

Legislative Bill Drafting Commission
12026-01-4

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

NAVILA* *Office of Parks, Recreation and Historic Preservation 1
(Relates to duty to inspect vessels operated on non-navigable under-ground waters)

Nav. boats caves

AN ACT

to amend the navigation law, in relation to duty to inspect vessels operated on non-navigable under-ground waters

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

| | | | | |
|----------------|---------------|---------------|----------------|--------------|
| s15 Addabbo | s34 Fernandez | s28 Krueger | s01 Palumbo | s42 Skoufis |
| s43 Ashby | s60 Gallivan | s24 Lanza | s21 Parker | s11 Stavisky |
| s36 Bailey | s12 Gianaris | s16 Liu | s19 Persaud | s45 Stec |
| s57 Borrello | s59 Gonzalez | s50 Mannion | s13 Ramos | s35 Stewart- |
| s46 Breslin | s26 Gounardes | s04 Martinez | s05 Rhoads | Cousins |
| s25 Brisport | s53 Griffo | s07 Martins | s33 Rivera | s44 Tedisco |
| s55 Brouk | s40 Harckham | s02 Mattera | s39 Rolison | s06 Thomas |
| s09 Canzoneri- | s54 Helming | s48 May | s61 Ryan | s49 Walczyk |
| Fitzpatrick | s41 Hinchey | s37 Mayer | s18 Salazar | s52 Webb |
| s17 Chu | s47 Hoylman- | s03 Murray | s10 Sanders | s38 Weber |
| s30 Cleare | Sigal | s20 Myrie | s23 Scarcella- | s08 Weik |
| s14 Comrie | s31 Jackson | s51 Oberacker | Spanton | |
| s56 Cooney | s27 Kavanagh | s58 O'Mara | s32 Sepulveda | |
| s22 Felder | s63 Kennedy | s62 Ortt | s29 Serrano | |

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

| | | | | |
|-------------------|--------------------|------------------|--------------------|----------------|
| a078 Alvarez | a047 Colton | a034 Gonzalez- | a137 Meeks | a016 Sillitti |
| a031 Anderson | a140 Conrad | Rojas | a017 Mikulin | a052 Simon |
| a121 Angelino | a032 Cook | a150 Goodell | a122 Miller | a075 Simone |
| a037 Ardila | a039 Cruz | a116 Gray | a051 Mitaynes | a114 Simpson |
| a035 Aubry | a043 Cunningham | a100 Gunther | a145 Morinello | a094 Slater |
| a120 Barclay | a021 Curran | a139 Hawley | a144 Norris | a005 Smith |
| a106 Barrett | a018 Darling | a083 Heastie | a045 Novakhov | a118 Smullen |
| a105 Beephan | a053 Davila | a028 Hevesi | a069 O'Donnell | a022 Solages |
| a107 Bendett | a072 De Los Santos | a128 Hunter | a091 Otis | a110 Steck |
| a082 Benedetto | a003 DeStefano | a029 Hyndman | a132 Palmesano | a010 Stern |
| a027 Berger | a070 Dickens | a079 Jackson | a088 Paulin | a127 Stirpe |
| a042 Bichotte | a054 Dilan | a104 Jacobson | a141 Peoples- | a102 Tague |
| Hermelyn | a081 Dinowitz | a011 Jean-Pierre | Stokes | a064 Tannousis |
| a117 Blankenbush | a147 DiPietro | a134 Jensen | a023 Pheffer | a086 Tapia |
| a015 Blumencranz | a009 Durso | a115 Jones | Amato | a071 Taylor |
| a073 Bores | a099 Eachus | a125 Kelles | a063 Pirozzolo | a001 Thiele |
| a098 Brabenc | a048 Eichenstein | a040 Kim | a089 Pretlow | a033 Vanel |
| a026 Braunstein | a074 Epstein | a013 Lavine | a019 Ra | a055 Walker |
| a138 Bronson | a109 Fahy | a065 Lee | a030 Raga | a143 Wallace |
| a046 Brook-Krasny | a061 Fall | a126 Lemondes | a038 Rajkumar | a112 Walsh |
| a020 Brown, E. | a008 Fitzpatrick | a095 Levenberg | a006 Ramos | a041 Weinstein |
| a012 Brown, K. | a004 Flood | a060 Lucas | a062 Reilly | a024 Weprin |
| a093 Burdick | a057 Forrest | a135 Lunsford | a087 Reyes | a059 Williams |
| a085 Burgos | a124 Friend | a123 Lupardo | a149 Rivera | a113 Woerner |
| a142 Burke | a050 Gallagher | a129 Magnarelli | a067 Rosenthal, L. | a080 Zaccaro |
| a119 Buttenschon | a131 Gallahan | a101 Maher | a025 Rozic | a096 Zebrowski |
| a133 Byrnes | a007 Gandolfo | a036 Mamdani | a111 Santabarbara | a056 Zinerman |
| a044 Carroll | a068 Gibbs | a130 Manktelow | a090 Sayegh | a077 |
| a058 Chandler- | a002 Giglio, J.A. | a108 McDonald | a076 Seawright | |
| Waterman | a148 Giglio, J.M. | a014 McDonough | a084 Septimo | |
| a049 Chang | a066 Glick | a097 McGowan | a092 Shimsky | |
| a136 Clark | | a146 McMahan | a103 Shrestha | |

