

A GUIDE TO CHARTER VESSEL REGULATIONS

INTRODUCTION

Because charter vessels carry that most valuable cargo, people, Marine Safety Offices have stepped up enforcement of the regulations pertaining to Uninspected Passenger Vessels within their Areas of Responsibility (AOR). These include the Equipment and Operation requirements of 46 Code of Federal Regulations (CFR) Subchapter C; the drug testing program regulations of 46 CFR Part 16, the licensing requirements of 46 CFR Part 15; and other pollution prevention regulations found in 33 CFR Part 151 and 159.

In an effort to ensure compliance of the large numbers of uninspected passenger vessels operating in their AORs, MSOs expect to establish a coordinated effort between the various Coast Guard, State, and Local law enforcement and industry entities, all of whom have a stake in the safe operation of this type of vessel. It is the MSO's primary goal to obtain 100% voluntary compliance with the applicable regulations from the uninspected passenger vessel industry. To meet this goal, MSOs working with representatives from industry, other Coast Guard Units and the Coast Guard Auxiliary, have developed a multiphase program in which passenger vessel operators are given the incentive to request voluntary dockside examinations that minimize any potential for underway interruptions.

EXAMINATION TYPES

There are three examination types explained as follows:

VOLUNTARY EXAMINATIONS: These examinations allow the vessel operator to pick the time and the place where the Coast Guard may board to ensure compliance.

RANDOM ENFORCEMENT BOARDINGS: These boardings are required whenever a Coast Guard Officer, Warrant Officer, or Petty Officer requests a vessel operator to make his vessel available to inspection and may take place at any time in accordance with 46 CFR 26.15-1. Due to the nature of law enforcement regulation authorities, these boardings almost always interrupt passenger vessel operations; therefore, are the least desirable. The boardings can be conducted either while the vessel is underway or while the vessel is sitting at the dock.

FOLLOW UP VISITS: These will be conducted to ensure that any deficiencies which were found during a voluntary examination or random enforcement boarding are corrected in a given grace period if one has been given. The visits may be either voluntary or mandatory depending on circumstances surrounding the deficiencies found and the effort of the operator to correct the deficiency. Documentation of a corrected deficiency, such as a receipt for a new life preserver, may preempt the need for a follow-up boarding.

Upon completion of a satisfactory examination, the operator will be given either a windshield sticker or OCMI letter indicating that the vessel is at that time in compliance with the applicable regulations. It is the MSO's intent that this indication of compliance will be taken into consideration when a law enforcement authority requests a vessel to stop for a boarding. A vessel operator can then present the OCMI letter to the law enforcement officer who might then choose to go to another vessel. The operator may also use the letter in advertisement.

DEFINITIONS

The following are some of the more important definitions chosen from both the regulations and the U.S. Code. Owners and operators should review these regulations and learn how they apply to their operation:

CARRYING PASSENGERS FOR HIRE: The carriage of any person or persons by a vessel for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

CONSIDERATION: Means an economic benefit, inducement, right or profit including pecuniary payment accruing to an individual, person or entity, but not including a voluntary sharing of actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage or other supplies.

INTERNATIONAL VOYAGE: The International Convention for Safety Of Life At Sea (SOLAS) does not apply to vessels solely navigating on the Great Lakes....Accordingly, such vessels shall not be considered as being on an international voyage for the purposes of 46 CFR Subchapter C.

PASSENGER: Means an individual carried on a vessel, except the owner or an individual representative of the owner, or, in the case of a vessel under charter, an individual charterer or an individual representative of the charterer; the master; or a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services.

UNINSPECTED PASSENGER VESSEL: Means a vessel of less than 100 gross tons carrying not more than 6 passengers, including at least one passenger for hire; or that is chartered with crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.

UNINSPECTED VESSEL: Means a vessel not subject to inspection under 46 USC 3301 that is not a recreational vessel.

