

10537

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. BARCLAY, SAYWARD -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the navigation law and the vehicle and traffic law, in relation to requiring owners of public vessels to maintain proof of financial security

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The navigation law is amended by adding a new section 51 to
2 read as follows:

3 S 51. PROOF OF FINANCIAL SECURITY. NO PUBLIC VESSEL SHALL BE REGIS-
4 TERED IN THIS STATE WITHOUT COMPLIANCE WITH THE PROOF OF FINANCIAL SECU-
5 RITY REQUIREMENTS SET FORTH IN SUBDIVISION TEN OF SECTION TWENTY-TWO
6 HUNDRED FIFTY-ONE OF THE VEHICLE AND TRAFFIC LAW.

7 S 2. Section 2251 of the vehicle and traffic law is amended by adding
8 a new subdivision 10 to read as follows:

9 10. (A) NO PUBLIC VESSEL, AS THAT TERM IS DEFINED PURSUANT TO PARA-
10 GRAPH (A) OF SUBDIVISION SIX OF SECTION TWO OF THE NAVIGATION LAW, SHALL
11 BE REGISTERED IN THIS STATE UNLESS THE APPLICATION FOR SUCH REGISTRATION
12 IS ACCOMPANIED BY PROOF OF FINANCIAL SECURITY WHICH SHALL BE EVIDENCED
13 BY PROOF OF INSURANCE. SUCH INSURANCE SHALL CONTAIN LIABILITY COVERAGE
14 OF AN AMOUNT NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS PER PASSENGER.

15 (B) THE OWNER OF SUCH PUBLIC VESSEL SHALL MAINTAIN PROOF OF FINANCIAL
16 SECURITY CONTINUOUSLY THROUGHOUT THE REGISTRATION PERIOD AND SUCH
17 OWNER'S FAILURE TO PRODUCE PROOF OF FINANCIAL SECURITY WHEN REQUESTED TO
18 DO SO UPON DEMAND OF A MAGISTRATE, PEACE OFFICER, ACTING PURSUANT TO HIS
19 OR HER SPECIAL DUTIES, OR POLICE OFFICER, WHILE SUCH VESSEL IS BEING
20 OPERATED UPON THE NAVIGABLE WATERS OF THE STATE, AS THAT TERM IS DEFINED
21 PURSUANT TO SUBDIVISION FOUR OF SECTION TWO OF THE NAVIGATION LAW, SHALL
22 BE PRESUMPTIVE EVIDENCE OF OPERATING A PUBLIC VESSEL WITHOUT PROOF OF
23 FINANCIAL SECURITY. UPON THE PRODUCTION OF PROOF OF FINANCIAL SECURITY
24 SUCH PRESUMPTION SHALL BE REMOVED. PRODUCTION OF PROOF OF FINANCIAL
25 SECURITY MAY BE MADE BY MAILING SUCH PROOF TO THE COURT HAVING JURISDIC-
26 TION IN THE MATTER, AND ANY NECESSARY RESPONSE BY SUCH COURT OR ACKNOWLEDG-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 EDGEMENT OF THE PRODUCTION OF SUCH PROOF MAY ALSO BE MADE BY MAIL. WHEN
2 INSURANCE WITH RESPECT TO ANY PUBLIC VESSEL IS TERMINATED THE OWNER
3 SHALL SURRENDER FORTHWITH SUCH OWNER'S REGISTRATION CERTIFICATE TO THE
4 COMMISSIONER UNLESS PROOF OF FINANCIAL SECURITY OTHERWISE IS MAINTAINED
5 IN COMPLIANCE WITH THIS ARTICLE. IN ADDITION, PROOF OF FINANCIAL SECURI-
6 TY SHALL BE AFFIXED TO THE OUTSIDE OF SUCH PUBLIC VESSEL IN A MANNER AND
7 FORM TO BE DETERMINED BY THE COMMISSIONER.

8 (C) THE COMMISSIONER IS HEREBY AUTHORIZED TO PROMULGATE RULES AND
9 REGULATIONS TO PROVIDE EFFECTIVE ADMINISTRATION AND ENFORCEMENT OF THE
10 PROVISIONS OF THIS SECTION IN ACCORDANCE WITH THE PURPOSES THEREOF.

11 S 3. This act shall take effect on the sixtieth day after it shall
12 have become a law.