

# STATE OF NEW YORK

9698

## IN SENATE

April 2, 2026

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the navigation law, in relation to the regulation of exhaust gas cleaning systems on vessels; and to amend the environmental conservation law, in relation to the powers of the department of environmental conservation

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

1 Section 1. The navigation law is amended by adding a new section 33-f  
2 to read as follows:

3 § 33-f. Regulating exhaust gas cleaning systems. 1. As used in this  
4 section:

5 (a) "exhaust gas cleaning systems" means a mechanism intended to  
6 remove particulate matter from exhaust gasses generated as a result of  
7 the combustion process in marine engines, whose output is the discharge  
8 of wash water as water, spray, exhaust or other form of discharge; and

9 (b) "department" means the state department of environmental conserva-  
10 tion.

11 2. (a) No exhaust gas cleaning system on any vessel used or operated  
12 upon navigable waters of this state shall be operated so as to discharge  
13 into said waters or air directly or indirectly except as required for  
14 safety reasons.

15 (b) Exhaust gas cleaning system overboard discharge valves shall be  
16 sealed while the vessel is in navigable waters of the state.

17 3. No exhaust gas cleaning system shall be used, sold, or physically  
18 offered for sale in this state.

19 4. The department shall require persons making application for a boat  
20 registration certificate for a vessel pursuant to the vehicle and traf-  
21 fic law to disclose whether such vessel has within or on it an exhaust  
22 gas cleaning system and if so, to certify that such device shall not be  
23 used in the waters of this state as required by this section. The  
24 department is further empowered to direct that the issuance of a boat  
25 registration certificate or a renewal thereof be withheld if such device  
26 is used in violation of this section.

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

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1 5. All vessels located upon waters of this state shall be subject to  
2 boarding and inspection by the department or any lawfully designated  
3 agents or inspectors thereof, for the purpose of determining whether  
4 such vessel is in compliance with this section.

5 6. The department is hereby authorized and empowered to make, adopt,  
6 promulgate, amend and repeal such standards and rules and regulations as  
7 are necessary, or convenient for the carrying out of duties and obli-  
8 gations and powers conferred on the department by this section.

9 7. A copy of the regulations adopted pursuant to this section and any  
10 of the amendments thereto, shall be filed in the office of the depart-  
11 ment, the water resources commission, and in the office of the secretary  
12 of state. Rules, regulations and standards shall be published by the  
13 department in convenient form.

14 8. Any person who violates this section, shall be guilty of an offense  
15 and upon conviction shall be punished with a fine of up to twenty-five  
16 thousand dollars per violation; provided, however, that in the event any  
17 person violates this section more than twice during the same calendar  
18 year and is convicted of more than two such violations, the third and  
19 each subsequent violation shall be deemed a misdemeanor.

20 9. Any person who violates this section shall be strictly liable,  
21 without regard to fault, for all cleanup and removal costs and all  
22 direct and indirect damages, no matter by whom sustained for the follow-  
23 ing:

24 (a) the cost of restoration and replacement, where possible, of any  
25 natural resource damaged or destroyed by a discharge;

26 (b) the cost of restoring, repairing, or replacing any real or  
27 personal property damaged or destroyed by a discharge, any income lost  
28 from the time such property is damaged to the time such property is  
29 restored, repaired or replaced, any reduction in value of such property  
30 caused by such discharge by comparison with its value prior thereto;

31 (c) loss of income or impairment of earning capacity due to damage to  
32 real or personal property, including natural resources destroyed or  
33 damaged by a discharge; provided that such loss or impairment exceeds  
34 ten percent of the amount which claimant derives, based upon income or  
35 business records, exclusive of other sources of income, from activities  
36 related to the particular real or personal property or natural resources  
37 damaged or destroyed by such discharge during the week, month or year  
38 for which the claim is filed;

39 (d) loss of tax revenue by the state or local governments for a period  
40 of one year due to damage to real or personal property proximately  
41 resulting from a discharge; and

42 (e) interest on loans obtained or other obligations incurred by a  
43 claimant for the purpose of ameliorating the adverse effects of a  
44 discharge pending the payment of a claim in full as provided by this  
45 article.

46 10. If any court of competent jurisdiction shall find any subdivision  
47 or subdivisions of this section to be unconstitutional or otherwise  
48 invalid, such findings shall not affect the validity of this section  
49 which can be given effect.

50 § 2. Subdivision 1 of section 3-0301 of the environmental conservation  
51 law is amended by adding a new paragraph ii to read as follows:

52 ii. Monitor vessel exhaust gas cleaning systems as provided in  
53 section thirty-three-f of the navigation law and establishing rules,  
54 regulations and standards relating thereto.

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