EQUIPMENT REQUIREMENTS

LIFESAVING REQUIREMENTS:

PFDs: Each uninspected passenger vessel is required to carry one Type I PFD for each person on board the vessel, including crew. The table below will outline the popular types of PFDs that are U.S. Coast Guard Approved.

TYPE I	Life Preserver / Jacket
TYPE II	Buoyant Vest
TYPE III	Floatation Aid / Marine Buoyant Device
TYPE IV	Throwable Device / Ring Buoy / Buoyant Cushion
TYPE V	Special Use / Hybrid Inflatable

Each Type I PFD required must be U.S. Coast Guard Approved and marked in accordance with 46 CFR Subchapter Q.

As an alternative to the Type I PFDs, an approved Type V commercial hybrid PFD may be substituted for a life preserver if it is:

- (1) Used in accordance with the conditions marked on the PFD and in the owner's manual;
- (2) Labeled for use on commercial vessels; and
- (3) Worn when the vessel is underway and the intended wearer is not within an enclosed space.

PFD LIGHTS: PFDs must have a U.S. Coast Guard Approved PFD Light attached to the front shoulder area of each Life Preserver. Batteries or lights should be checked for expiration dates.

RETROREFLECTIVE MATERIAL: PFDs must have 200 sq. cm of U.S. Coast Guard Approved TYPE I Retroreflective Material on each side. The material should be equally divided in each upper quadrant of the life preserver.

RING BUOYS: Each vessel which is 26 feet in length or longer is also required to carry a U.S. Coast Guard Approved Ring Buoy. The Ring Buoy must be at least 20 inches in diameter; however, a specific color is not specified in the regulations. *(Note: Vessels 16 feet or more in length are required to have one TYPE IV PFD on board in addition to other required PFDs if operating as a recreational vessel).*

STOWAGE OF LIFESAVING GEAR: Life Preservers shall be stowed where they are "**READILY ACCESSIBLE**". This may include under benches or in lockers.

Ring Buoys must be stowed where they are "**IMMEDIATELY AVAILABLE**". *Note how this differs from readily available.* Ring Buoys should not be stowed under benches or in lockers, but where they can be seen and used quickly in the event of an emergency.

EPIRBS (EMERGENCY RADIO TRANSMITTERS): EPIRBS are not required for uninspected passenger vessels.

FIRE FIGHTING EQUIPMENT

All hand portable and semi-portable fire extinguishers are required to be Coast Guard or UL approved.

CLASSIFICATION OF EXTINGUISHER:

Extinguisher Class:

Fire Type:

A	Ordinary Combustibles such as wood
B	Oil and Grease
C	Electrical
D	Combustible Metals

CAPACITY OF EXTINGUISHERS: All fire extinguishers on uninspected passenger vessels must be classified as Type B.

<u>Type:</u>	<u>Size:</u>	<u>Foam:</u> <u>gallons</u>	<u>Carbon Dioxide:</u> <u>pounds</u>	<u>Dry Chemical:</u> <u>pounds</u>
BI		1.75	4	2
BII		2.5	15	10
BIII		12	35	20

FIRE EXTINGUISHER REQUIRED:

Motor Boats:

**Minimum Number of Type B-I
Portable Fire Extinguishers required**

<u>Length (feet):</u>	<u>No Fixed System</u>	<u>Fixed System</u>
Under 16	1	0
16 and over, but under 26	1	0
26 and over, but under 40	2	1
40 and over, but not over 65	3	2

Motor Vessels:

<u>Gross Tonnage</u>		<u>Minimum Number of B-II Hand Portable Portable Fire Extinguishers</u>
<u>Over</u>	<u>Not Over</u>	
50		1
50	100	2
100	500	3
500	1000	6
1000		8

In addition to those required above, the following equipment must also be carried in motor vessel machinery spaces:

1. One B-II for each 1,000 bhp of the main engine up to 6 additional.
2. One B-III or fixed CO2 system on vessels over 300 gross tons. Semi-portable extinguishers must be permanently secured to the vessel.

