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

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Cal. No. 69

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. LAVALLE, AVELLA, DeFRANCISCO, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the navigation law and the insurance law, in relation to insurance rate reductions upon completion of a boating safety course or an advanced boating safety course

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

Section 1. Section 78-a of the navigation law, as added by chapter 160 of the laws of 1990 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

S 78-a. Insurance rate reduction. Any insurance carrier licensed to issue yacht or boating liability insurance in this state is authorized to grant rate reductions with the approval of the department of financial services to any owner of a yacht or boat who has successfully completed a boating safety course OR AN ADVANCED BOATING SAFETY COURSE or holds a valid United States Coast Guard operators license.

S 2. The insurance law is amended by adding a new section 2336-b to read as follows:

S 2336-B. BOAT LIABILITY INSURANCE RATES; PREMIUM REDUCTIONS IN CERTAIN CASES. (A) ANY SCHEDULE OF RATES OR RATING PLAN FOR BOAT LIABILITY INSURANCE SUBMITTED TO THE SUPERINTENDENT SHALL PROVIDE FOR AN APPROPRIATE REDUCTION IN PREMIUM CHARGES, AS DESCRIBED IN SECTION SEVENTY-EIGHT-A OF THE NAVIGATION LAW, FOR ANY INSURED WHO HAS SUCCESSFULLY COMPLETED A BOATING SAFETY COURSE OR AN ADVANCED BOATING SAFETY COURSE

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

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WHICH MEETS THE REQUIREMENTS OF PART FIVE OF ARTICLE FOUR OF THE NAVIGATION LAW AND HAS BEEN APPROVED BY THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ATTENDANCE AT A COURSE PURSUANT TO SECTIONS FORTY-FIVE OR FORTY-NINE OF THE NAVIGATION LAW AS A RESULT OF ANY BOATING INFRACTION.

(B) FOR THE PURPOSES OF THIS SECTION:

(1) THE TERM "BOAT" SHALL MEAN ANY RESIDENTIAL OR PLEASURE VESSEL THAT IS NOT A CREW RACING SHELL AS DEFINED IN SECTION TWO OF THE NAVIGATION LAW.

(2) THE TERM "BOATING SAFETY COURSE" OR "ADVANCED BOATING SAFETY COURSE" SHALL MEAN A COURSE OF INSTRUCTION OR ADVANCED COURSE OF INSTRUCTION THAT HAS BEEN APPROVED BY THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION PURSUANT TO SECTION SEVENTY-NINE OF THE NAVIGATION LAW.

(3) THE TERM "BOATING SAFETY CERTIFICATE" SHALL MEAN A DOCUMENT WHICH CANNOT BE ALTERED AND WHICH IS PROVIDED TO A PERSON WHO SUCCESSFULLY COMPLETES A BOATING SAFETY COURSE OR ADVANCED BOATING SAFETY COURSE PURSUANT TO SECTION SEVENTY-EIGHT OF THE NAVIGATION LAW.

(C) AN INSURER, UPON APPROVAL OF THE SUPERINTENDENT, MAY UPON SUBMISSION OF A COMPLETION CERTIFICATE BY AN INSURED, PROVIDE AN ACTUARIALLY APPROPRIATE REDUCTION OF THE PREMIUM FOR SUCH INSURED'S YACHT OR BOATING LIABILITY INSURANCE.

(D) THE SUPERINTENDENT MAY ESTABLISH, BY RULE OR OTHERWISE, STANDARDS OR GUIDELINES TO BE USED BY THE SUPERINTENDENT WHEN REVIEWING THE PROPOSED BOATING SAFETY COURSE OR AN ADVANCED BOATING SAFETY COURSE.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, any actions necessary to be taken for the implementation of the provisions of this act on its effective date are authorized and directed to be completed on or before such effective date.