

9049

I N A S S E M B L Y

January 17, 2012

Introduced by M. of A. CUSICK, TOBACCO -- read once and referred to the
Committee on Transportation

AN ACT to amend the navigation law, in relation to the liability of
pilots

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

1 Section 1. Section 97 of the navigation law is amended by adding a
2 new subdivision 10 to read as follows:
3 10. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY
4 PERSON SEEKING TO HOLD A PILOT PROVIDING SERVICES PURSUANT TO A LICENSE
5 ISSUED UNDER THE AUTHORITY OF THIS ARTICLE, LIABLE FOR DAMAGES, INJURY
6 OR LOSS OCCASIONED BY THE PILOT'S ERRORS, OMISSIONS, FAULT OR NEGLECT,
7 SHALL BE REQUIRED TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE
8 DAMAGES, INJURY OR LOSS AROSE FROM THE PILOT'S GROSS NEGLIGENCE OR WILL-
9 FUL MISCONDUCT.
10 S 2. This act shall take effect on the thirtieth day after it shall
11 have become a law.

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

LBD13690-01-2