



PREFERRED CITE FOR VIOLATIONS OF THE INTERNATIONAL “RULES OF THE ROAD.”

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Navigation rules, or “Rules of the Road,” apply to all vessels of the United States or any vessels navigating on waters subject to U.S. jurisdiction. Depending on where the vessel is operating, either the inland or international navigation rules will apply. International rules apply seaward of the demarcation line for inland waters. The President of the United States was given authority by 33 U. S. Code Chapter 30 to proclaim the “International Regulations” in the Federal Register, and a civil penalty may be assessed against vessels violating the International Regulations. The International Regulations are commonly referred to as “COLREGs.”

After the President proclaimed the COLREGs in the Federal Register, they were for a time reproduced in both the Code of Federal Regulations and in the U.S. Code. A note at the end of 33 USC § 1602 indicates, however, that the Coast Guard removed the text of the COLREGs from the Code of Federal Regulations in 1996, because the text was duplicated in the U.S. Code. The note states that subsequently the editors of the Code decided to no longer include the COLREGs text. As a result, the text of the COLREGs is now neither available in the U.S. Code nor the Code of Federal Regulations. The fact that the COLREGs themselves do not appear in either the U. S. Code or the Code of Federal Regulations presents a problem in terms of deciding how best to cite an alleged violation of the COLREGs. We have seen cases where units have cited 33 USC § 1602 and the COLREGs rule that was allegedly violated. However, this cite is unacceptable because 33 USC § 1602 only authorizes the President to proclaim the COLREGs and publish them in the Federal Register. Section 1602 does not require compliance with the COLREGs or include any other requirement that a person could violate. A more appropriate cite for a violation of the COLREGs is 33 USC § 1608, which states that a civil penalty can be assessed for operation of a vessel in violation of 33 USC Chapter 30 (including 33 USC §§ 1601-1608). Within Chapter 30, 33 USC § 1603 requires compliance with the COLREGs by vessels subject to

the jurisdiction of the U.S. Section 1603 would also be an acceptable cite for violations of the COLREGs.

The case file should also specifically identify the COLREGs rule that was allegedly violated. The charged party should be able to determine from this information how s/he is alleged to have failed to comply with the Rules of the Road. If the violation is proved, Hearing Officers are authorized by 33 USC § 1608 to assess a civil penalty.