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and: in Assembly 2 copies of memorandum in support, in Senate 4 copies of memorandum in support (single house); or 4 signed copies of bill and 6 copies of memorandum in support (uni-bill).

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
28 deems] they deem it expedient, visit any vessel licensed under this

1 chapter and examine into [her] its condition for the purpose of ascer-
2 taining whether or not any party thereon, having a certificate, or
3 license, from the inspector, has conformed to and obeyed the conditions
4 of such certificate, and the provisions of this chapter. The owner,
5 master, pilot, engineer or joint pilot and engineer of such vessel,
6 shall answer all reasonable questions and give all the information in
7 [his or] their power in regard to said vessel, or its machinery or
8 equipment and the manner of managing the same. The inspector provided
9 for in this chapter is authorized to make further rules and regulations
10 applying generally to all vessels, or especially to one or more of them.
11 [In framing rules for the government of managers and employees on
12 vessels, the] The inspector shall, as far as practicable, be governed by
13 the general rules and regulations prescribed by the United States coast
14 guard. [The inspector shall have the power to issue a uniform naviga-
15 tion summons and/or complaint for violations of the provisions of arti-
16 cle four of this chapter which are applicable to vessels.] To the extent
17 applicable as determined by the inspector exercising their duties under
18 this section, part two of article four of this chapter shall apply to
19 vessels operated on privately or publicly owned underground non-naviga-
20 ble waterways with no navigable inlet or outlet that carry passengers
21 for compensation, either received directly or where provided as an
22 accommodation, advantage, facility or privilege at any place of public
23 accommodation, resort or amusement.

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

26 § 49-d. Application. Sections forty-seven, forty-seven-b, forty-eight,
27 forty-nine-a and forty-nine-b of this chapter shall apply to any vessel
28 operated on privately or publicly owned underground non-navigable water-

1 ways with no navigable inlet or outlet that carry passengers for compen-
2 sation, either received directly or where provided as an accommodation,
3 advantage, facility or privilege at any place of public accommodation,
4 resort or amusement.

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

7 § 63-a. Suspension of certificate of inspection; penalty for operating
8 a vessel without a certificate of inspection or during suspension. The
9 inspector may suspend a certificate of inspection issued pursuant to the
10 provisions of this article upon satisfactory proof that operation of the
11 vessel poses a risk to public safety. Prior to suspending the certif-
12 icate of inspection, the inspector shall give written notice of the
13 defects to the owner and describe how those defects pose a risk to
14 public safety. The inspector may suspend the certificate of inspection
15 until such time as the inspector is satisfied that operation of the
16 vessel does not pose a risk to public safety. An owner who permits the
17 operation of a vessel which has not been issued a certificate of
18 inspection or whose certificate of inspection has been suspended shall
19 be guilty of a misdemeanor punishable as set forth in section seventy-
20 three-b of this article for each day of operation of the vessel with a
21 suspended certificate of inspection.

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