GRANDFATHER CLAUSE: Those vessels contracted for prior to November 19, 1952 shall meet the regulations insofar as type and number of equipment. Existing equipment may remain in service so long as they remain serviceable and in good condition.

MACHINERY REQUIREMENTS

BACKFIRE FLAME CONTROL:

Every **gasoline engine** installed in a motor boat after April 25, 1940 except outboard motors, shall be equipped with an acceptable means of backfire flame control.

FUEL SYSTEMS:

All fuel tanks must be secure on board vessels. Tanks over 7 gallons are considered permanent and must be grounded and vented. All fuel hoses must be USCG approved types for the specific application, in good condition without cracks or leaks. Hose clamps must be of a non-corrosive material and installed properly.

ELECTRICAL SYSTEMS:

Batteries must be installed in a manner that secures them from movement. Battery terminals must be covered and free from corrosion. Wiring must be organized with proper fuses/circuit breakers. Spark plug, coil and distributor connections must have a tight fitting cap, boot or nipple.

VENTILATION:

Compartments containing gasoline powered machinery or gasoline fuel tanks must be fitted with two ventilator ducts (one exhaust and one intake) for the efficient removal of gasoline fuel vapors. The exhaust duct must extend into the lower bilge area, and the intake must extend at least midway to the bilge or at least below the level of the engine air intake. The ventilator ducts must be fitted with cowls. As an alternative, the vessel can meet the Recreation Vessel Regulations of 33 CFR 183.

ANCHOR AND ANCHOR LINE:

Vessels operating in New York State are required *by state law* to carry an anchor and anchor line of sufficient weight and strength to provide safe anchorage.

MARINE SANITATION DEVICE:

If a toilet is installed, the vessel must have either a TYPE II U.S. Coast Guard Approved MSD or TYPE III holding tank. TYPE III holding tanks may not be discharged into the waters of the Great Lakes. Any overboard discharges must be sealed.

COOKING, HEATING, AND LIGHTING SYSTEMS

HEATING AND LIGHTING:

There are several fuels that may be used in any heating or lighting system on vessels carrying passengers. Certain fuels such as alcohol, fuel oil, kerosene, wood or coal may be used with qualifications as described in Subchapter C and Chapter 6 of the National Fire Protection Association (NFPA) Standard NFPA 302. Other fuels may not be used unless approved by the Commandant of the U.S. Coast Guard.

COOKING SYSTEMS:

The same fuels discussed above, with restrictions, may also be used for cooking aboard vessels carrying passengers. Effective in the Federal Register of Feb. 6, 1990, the Coast Guard authorized the use of liquefied petroleum gas (LPG), or compressed natural gas (CNG) aboard passenger carrying vessels. These LPG or CNG systems must be installed to meet the American Boat and Yacht Council (ABYC) Standard A-22-78 or the Standard of the National Fire Protection Association (NFPA), NFPA 302, Chapter 6.

OPERATING REQUIREMENTS

Prior to getting underway, the operator shall ensure that suitable public announcements, instructive placards or both are provided in a manner which affords all passengers the opportunity to become acquainted with:

1. Stowage locations of life preservers
2. Proper method of donning and adjusting life preservers
3. The type & location of all lifesaving devices carried aboard.
4. The location & contents of the Emergency Checkoff List.

Operators must ensure that an **Emergency Checkoff List** is posted in a conspicuous continuously accessible place to serve as notice to the passengers and a reminder to the crew. **[see enclosure (1)]**

NAVIGATION RULES:

The operator of each self-propelled vessel 12 meters or more in length shall carry on board and maintain for ready reference a copy of the Inland Navigation Rules.

VISUAL DISTRESS SIGNALS:

Vessels must be equipped with visual distress signals for both day and night use.

NAVIGATION LIGHTS:

Vessels are required to display navigation lights in accordance with Coast Guard Navigation Rules between sunset and sunrise and other periods of reduced visibility.

