

# 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:

1 Section 1. Section 13 of the navigation law, as amended by chapter  
2 843 of the laws of 1980, is amended to read as follows:  
3 § 13. Inspector; duties. The inspector shall annually, and at such  
4 other times as [~~he~~] they shall deem it expedient, or as the commissioner  
5 may direct, inspect every public vessel, except vessels which navigate  
6 on waters over which the United States exercises active control. The  
7 inspector shall also annually, and at such other times the inspector  
8 deems expedient or as the commissioner may direct, inspect any vessel  
9 operated on privately or publicly owned underground non-navigable water-  
10 ways with no navigable inlet or outlet that carry passengers for compen-  
11 sation, either received directly or where provided as an accommodation,  
12 advantage, facility or privilege at any place of public accommodation,  
13 resort or amusement. The inspector shall carefully examine the hull, the  
14 propelling and auxiliary machinery, the electrical apparatus and the  
15 vessel's equipment. [~~He~~] They shall require such changes, repairs and  
16 improvements to be made as [~~he may deem~~] deemed expedient for the  
17 contemplated route. No vessel, or propelling machinery thereof shall be  
18 allowed to be used if constructed in whole, or in part, of defective  
19 material, or which because of its form, design, workmanship, age, use or  
20 for any other reason is unsafe. [~~He~~] The inspector shall also fix the  
21 number of passengers that may be transported. The inspector shall  
22 require that the boilers, on all public vessels which are propelled by  
23 steam engines, be inspected and approved for safety of operations by  
24 inspectors of the New York State Department of Labor, Bureau of Boilers.  
25 Every boiler and appurtenances thereof shall be constructed, maintained  
26 and operated in accordance with the Department of Labor rules and regu-  
27 lations 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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1 ~~deems~~ they deem it expedient, visit any vessel licensed under this  
2 chapter and examine into [~~her~~] its condition for the purpose of ascer-  
3 taining whether or not any party thereon, having a certificate, or  
4 license, from the inspector, has conformed to and obeyed the conditions  
5 of such certificate, and the provisions of this chapter. The owner,  
6 master, pilot, engineer or joint pilot and engineer of such vessel,  
7 shall answer all reasonable questions and give all the information in  
8 [~~his—or~~] their power in regard to said vessel, or its machinery or  
9 equipment and the manner of managing the same. The inspector provided  
10 for in this chapter is authorized to make further rules and regulations  
11 applying generally to all vessels, or especially to one or more of them.  
12 [~~In framing rules for the government of managers and employees on~~  
13 ~~vessels, the~~] The inspector shall, as far as practicable, be governed by  
14 the general rules and regulations prescribed by the United States coast  
15 guard. [~~The inspector shall have the power to issue a uniform naviga-~~  
16 ~~tion summons and/or complaint for violations of the provisions of arti-~~  
17 ~~cle four of this chapter which are applicable to vessels.~~] To the extent  
18 applicable as determined by the inspector exercising their duties under  
19 this section, part two of article four of this chapter shall apply to  
20 vessels operated on privately or publicly owned underground non-naviga-  
21 ble waterways with no navigable inlet or outlet that carry passengers  
22 for compensation, either received directly or where provided as an  
23 accommodation, advantage, facility or privilege at any place of public  
24 accommodation, resort or amusement.

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

27 § 49-d. Application. Sections forty-seven, forty-seven-b, forty-eight,  
28 forty-nine-a and forty-nine-b of this chapter shall apply to any vessel  
29 operated on privately or publicly owned underground non-navigable water-  
30 ways with no navigable inlet or outlet that carry passengers for compen-  
31 sation, either received directly or where provided as an accommodation,  
32 advantage, facility or privilege at any place of public accommodation,  
33 resort or amusement.

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

36 § 63-a. Suspension of certificate of inspection; penalty for operating  
37 a vessel without a certificate of inspection or during suspension. The  
38 inspector may suspend a certificate of inspection issued pursuant to the  
39 provisions of this article upon satisfactory proof that operation of the  
40 vessel poses a risk to public safety. Prior to suspending the certif-  
41 icate of inspection, the inspector shall give written notice of the  
42 defects to the owner and describe how those defects pose a risk to  
43 public safety. The inspector may suspend the certificate of inspection  
44 until such time as the inspector is satisfied that operation of the  
45 vessel does not pose a risk to public safety. An owner who permits the  
46 operation of a vessel which has not been issued a certificate of  
47 inspection or whose certificate of inspection has been suspended shall  
48 be guilty of a misdemeanor punishable as set forth in section seventy-  
49 three-b of this article for each day of operation of the vessel with a  
50 suspended certificate of inspection.

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