



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 72

December 29, 2021

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bills:

Assembly Bill Number 5565, entitled:

“AN ACT to amend the navigation law, in relation to requiring working marine carbon monoxide detectors to be carried on certain boats”

Assembly Bill Number 5837-B, entitled:

“AN ACT to amend the general business law, in relation to requiring publishers to offer licenses for electronic books to libraries under reasonable terms”

NOT APPROVED

Assembly Bill 5565

This bill would amend the Navigation Law to prohibit the sale of newly manufactured, or substantially renovated, vessels with an enclosed compartment unless the vessel is equipped with a new marine carbon monoxide detection system installed in accordance with the manufacturer's instructions. While I can appreciate the public safety concern sought to be addressed by the bill, state regulation of recreational vessels and associated equipment is expressly preempted by the Federal Boat Safety Act of 1971. Accordingly, the State is prevented by federal law from establishing an equipment or safety standard that is not identical to a regulation adopted pursuant to 46 U.S.C. §4302, et. seq. As there is no nationwide standard that requires installation of a carbon monoxide system, I am prevented from adopting a standard specific to sales in New York.

However, I agree with the intent of the sponsors that boats with enclosed compartments should have carbon monoxide detection systems. Therefore, I have asked the Department of Motor Vehicles to contact boat owners to encourage them to install such systems if their boat has an enclosed compartment.

Assembly Bill 5837-B

This bill would require publishers of books to provide multiple copies of electronic versions of literary works to libraries under "reasonable terms". The bill would define reasonable terms to include a limitation on the number of users to whom the libraries may simultaneously provide access to the electronic books; a limitation on the number of days the libraries may provide a user with access to the electronic books; and the use of technological protection measures that would prevent a user from maintaining access to the electronic books beyond the access period set forth in the license, and from providing other users with access to the electronic books. While the goal of this bill is laudable, unfortunately, copyright protection provides the author of a work with the exclusive right to their works. As such, federal law would allow the author, and only the author, to determine to whom they wish to share their work and on what terms. Because the provisions of this bill are preempted by federal copyright law, I cannot support this bill.

These bills are disapproved.

Ruth Hochstetler