SOUND PRODUCING DEVICE:

Coast Guard Navigation Rules require sound signals to be made under certain circumstances. Recreational vessels are also required to use sound signals during periods of reduced visibility. Vessels 12 meters (39.4 feet) or more in length are required to carry on board a whistle or horn, and a bell. Any vessel less than 12 meters in length must carry a whistle or horn, or some other means of making efficient sound signals. Athletic whistles are not acceptable on vessels over 12 meters.

POLLUTION PLACARD:

All boats 26 feet or greater must have a placard of at least 5 by 8 inches, made of durable material, fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station, stating the following:

DISCHARGE OF OIL PROHIBITED

"The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States, or the waters of the contiguous zone, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, if such discharge causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil penalties and/or criminal sanctions including fines and imprisonment."

NOTE: Pollution placard language requirements changed in 33CFR (§155.450) 1998 printing. Existing stocks of placards may be used for the life of the placard and the placard must be printed in the language or languages understood by the crew.

MARPOL TRASH PLACARD:

Vessels must meet the requirements of 33 CFR Part 151, stating, "No person on board any ship may discharge garbage into the navigable waters of the United States." This requires each manned U.S. ship of 26 feet or greater in length to post a placard prohibiting the discharge of plastic in the navigable waters of the United States. Each placard must be at least nine inches wide by four inches high, made of a durable material and lettered with letters at least 1/8 inch high. For ships while operating on the Great Lakes or their connecting or tributary waters, the placard must notify the reader of the information required on the coastal placard, or the following:

"The discharge of all garbage into the Great Lakes or their connecting or tributary waters is prohibited. A person who violates the above requirement is liable for a civil penalty of up to \$25,000, a fine of up to \$50,000, and imprisonment for up to five years for each violation."

OIL POLLUTION ACT OF 1990 (OPA 90):

OPA 90 became law effective August 18, 1990. This law affects the operation of uninspected passenger vessels. The law specifically addresses the issue of manning and personal responsibility. OPA 90 authorized the Coast Guard to suspend or revoke operator licenses for DWI/DUI convictions. This conviction is not necessarily a BWI conviction for operating a vessel, but may include any conviction in a city, town, village or state court. In fact, any conviction in a jurisdiction that may be entered in the National Driver Register is eligible for consideration.

Convictions for DWI/DUI reflect unfavorably on an applicant's suitability to be entrusted with the duties and responsibilities of a Coast Guard issued license. The following guidelines apply:

1. For a single conviction during the previous three years, the nature, recency and severity of the incident must be considered in any other character evaluation;
2. Multiple convictions during the previous three years demonstrate an unwillingness or incapacity to comply with laws and regulations and are considered disqualifying;
3. Convictions over three years old will be considered only in conjunction with other recent criminal activities or other incidents reflecting unfavorably with the applicant's character.

OPERATING A COMMERCIAL VESSEL WHILE INTOXICATED:

The following excerpts apply to uninspected passenger vessel operations:

1. For purposes of this part, an individual is considered to be operating a vessel if he/she is a crewmember on a vessel. Operators, mates, and deckhands are crewmembers. A crewmember is a person engaged or employed on board a vessel required by law to be operated by a licensed individual. An individual who has no duties that directly affect the safe operation of a vessel is not a crewmember.
2. The standard of intoxication is defined as .04 BAC for commercial vessels. This standard is more restrictive by less than half of the .10 BAC standard for DWI on the highways in most states. In addition, the crewmember is intoxicated when the effect of the intoxicant consumed by the crewmember on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation.
3. Only a law enforcement officer or the marine employer may direct a chemical test for reasonable cause. Reasonable cause exists when a crewmember was directly involved in the occurrence of a marine casualty, or is suspected of being intoxicated as described above.
4. If an individual refuses to submit to a timely chemical test as required by a law enforcement officer, then evidence of the refusal is admissible in evidence and the individual is presumed to be intoxicated.

