and/or severity of vessel accidents. The completed accident forms are used to compile statistics for that year's boating season. The information from these reports is also sent to the United States Coast Guard for the compilation of national statistics. By examining these statistics, law enforcement patrols can determine the best areas in which to concentrate their activities. Such information can also provide a basis for the development of education programs, new legislation, and local ordinances.

In addition, a well-prepared and concise accident report will allow the officer to testify in court as to the events surrounding a vessel accident. A review of his/her report will assist in recalling the incident clearly and without question. A well-written report will make the circumstances surrounding the accident clear to any person reading the report.

## Completing OPS-218/13

**Generally speaking, moving your mouse over a cell will often give you information as to how you should complete that cell, unless it is otherwise obvious (such as First Name).**

### **Page 1**

Provides for the general information pertaining to the accident; location, circumstances, weather etc. This page helps to determine if the accident qualifies as reportable or not. Please note that the question regarding Alcohol Involvement is critical, as is the description of the accident.

### **Page 2**

Information for up to two vessels can be entered on this page; should more vessels be involved, simply add supplemental copies of page 2. Hitting the tab key will move you through all of the cells pertaining to Vessel 1. After Vessel 1 is completed the tab key will take you back to the top

of this page so you can enter information for vessel 2. If only one vessel was involved you may skip ahead to page 3 at this point.

**Accident Events.** Under accident events please number all events that occurred, in order of their occurrence, 1 through X. There are some special instructions for accident events on the form that will explain how to complete that section. Simply move your mouse over the block indicated to read these instructions. If someone was thrown from the boat and then got struck by the prop, you would enter “1” next to “Person ejected from boat”, and then enter a “2” next to “Person struck by propeller”.

**Damage.** Please try and give an estimate of damage done to the vessel, even if you are uncertain of the exact amount; these fields are required.

### **Page 3**

Information for up to two operators may be entered, as well as up to 8 other persons of interest who might have been involved in the accident. In general, people on the vessel who were not hurt or killed do not need to be entered, unless they were somehow involved in contributing to the accident (their movement capsizing the vessel, for example). The one exception is entering the owner’s information, whether on the vessel or not, if the operator of the vessel is not also the owner.

For those persons injured or deceased, please enter their basic information on this page and indicate their status using the check boxes near their names; you will have a chance to describe their injuries or causes of death on the final page.

### **Page 4**

Page 4 only needs to be completed if there was an injury requiring more than basic first aid, loss of life, or if the victim is missing. Please enter the victim’s name on this page, so we can cross-reference them with their address and contact information on page 3. At the bottom of page 4 there is space to enter the contact information of the owner of any non-vessel property that may have been damaged in the accident.

You may sign by hand, or electronically at the bottom, then print the form and either mail or fax it to State Parks.

## **Freedom of Information**

This Office is required to keep copies of all reported accidents for a minimum of five years. These reports are subject to the freedom of information act, and must be made available upon written request.

# Data Dictionary

Below are definitions for a few of the more boating specific report fields.

## Contributing Factors:

*As an example, the operator of Vessel A did not have a proper lookout prior to colliding with Vessel B in congested waters. Further, Vessel Operator A was operating the boat at an excessive speed given the environment in which he was boating and he had little overall boating experience. That accident would be entered as follows:*

*Cause "No Proper Lookout"*

*Cause "Excessive Speed"*

*Cause "Operator Inexperience"*

*Cause "Congested Waters"*

*Alcohol use: When the investigating official has determined that the impairment of the operator or occupant(s) due to alcohol contributed to the accident.*

*Drug use: When the investigating official has determined that the impairment of the operator or occupant(s) due to non-prescription and/or prescription drugs contributed to the accident.*

*Excessive speed: Speed in excess of the posted limit or above that which a reasonable and prudent person would have operated under the conditions that existed.*

*Failure to vent: Prior to starting the engine, failure to expel gasoline vapors (e.g. through a powered ventilation system) from the engine compartment.*

*Dam/lock: A boat(s) is (1) operated near a barrier built across a body of water that prevents water flow or impounds water –or- (2) being raised or lowered within a gate enclosure as it passes from level to level.*

*Force of wake/wave: The disturbance of the water resulting from the passage of the boat's hull or a surge of the water.*

*Hazardous waters: Rapid tidal flows (the vertical movement of water) and/or currents (the horizontal flow of water) resulting in hazardous conditions in which to operate a boat.*

*Heavy weather: As a contributing factor of an*

*accident "weather" is supposed to signify a stormy or windy condition, usually connoting rough or high seas and dangerous operating conditions.*

*Hull failure: Defect or failure of the structural body of a vessel (i.e. hull material, design, or construction) not including superstructure, masts or rigging.*

*Ignition of fuel or vapor: Accidental combustion of vessel fuel, liquids, and/or their vapors.*

*Improper anchoring: Where a boat is either in the process of being anchored incorrectly or incorrectly held in place in the water by an anchor.*

*Improper loading: Loading, including weight shifting, of the vessel causing instability, limited maneuverability, or dangerously reduced freeboard.*

*Improper lookout: No proper watch; the failure of the operator to perceive danger because no one was serving as lookout, or the person so serving failed in that regard. Every vessel shall at all times maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.*

*Inadequate on-board navigation lights: Insufficient and/or improper lights shown by a boat that indicate course, position, and occupation, such as fishing or towing.*

*Language barrier: The unsuccessful communication between individuals due to a foreign language or dialect that contributed to the accident.*

*Missing/inadequate aids to navigation: Failure of existing navigation aids or lack of navigation aids that, had they existed/functioned, likely would have prevented the accident.*

*Navigation rules violation: Violation of the statutory and regulatory rules governing the navigation of vessels. Please note that many of the other contributing factors listed in this section (e.g., excessive speed, improper lookout) are also violations of the navigation rules.*

*Overloading: Excessive loading of the vessel causing instability, limited maneuverability or dangerously reduced freeboard.*

*Operator inattention: Failure on the part of the operator to pay attention to the vessel, its occupants, or the environment in which the vessel is operating.*

*Operator inexperience: Lack of practical experience or knowledge in operating a vessel or more particularly the vessel involved in the accident.*

*People on gunwale, bow or transom: Standing/sitting on the upper edge of the side of a boat, usually on a small projection above the deck, the most forward part of the boat, and/or the back of the boat.*

*Restricted vision: A vessel operator's vision is said to be restricted when it is limited by a vessel's bow high trim, or by conditions such as glare, sunlight, bright lights, a dirty windshield, spray, a canopy, etc.*

*Sharp turn: An immediate or abrupt change in the boat's course of direction.*

*Starting in gear: The boat's engine is started with the transmission in forward or reverse.*

## **Boat Type:**

*Airboat: a boat propelled by an engine producing air thrust. This type of boat does not include ground effect vessels or air cushion vehicles (hovercraft).*

*Auxiliary sail: A sailboat equipped with a propulsion engine.*

*Cabin motorboat: a motorboat equipped with accommodation spaces such as bunks or berths.*

*Canoe: a small narrow boat, propelled by paddles. Canoes usually are pointed at both bow and stern and are normally open on top, but can be covered.*

*Houseboat: A motorized vessel designed primarily with accommodation spaces with little or no foredeck or cockpit, with low freeboard and with a low length to beam ratio.*

*Inflatable: A vessel constructed with its sides and bow made of flexible tubes containing pressurized gas. On smaller inflatables, the floor and hull beneath it is often flexible. On larger inflatables, the boat often has a rigid floor and solid hull capable of supporting a more powerful transom mounted outboard engine or an inboard engine.*

*Kayak: A small boat with a cockpit that is propelled by a double-bladed paddle by a sitting paddler.*

*Open motorboat: Craft of open construction specifically built for operating with an engine, including boats canopied or fitted with temporary partial shelters.*

*Personal watercraft: Craft designed to be operated by a person or persons sitting, standing or kneeling on the craft rather than within the confines of a hull.*

*Pontoon boat: A boat consisting of a rigid structure connecting at least two parallel fore and aft rigid sealed buoyancy chambers.*

*Rowboat: An open boat propelled by one or more persons using oars.*

*Sail (only): Any boat whose sole source of propulsion is the natural element (i.e. wind) or a boat designed or intended to be propelled primarily by sail, regardless of size or type.*

## **Operation:**

*Cruising: Proceeding normally, unrestricted, with an absence of drastic rudder or engine changes.*

*Changing direction: Altering the course in which the vessel is steered.*

*Changing speed: Altering the speed at which the vessel is traveling.*

*Sailing: Underway, by power of sail.*

*Drifting: Underway, but proceeding over the bottom without use of engines, oars or sails; being carried along only by the tide, current or wind.*

*At anchor: Held in place in the water by an anchor; includes moored to a buoy or anchored vessel and "dragging anchor".*

*Being towed: The state of one vessel being pulled through the water by another vessel.*

*Racing: A competitive activity that emphasizes the speed of vessels through a stated course. This term encompasses permitted events and events that are not permitted.*

*Rowing/paddling: The state of being propelled by an oar or paddle.*

*Tied to dock/mooring: A state where the vessel is moored to the dock or a mooring.*

