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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 97 of the navigation law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PERSON SEEKING TO HOLD A PILOT PROVIDING SERVICES PURSUANT TO A LICENSE ISSUED UNDER THE AUTHORITY OF THIS ARTICLE, LIABLE FOR DAMAGES, INJURY OR LOSS OCCASIONED BY THE PILOT'S ERRORS, OMISSIONS, FAULT OR NEGLECT, SHALL BE REQUIRED TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE DAMAGES, INJURY OR LOSS AROSE FROM THE PILOT'S GROSS NEGLIGENCE OR WILFUL MISCONDUCT.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD13690-01-2