



United States Coast Guard

Department of Homeland Security

Charter Operations

U. S. Flagged Vessels can:

- Operate strictly as a Recreational Vessel: operated purely for pleasure; no money changing hands; limited to boat capacity.
- Operate as an Uninspected Passenger Vessel less than 100 GRT: may carry up to 6 passengers. Requires Operator Uninspected Passenger Vessel (OUPV) or "6 pack" license.
- Operate as an Uninspected Passenger Vessel greater than 100 GRT: may carry up to 12 passengers; requires appropriate merchant mariner credential.
- Operate as a Bareboat Charter: lease a boat; no crew provided; limited to 6 passengers if under 100 GRT and 12 passengers if over 100 GRT; written contract required.
- Operate as an inspected Small Passenger Vessel: requires a Certificate of Inspection, subject to annual Coast Guard inspections; requires appropriately credentialed master.



Definitions

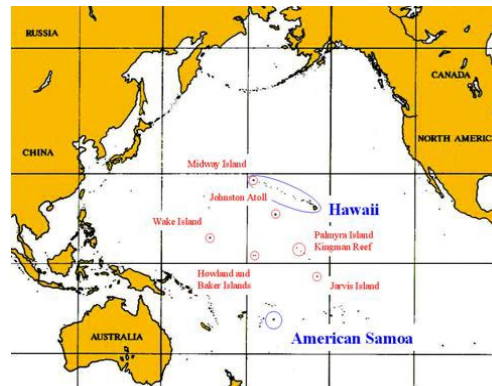
46 USC 2101, 46 CFR 24.10-1

Small Passenger Vessel:

- A vessel less than 100 GRT that:
- Carries more than six passengers, including at least one passenger for hire; OR
- Is chartered with crew and carrying more than six passengers; OR
- Is chartered with no crew and carrying more than 12 passengers; OR
- Is a submersible or wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire; OR
- Is a ferry carrying more than six passengers.

Uninspected Passenger Vessel:

- An uninspected vessel of **at least 100 GRT** that carries no more than 12 passengers, including at least one passenger for hire OR that is chartered with a crew and carries no more than twelve passengers; OR
- An uninspected vessel of **less than 100 GRT** that carries no more than six passengers, including at least one passenger for hire OR that is chartered with crew and carrying no more than six passengers.



Definitions

46 US Code 2101, 46 CFR 175.400

Passenger:

- Any individual carried on a vessel, except:
- The owner, individual charterer, or individual representative of the charterer;
- The master; and
- Any member of the crew who is paid for providing onboard services.

Passenger for Hire:

- Any person who pays money or other item of value to be on a vessel.

Recreational Vessel:

- A vessel operated primarily for pleasure without commercial operations.
- Leased, rented or chartered to another for the latter's pleasure.



What are the most common charter vessel errors?

- A charter vessel may NOT carry more than 12 passengers without a Certificate of Inspection (COI).
- An uninspected charter vessel may NOT carry more than 12 passengers while moored. A charter vessel is considered to be “carrying” passengers whether moored or underway.
- Passengers and crew may not exceed the maximum set forth on the vessel’s capacity plate/decal.
- Any crewmember in possession of a merchant mariner’s credential must carry the document on board and produce it upon request.
- Charter vessels must have a sufficient number of PFDs and other required lifesaving equipment onboard at all times for all passengers and crew.



FOR ADDITIONAL INFORMATION CONTACT:

Commander
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Honolulu, HI 96819
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What are some potential penalties for failure to comply with these requirements?

- It is strongly recommended that prospective charter boat operators ensure their vessels are in compliance with all requirements. Failure to comply with such requirements may subject you to the following penalties:
- If any passenger provides money, fuel, or supplies as a condition of carriage, the vessel is operating as a passenger vessel and requires a licensed operator. **Small Passenger Vessels operating without a licensed master may be cited under 46 CFR 15.805 and subjected to a penalty of up to \$27,500.**
- Vessels carrying more than six passengers, at least one of which is for hire, must be inspected and certified by the Coast Guard. Certificated vessels must carry a Certificate of Inspection onboard at all times. **Vessels that fail to carry a valid certificate of inspection may be terminated under 46 USC 3311 and cited under 46 CFR 176.100(a). Such vessels may be subject to a penalty of up to \$2,200. Vessels not in full compliance with the terms of their Certificate of Inspection may be cited under 46 CFR 176.100(b) and be subject to a penalty of up to \$6,500.**
- Uninspected vessels being operated illegally may be subject to a penalty of up to \$5,000 pursuant to 46 USC 4106.
- Recreational vessels operating illegally may have their voyages terminated under 46 USC 4308 and fined up to \$5,000 and imprisoned for up to one year under 46 USC 4311.
- Credentialed mariners in violation of law or regulation may also be subject to a Suspension and Revocation action under 46 USC Chapter 77.

U.S. Vessels Over 300 Gross Tons

46 USC 2101 & 3301, 46 CFR 90.05-1

- All seagoing motor vessels foreign or domestic of at least 300 gross tons, including recreational vessels not engaged in trade, are subject to inspection and certification.
- All vessels must comply with minimum safe manning requirements.



Notes:
