



MARINERS LEARNING SYSTEM™

PROVIDING KNOWLEDGE AND KNOWHOW... ANYTIME, ANYWHERE

*MARITIME LAW
Uninspected
Passenger Vessels*

*Reference
Materials*



DIGITAL EDITION

Captain Robert L. Figular

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MARINERS
LEARNING SYSTEM™

MARITIME LAW
Uninspected Passenger
Vessels

MLS COURSE REFERENCE MATERIALS
NOT TO BE USED FOR NAVIGATION

by Captain Robert L. Figular

Mariners Learning System™
Princeton, New Jersey

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This book is designed to provide a wide variety of information on the
practice of good seamanship as it pertains to the marine environment.
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Introduction

Overview

The information in this handbook applies to U.S. uninspected passenger vessels (UPVs) that do not carry freight for hire. For precise language, exemptions and interpretations please consult the specific laws or regulations containing that requirement.

Abbreviations

Listed are abbreviations found in this document:

CFR: Code of Federal Regulations

CG: U. S. Coast Guard

COD: Certificate of Documentation

COTP: USCG, Captain of the Port

GT: Gross Tons

MMC: Merchant Mariner Credential

MMD: Merchant Mariner Document

MSD: Marine Sanitation Device

MTSA: Marine Transportation Security Act

NM: Nautical Mile

OCMI: USCG, Officer-in-Charge Marine Inspection

PFD: Personal Flotation Device

SPC: Sector Prevention Command

STCW: Standard Training and Certification Watchstanding

TWIC: Transportation Worker Identification Credential

UPV: Uninspected Passenger Vessel

USC: United States Code

VDS: Visual Distress Signal

Copy of Regulations

You may purchase a full text copy of the Federal regulations through the Government Printing Office at <http://bookstore.gpo.gov/> or by contacting GPO at (866) 512-1800. United States Code (USC) and the Code of Federal Regulations (CFRs) are also available online at www.gpoaccess.gov/cfr/

Penalties

Per *46 USC 4106*, if an UPV is operated in violation of applicable laws and regulations, the owner, charterer, managing operator, agent, master, and individual in charge are each liable for criminal or civil penalties.

Definitions

Demarcation Line:

The regulations in this part established the lines of demarcation delineating those waters upon which mariners shall comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those waters upon which mariners shall comply with the Inland Navigation Rules. The waters inside the lines are Inland Rules waters. The waters outside the lines are COLREGS waters. *33 CFR 80.01 (a) (b)*

Merchant Mariner Credential (MMC):

An MMC is the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, OUPV license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E, as well as the STCW endorsement, into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

Transportation Workers Identification Card (TWIC):

A common identification credential for all personnel requiring unescorted access to secure areas of Marine Transportation Security Act (MTSA)-regulated facilities and vessels. Individuals who meet TWIC eligibility requirements will be issued a tamper-resistant credential containing the worker's biometric (fingerprint template) to allow for a positive link between the card and the individual. All workers need to carry TWICs, as well as their license, when operating under the identification provisions found in 46 CFR 15.415.

Crewmember:

An individual who is on board a vessel acting under the authority of a license, certificate of registry, or merchant mariner's document issued under this subchapter D, whether or not the individual is a member of the vessel's crew; or engaged or employed on board a vessel owned in the United States that is required by law or regulation to engage, employ, or be operated by an individual holding a license, certificate of registry, or merchant mariner's document issued under this subchapter. *46 CFR 16.105 (a) (b)*.

6 Definitions

Consideration:

An economic benefit, inducement, right, or profit including monetary payment going to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary compensation of fuel, food, beverage, or other supplies. *46 USC 2101 (5a)*

Passenger:

Any person on a vessel, other than the owner or an individual representative of the owner or in the case of vessel under charter, an individual charterer or individual representative of the charterer, master and the members of the crew, or other any other person employed or engaged in any capacity on board a vessel in the business of that vessel. *46 USC 2101 (21) and 46 CFR 24.10-1.*

Note: All persons on board are crewmembers, passengers, or National Marine Fisheries Service official observers. There are no guests or “*other*” observers.

Passenger for Hire:

Passenger for whom a consideration is contributed as a condition of carriage whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel is a passenger for hire. *46 USC 2101 (21a)*

Uninspected Passenger Vessel:

A vessel not subject to inspection by the Coast Guard under *46 USC 3301*, less than 100 GTs:

- Carrying no more than six passengers, including at least one passenger for hire, or chartered with the crew provided by the owner or owner’s representative, and carrying six or fewer passengers. *46 USC 2101(42)(B)*

Personnel Licensing

Applies To:

All UPVs, 100 GTs or less, carrying at least one passenger for hire.

Personnel Licensing:

Every UPV must be under the direction and control of an individual licensed by the Coast Guard. *46 CFR 15.605*

The following rules apply:

- An individual holding a Merchant Mariner Credential (MMC) or license as master or pilot of inspected, self-propelled vessels is authorized to serve as operator of an UPV within any restrictions other than gross tonnage limitations on the individual's license.
- A licensed mate of inspected, self-propelled vessels on the Great Lakes, inland, or rivers **of not more than 200 GTs** are authorized to serve as an operator of an UPV and must operate in their respective waters only.
- A licensed mate of oceans and coastwise inspected, self-propelled vessels is authorized to serve as an operator of an UPV, within any restrictions other than gross tonnage limitations on the individual's license. *46 CFR 15.905*

An individual may not serve in a position in which the individual is required to hold a license unless the individual holds a valid license authorizing service in the capacity in which the individual is employed and the individual serves within any restrictions placed on the license. *46 CFR 15.401*

The original Coast Guard MMC or license suitable for the vessel's route and service license must be kept on board and be available for immediate presentation to Coast Guard officials whenever passengers are being carried for hire. *46 CFR 26.20-1*

There is no requirement for mates or other UPV personnel who are not in control of the vessel to hold a Coast Guard license or document.

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Watchstanding

Applies to:

All UPV's of 100 GTs or less, carrying at least one passenger for hire.

Work-hour Limitations:

A licensed individual may not be *required* to work more than 12 of 24 hours at sea, except in an emergency when life or property is endangered. *46 USC 8104 (b)*

UPVs operating more than 12 hours *should* have a two-watch system, specifically a second licensed operator.

Licensed individuals serving as the operator of a UPV may voluntarily work more than 12 hours in a 24-hour period. *He or she must maintain an adequate watch.* If they have no relief and are too fatigued to stand an alert watch, then that individual would be negligent for failure to maintain an adequate watch. Charter fishing and dive vessels routinely operating more than 24 consecutive hours with only one licensed operator present significant issues of negligence on the part of the UPV operator or owner for failure to provide an adequate watch. Between 12 and 24 hours of operation, there is a gray area in which the owner/operator of the UPV must judge the prudence of a decision to sail without a second licensed individual.

It has been suggested by some operators that a qualified seaman could be left at the helm while the licensed operator sleeps close by, this is an untenable position. *46 USC 8903* mandates the vessel be operated (under the "direction and control") by a licensed individual; the Coast Guard does not have the discretion to allow any unlicensed seaman to control the vessel without supervision.



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The Mariners Learning System™ is the go-to place for education and information for obtaining a Captain's License. Fully certified by the U.S. Coast Guard, Mariners Learning System™ has helped thousands of students pass their Captain's exam each year with a national pass rate of 98.7%.

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