STATE OF NEW YORK

9241

IN SENATE

May 7, 2024

Introduced by Sen. SERRANO -- (at request of the Governor) -- 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 duty to inspect vessels operated on non-navigable underground waters

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

Section 1. Section 13 of the navigation law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 13. Inspector; duties. The inspector shall annually, and at such other times as [~~he~~] **they** shall deem it expedient, or as the commissioner may direct, inspect every public vessel, except vessels which navigate on waters over which the United States exercises active control. **The inspector shall also annually, and at such other times the inspector deems expedient or as the commissioner may direct, inspect any vessel operated on privately or publicly owned underground non-navigable waterways with no navigable inlet or outlet that carry passengers for compensation, either received directly or where provided as an accommodation, advantage, facility or privilege at any place of public accommodation, resort or amusement.** The inspector shall carefully examine the hull, the propelling and auxiliary machinery, the electrical apparatus and the vessel's equipment. [~~He~~] **They** shall require such changes, repairs and improvements to be made as [~~he may deem~~] **deemed** expedient for the contemplated route. No vessel, or propelling machinery thereof shall be allowed to be used if constructed in whole, or in part, of defective material, or which because of its form, design, workmanship, age, use or for any other reason is unsafe. [~~He~~] **The inspector** shall also fix the number of passengers that may be transported. The inspector shall require that the boilers, on all public vessels which are propelled by steam engines, be inspected and approved for safety of operations by inspectors of the New York State Department of Labor, Bureau of Boilers. Every boiler and appurtenances thereof shall be constructed, maintained and operated in accordance with the Department of Labor rules and regulations pertaining to boilers. The inspector shall also, whenever [~~he~~

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

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~~deems~~] they deem it expedient, visit any vessel licensed under this chapter and examine into [~~her~~] its condition for the purpose of ascertaining whether or not any party thereon, having a certificate, or license, from the inspector, has conformed to and obeyed the conditions of such certificate, and the provisions of this chapter. The owner, master, pilot, engineer or joint pilot and engineer of such vessel, shall answer all reasonable questions and give all the information in [~~his or~~] their power in regard to said vessel, or its machinery or equipment and the manner of managing the same. The inspector provided for in this chapter is authorized to make further rules and regulations applying generally to all vessels, or especially to one or more of them. [~~In framing rules for the government of managers and employees on vessels, the~~] The inspector shall, as far as practicable, be governed by the general rules and regulations prescribed by the United States coast guard. [~~The inspector shall have the power to issue a uniform navigation summons and/or complaint for violations of the provisions of article four of this chapter which are applicable to vessels.~~] To the extent applicable as determined by the inspector exercising their duties under this section, part two of article four of this chapter shall apply to vessels operated on privately or publicly owned underground non-navigable waterways with no navigable inlet or outlet that carry passengers for compensation, either received directly or where provided as an accommodation, advantage, facility or privilege at any place of public accommodation, resort or amusement.

§ 2. The navigation law is amended by adding a new section 49-d to read as follows:

§ 49-d. Application. Sections forty-seven, forty-seven-b, forty-eight, forty-nine-a and forty-nine-b of this chapter shall apply to any vessel operated on privately or publicly owned underground non-navigable waterways with no navigable inlet or outlet that carry passengers for compensation, either received directly or where provided as an accommodation, advantage, facility or privilege at any place of public accommodation, resort or amusement.

§ 3. The navigation law is amended by adding a new section 63-a to read as follows:

§ 63-a. Suspension of certificate of inspection; penalty for operating a vessel without a certificate of inspection or during suspension. The inspector may suspend a certificate of inspection issued pursuant to the provisions of this article upon satisfactory proof that operation of the vessel poses a risk to public safety. Prior to suspending the certificate of inspection, the inspector shall give written notice of the defects to the owner and describe how those defects pose a risk to public safety. The inspector may suspend the certificate of inspection until such time as the inspector is satisfied that operation of the vessel does not pose a risk to public safety. An owner who permits the operation of a vessel which has not been issued a certificate of inspection or whose certificate of inspection has been suspended shall be guilty of a misdemeanor punishable as set forth in section seventy-three-b of this article for each day of operation of the vessel with a suspended certificate of inspection.

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