S T A T E O F N E W Y O R K

1502

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

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:

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

S 51. PROOF OF FINANCIAL SECURITY. NO PUBLIC VESSEL SHALL BE REGISTERED IN THIS STATE WITHOUT COMPLIANCE WITH THE PROOF OF FINANCIAL SECURITY REQUIREMENTS SET FORTH IN SUBDIVISION TEN OF SECTION TWENTY-TWO HUNDRED FIFTY-ONE OF THE VEHICLE AND TRAFFIC LAW.

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

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

(B) THE OWNER OF SUCH PUBLIC VESSEL SHALL MAINTAIN PROOF OF FINANCIAL SECURITY CONTINUOUSLY THROUGHOUT THE REGISTRATION PERIOD AND SUCH OWNER'S FAILURE TO PRODUCE PROOF OF FINANCIAL SECURITY WHEN REQUESTED TO DO SO UPON DEMAND OF A MAGISTRATE, PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER, WHILE SUCH VESSEL IS BEING OPERATED UPON THE NAVIGABLE WATERS OF THE STATE, AS THAT TERM IS DEFINED PURSUANT TO SUBDIVISION FOUR OF SECTION TWO OF THE NAVIGATION LAW, SHALL BE PRESUMPTIVE EVIDENCE OF OPERATING A PUBLIC VESSEL WITHOUT PROOF OF FINANCIAL SECURITY. UPON THE PRODUCTION OF PROOF OF FINANCIAL SECURITY

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

SUCH PRESUMPTION SHALL BE REMOVED. PRODUCTION OF PROOF OF FINANCIAL SECURITY MAY BE MADE BY MAILING SUCH PROOF TO THE COURT HAVING JURISDICTION IN THE MATTER, AND ANY NECESSARY RESPONSE BY SUCH COURT OR ACKNOWLEDGEMENT OF THE PRODUCTION OF SUCH PROOF MAY ALSO BE MADE BY MAIL. WHEN INSURANCE WITH RESPECT TO ANY PUBLIC VESSEL IS TERMINATED THE OWNER SHALL SURRENDER FORTHWITH SUCH OWNER'S REGISTRATION CERTIFICATE TO THE COMMISSIONER UNLESS PROOF OF FINANCIAL SECURITY OTHERWISE IS MAINTAINED IN COMPLIANCE WITH THIS ARTICLE. IN ADDITION, PROOF OF FINANCIAL SECURITY SHALL BE AFFIXED TO THE OUTSIDE OF SUCH PUBLIC VESSEL IN A MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER.

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

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