*Towing another vessel: Engaged in towing another vessel.*

*Launching: The act of putting a vessel into the water.*

*Docking/undocking: Returning to or leaving from an enclosed or nearly enclosed water area where vessels can moor.*

## **Accident Events:**

*Please enter the chain of events for each vessel accordingly. For instance, if recreational vessel A collides with recreational vessel B and then strikes a passenger from vessel B that had been ejected overboard, the events would be entered as follows:*

### **Vessel A:**

*#1 = Collision with recreational boat*

*#2 = Other – Struck person*

### **Vessel B:**

*#1 = Collision with recreational boat*

*#2 = Person ejected from boat*

*#3 = Person struck by boat*

*Collision with recreational boat: An event used to describe an accident where a non-*

*recreational boat (commercial, patrol, etc) boat strikes a recreational boat.*

*Collision with commercial boat: An event used to describe an accident where a recreational boat strikes a commercial boat. If a recreational boat strikes a boat that is neither commercial nor recreational (such as a patrol boat), please select "other" under accident event and type the appropriate descriptive statement which in this case would be "Collision with patrol boat".*

*Collision with fixed object: The striking of any fixed object above the surface of the water.*

*Collision with submerged object: A boat's collision with any fixed object that is below the surface of the water.*

*Collision with floating object: Collision with any waterborne object above, on or below the surface that is free to move with the tide, current, or wind, except another vessel.*

*Capsizing: Overturning of a vessel.*

*Grounding: Running aground, striking or pounding on rocks, reeds, or shoals, stranding.*

*Sinking: Losing enough buoyancy to settle below the surface of the water.*

*Flooding/swamping: Filling with water, regardless of method of ingress, but retaining sufficient buoyancy to remain on the surface.*

*Fire/explosion (fuel): Accidental combustion of vessel fuel, liquids, including their vapors, or other substances such as wood.*

*Fire/explosion (non-fuel): Accidental burning or explosion of any material onboard except vessel fuels or their vapors.*

*Carbon monoxide exposure: Death or injury resulting from an odorless, colorless gas generated from auxiliary boat equipment (stoves, heaters, refrigerators, generators, hot water heaters, etc), another boat's exhaust, or the exhaust of the vessel on which person were either aboard or in close proximity.*

*Mishap of skier, tuber, wakeboarder, etc: Mishap as defined by an incident where a towed person falls off of their means by which they are towed, strikes a fixed or submerged object, or becomes*

*entangled or struck by the tow line.*

*Person left boat voluntarily: An accident where a person voluntarily disembarks a boat by his/her own will (i.e. by diving off, jumping in), as opposed to a case where the person is forcefully ejected by a change in the boats speed and/or direction.*

*Person ejected from boat: An accident where a person forcefully and unexpectedly leaves a vessel because of a change in the boats speed and/or direction. The focus of this accident event is on the boat's operation.*

*Person fell overboard: An accident where a person unexpectedly leaves a vessel because of limits to the boat's stability. The focus of this accident event is the vessel's stability.*

*Person fell on/within boat: Any operator or passenger who falls within or on the boat, but does not fall overboard.*

*Sudden medical condition: An incident where a person on a vessel experiences an unexpected medical condition.*

*Person struck by boat: A person is struck by a boat.*

*Person struck by propeller or propulsion unit: A person is struck by the propeller, propulsion unit, or steering machinery.*

*Person electrocuted: Casualty resulting from exposure to an electric shock.*

# Requirements for Police Reporting

Any officer receiving information regarding a boating accident is required to report it to State Parks. Form OPS-218/12 is made available to assist with the completion such reports.

## **s 47-a. Accidents; police authorities, bay constables and coroners to report.**

1. Every police officer, bay constable or judicial officer receiving information of an accident involving a vessel, including, but not limited to, rowboats and canoes, in which any person is killed, injured or disappears under the water shall immediately investigate the facts, or cause the same to be investigated, make a written memorandum of the information received, and such additional facts relating to the accident as may come to his or her knowledge, and mail the same within five days to the commissioner and keep a record thereof in his or her office, provided, however, that the report of the accident is made to the police officer, bay constable or judicial officer within five days after such accident. Every coroner or other official performing like functions, shall likewise make a report to the commissioner with respect to all deaths found to have been the result of vessel accidents.

2. Every police officer, bay constable or judicial officer receiving information of an accident involving a vessel, including, but not limited to, rowboats and canoes, in which damage in excess of one thousand dollars to the property of any person is sustained shall make a written memorandum of the information received, and such additional facts relating to the accident as may come to his or her knowledge, and mail the same within five days to the commissioner and keep a record thereof in his or her office.

3. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled by or otherwise available to the commissioner pursuant to this section shall be transmitted to such official or agency of the United States.

# Civilian Reporting Requirements

If a vessel is involved in an accident in which *only* property damage occurs, the operator must exchange information with the other parties involved. If the other party cannot be located the accident must be reported to law enforcement as soon as physically able. Failure will result in a violation.

## **S 47. Leaving the scene of an accident without reporting.**

1. (a) Whenever any vessel, including, but not limited to, rowboats and canoes, meets with an accident involving damage to any vessel or to the real property or to the personal property, not including animals, of another due to an accident involving such vessel and the operator thereof has knowledge of such accident, such operator shall, before leaving the place where the damage occurred, stop and give his or her name and address, the name and address of the owner thereof and the identification number, if any, assigned to such vessel to the person sustaining the damage. In the event the person sustaining the damage cannot be located at the place where the damage occurred, then the operator of such vessel shall report the same as soon as physically able to the nearest police officer, police station, bay constable or judicial officer.

b) A violation of the provisions of paragraph (a) of this subdivision shall constitute a violation punishable as set forth in section seventy-three-c of this article.

If a vessel is involved in an accident in which personal injury (including fatality) occurs or someone disappears under the water, the operator must exchange information with the other parties involved. If the other party cannot be located or are incapable of receiving such information then the accident must be reported to law enforcement as soon as physically able. Failure to comply with the provisions of this subdivision shall be considered:

1<sup>st</sup> violation – class b misdemeanor, \$250 to \$500;

Subsequent violations within 5 years - class a misdemeanor, \$500 - \$1000.

An accident involving a serious physical injury, death or disappearance in which the operator fails to stop will constitute a Class E felony.

2. (a) Every operator of a vessel, including, but not limited to, rowboats and canoes, who, knowing or having cause to know that personal injury has been caused to another person, or another person has disappeared under the water, due to an accident involving such vessel shall, before leaving the place where the said incident involving personal injury occurred, stop, give such operator's name and address, the name and address of the owner of such vessel and the identification number, if any, assigned to such vessel to the injured party, if practical or, if not practical or in the event that such other person disappeared under the water due to such accident, then he or she shall report said accident as soon as physically able to the nearest police officer, police station, bay constable or judicial officer.

(b) The first violation of the provisions of paragraph (a) of this subdivision involving personal injury to another person shall constitute a class b misdemeanor punishable by a fine of not less than two hundred fifty nor more than five hundred dollars in addition to any other penalties provided by law. Any subsequent violation involving personal injury to another person after a conviction for a violation of such paragraph within the preceding five years shall constitute a class a misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of this subdivision, other than the mere failure of a vessel operator to provide the name and address of the vessel owner and/or the identification number of the vessel, where the personal injury involved results in death or serious physical injury, as defined in section 10.00 of the penal law, or where a person has disappeared under the water as the result of the incident shall constitute a class e felony.

Operators of vessels involved in accidents resulting in death, personal injury, or property damage in excess of \$1000 must report the incident to the Commissioner of OPRHP, within five days of the incident. The OPS-201 Boating Accident Report can be obtained from State Parks (518/474-0445 or <http://www.nysparks.state.ny.us/recreation/boating/resources.aspx>), or from local law enforcement agencies. Form OPS-201 is made available to all law enforcement agencies as part of form OPS-218/12.

**S 47-b. Report to the commissioner required upon accident.**

Every person operating a vessel, including, but not limited to, rowboats and canoes, upon the navigable waters of the state, or on any other waters within the boundaries of the state, which is in any manner involved in an accident, in which any person is killed, injured or disappears under the water, or in which damage to the property of any one person, including himself or herself, in excess of one thousand dollars is sustained shall, within five days after such accident, report the matter in writing to the commissioner. If the owner is not involved in such accident or is incapacitated, the owner shall, within five days after learning of the facts of such accident, report the matter to the commissioner together with such information as may have come to the owner's knowledge relating to such accident. Every such operator of a vessel, or surviving participant in any such accident, or the owner of the vessel involved in any such accident, shall make such other and additional reports as the commissioner may require. A violation of this section shall constitute a violation punishable by a fine of not less than twenty-five nor more than one hundred dollars. Nothing contained in this section shall be deemed to supersede the provisions of section forty-seven of this article.

It is worth noting that as of this writing, persons involved in a boating accident are not required to report the incident to law enforcement unless they are unable to locate the other parties or property owners involved in the incident. Legislation has been proposed to amend this.