CHEMICAL TESTING:

The drug testing regulations provide a means to minimize the use of intoxicants and to promote a drug free and safe work environment. There are five types of chemical tests required by the regulations. They are Pre-employment, Periodic, Random, Serious Marine Incident, and Reasonable Cause.

DEFINITION OF CREWMEMBER:

Crewmember means an individual who is:

(a) On board a vessel acting under the authority of a license, certificate of registry, or merchant mariner's document issued under 46 CFR, whether or not the individual is a member of the vessel's crew; or

(b) 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 46 CFR...

TYPES OF CHEMICAL TESTING:

1. **Pre-employment Testing:** Crewmembers must be tested prior to acting as crewmembers aboard any vessel owned by a specific marine employer.
2. **Periodic Testing:** A chemical test is required whenever a physical examination is required by regulation. For instance, prior to renewing a Coast Guard issued license, applicants must undergo a physical exam and therefore, a drug test.
3. **Random Testing:** Random chemical testing is required for crewmembers who hold a license, who perform duties and functions directly relating to the safe operation of the vessel or are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies. Random selection means that every member of a given population has a substantially equal chance of selection on a statistically valid basis. Crewmembers must be tested at an annual rate of 50%.
4. **Serious Marine Incident Testing:** Persons directly involved in a Serious Marine Incident must be tested for evidence of dangerous drugs and alcohol.
5. **Reasonable Cause Testing:** A crewmember that is reasonably suspected of using a dangerous drug shall be chemically tested for dangerous drugs.

Persons who have been subject to random testing for a period of at least 60 days during the previous 185 days or who have passed a test for dangerous drugs in the last 6 months are not required to undergo another test for the required pre-employment or periodic testing requirements.

The regulations also require the maintenance of certain records. Chemical testing programs must be established in accordance with 46 CFR Part 16 Subpart C Standards for Chemical Testing For Dangerous Drugs, which specifies urinalysis collection, chain of custody, handling and shipping, and laboratory requirements. An integral part of the testing regulations include a medical review officer, who reviews positive tests to ensure that there is no medical reason for a positive test.

MARINE CASUALTY REPORTING:

A marine casualty is an occurrence or accident involving a vessel which results in damage by or to the vessel, its apparel, gear, or cargo, or injury or loss of life of any person; and includes among other things, collisions, strandings, groundings, foundering, heavy weather damage, fires, explosions, failure of gear and equipment and any other damage which might affect or impair the seaworthiness of the vessel. Casualties also include injury or loss of life when using underwater breathing apparatus. Casualties meeting the following criteria must be reported as soon as possible to the nearest Coast Guard Marine Safety Office or Coast Guard Group:

1. Death of an individual;
2. Serious injury to an individual;
3. Material loss of property;
4. Material damage affecting the seaworthiness or efficiency of the vessel;
5. Significant harm to the environment.

The occurrences also require **written notification** as well that must be made within five days of the occurrence to the closest Coast Guard Marine Safety Office.

SERIOUS MARINE INCIDENT:

A serious marine incident is any marine casualty or accident defined above and required to be reported to the Coast Guard and which results in any of the following:

1. One or more deaths;
2. An injury as defined above;
3. Damage to property in excess to \$100,000;
4. Actual or constructive total loss of any vessel subject to inspection;
5. Actual or constructive loss of any self-propelled vessel, not subject to inspections, of 100 gross tons or more;
6. A discharge of oil of 10,000 gallons or more whether or not resulting from a marine casualty;
7. A discharge of a reportable quantity of a hazardous substance whether or not resulting from a marine casualty.

LICENSING:

The operator of a vessel carrying 6 or fewer passengers for hire, must have a license issued by the Coast Guard. This license must be in the operator's possession on board and available for immediate production to any Coast Guard Boarding Officer while carrying passengers for hire.

