

STATE OF NEW YORK

5351

2021-2022 Regular Sessions

IN SENATE

March 2, 2021

Introduced by Sen. STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the navigation law, in relation to requiring certain policies of insurance for public vessels which carry passengers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 50 of the navigation law, as amended by chapter 672
2 of the laws of 1962, is amended to read as follows:

3 § 50. Owners to notify inspector and apply for inspection. It shall be
4 the duty of the owner of a public vessel which he intends to operate on
5 the navigable waters of the state to notify the inspector of such inten-
6 tion at least one month before it is desired to place the vessel in
7 operation and to request an inspection of such vessel. Upon receipt of
8 such notification the inspector shall enter the application on the
9 records of his office. A temporary permit to operate such vessel pending
10 inspection may be issued by the inspector, if he finds through documen-
11 tary evidence that such vessel is properly equipped and manned for the
12 safety of life and property. No public vessel shall be used or operated
13 without a certificate of inspection or a temporary permit as [~~herein~~]
14 provided in this section. No certificate of inspection or temporary
15 permit shall be issued unless the owner of a public vessel produces
16 proof of insurance to the inspector in accordance with section fifty-one
17 of this part.

18 § 2. The navigation law is amended by adding two new sections 51 and
19 52 to read as follows:

20 § 51. Liability insurance on public vessels. 1. Every public vessel
21 certified to carry passengers which is operated on the navigable waters
22 of the state, except vessels which navigate on waters which the United
23 States exercises active control, shall be covered by a corporate surety
24 bond or a policy of protection and indemnity insurance, issued by an

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

LBD09058-01-1

1 insurer authorized to issue policies in this state pursuant to the
2 insurance law. Public vessels certified by the office of parks, recre-
3 ation and historic preservation to carry passengers shall provide cover-
4 age of at least one million dollars per occurrence for injury to or
5 death of any person arising out of the negligent operation of said
6 public vessel.

7 Every such bond or insurance policy shall contain a provision for a
8 continuing liability thereunder, notwithstanding any recovery thereon,
9 and shall be in full force and effect whenever the public vessel is
10 underway.

11 2. No policy or contract shall be issued or delivered in this state
12 pursuant to this section unless it contains in substance the provisions
13 of section three hundred twenty of the insurance law.

14 3. Proof of bond or insurance required by this section shall be
15 produced and displayed by the owner or operator of such public vessel
16 upon the request of any person having authority to enforce the
17 provisions of this chapter. The failure to produce such proof upon the
18 request of any such person shall not be an offense but shall be presump-
19 tive evidence that the public vessel is being operated without having
20 such bond or insurance in force and effect.

21 4. No owner of a public vessel shall operate or permit the same to be
22 operated upon the navigable waters of this state without having in full
23 force and effect the liability insurance coverage required by this
24 section, and no person shall operate a public vessel upon the navigable
25 waters of this state with knowledge that such insurance is not in full
26 force and effect.

27 5. Operation of a public vessel in violation of the requirements of
28 this section shall be punishable as a misdemeanor in accordance with
29 section seventy-three-b of this article.

30 § 52. Self-insurers. The commissioner may, in his or her discretion,
31 upon the application of an owner of a public vessel to have such public
32 vessel certified, issue a certificate of self-insurance when he or she
33 is reasonably satisfied that such person is possessed and will continue
34 to be possessed of the financial ability to respond to judgments
35 obtained against such person, arising out of the ownership, maintenance,
36 use or operation of any such person's public vessel. Upon due notice and
37 hearing, the commissioner may, in his or her discretion and upon reason-
38 able grounds, cancel a certificate of self-insurance.

39 § 3. This act shall take effect on the ninetieth day after it shall
40 have become a law.