FCC RADIO LICENSE

An FCC Station License and Operator's License is required for vessels having a VHF radio if it is anchored in Canadian waters, moored in Canada or transmits to a Canadian station.

DOCUMENTATION:

Any vessel of at least five net tons and operates upon the Great Lakes, commercially, must be documented with the Coast Guard. The following calculations may be used to come to a quick determination as to the tonnage of a vessel:

LBD: length x breadth x depth (measured in feet)

Sail Vessel: $.9(.5 \text{ LBD}/100)$

Other Conventional Hull: $.8(.67 \text{ LBD}/100)$

Barge Shaped Hull: $.8(.84 \text{ LBD}/100)$

Multi Hull Vessel: Use the applicable calculation above x 2

Outboard Engine: Use the applicable calculation without the first factor ($.8$ or $.9$).

STATE REGISTRATION AND NUMBERING:

Vessels which do not qualify for documentation must be registered with the state and display numbers. Numbers must be permanently attached to each side or the forward half of the vessel. The validation sticker from the state must be affixed within six inches of the registration numbers, and on the same plane. No other letters or numbers may be displayed nearby. Letters and numbers must be of a contrasting color to the hull, at least 3 inches in height and the spaces between the 2nd and 3rd digits and 6th and 7th digits must be the width of an individual letter.

COAST GUARD CAPACITY PLATE:

Applies to all monohull boats less than 20 feet in length except sailboats, canoes, kayaks, and inflatable boats. This plate must be yellow in color and be marked with the maximum number of persons capacity in whole numbers of persons and in pounds, the maximum weight capacity in pounds, and the maximum horsepower for that boat or the words "*This Boat Not Rated for Propulsion by Motor*".

CERTIFICATE OF COMPLIANCE LABEL:

This label is affixed by the boats manufacturer and should contain the following statement:

"This Boat Complies With U. S. Coast Guard Safety Standards in Effect on the Date of Certification"

Enclosure (1)

EMERGENCY CHECKOFF LIST

ROUGH WEATHER AT SEA OR CROSSING HAZARDOUS BARS

All weathertight and watertight doors, hatches and airlocks closed to prevent taking water aboard.

Bilges kept dry to prevent loss of stability

Passengers seated and evenly distributed.

All passengers wearing life preservers in conditions of very rough seas or if about to cross a bar under hazardous conditions.

An international distress call and a call to the Coast Guard over radiotelephone made if assistance is required. (if radiotelephone equipped)

MAN OVERBOARD

Ring buoy thrown overboard as close to the victim as possible.

Lookout posted to keep the victim in sight.

Crewmember, wearing life preserver and line, standing by ready to jump into the water to assist the victim back aboard.

Coast Guard and all vessels in the vicinity notified by radiotelephone (if radiotelephone equipped).

Search continued until after radiotelephone consultation with Coast Guard, if at all possible.

FIRE AT SEA

Air supply to fire cut off by closing hatches, ports, doors, and ventilators, etc.

Portable extinguishers discharged at the base of the flames of flammable liquid or grease fires, or water applied to fires in combustible solids.

If fire is in machinery spaces, fuel supply and ventilation shut off and any installed fixed fire fighting system discharged.

Vessel maneuvered to minimize the effect of wind on the fire.

Coast Guard and any vessels in the vicinity notified by radiotelephone of the fire and the vessel location (if radiotelephone equipped)

Passengers moved away from the fire and wearing life preservers.

COAST GUARD CONTACT TELEPHONE NUMBERS

Coast Guard Marine Safety Office

420 Madison Ave. Suite 700

Toledo, OH 43604

Telephone 419-418-6000

Licensing

Coast Guard Regional Examination Center

Federal Building, Room 501

234 Summit Street

Toledo OH, 43604-1590

Telephone 419-259-6394/95

419-2596374 Fax

Vessel Documentation

National Documentation Center

Telephone 304-271-2400

304-271-2405