

REFERENCES
46 U.S. CODE (USC) 2101
46 CODE OF FEDERAL REGULATIONS (CFR)
PARTS 24-26 & PARTS 175-185

DEFINITIONS

Passenger: For most purposes, an individual carried on a vessel, except a recreational vessel, other than the owner, master or crew is considered a passenger.

Passenger for Hire: A passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

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

Recreational Vessel: A vessel manufactured or operated primarily for pleasure.

Small Passenger Vessel: A vessel in commercial service of less than 100 gross tons that carries more than six passengers and is required to be inspected by the Coast Guard. These vessels are regulated under 46 CFR Subchapter T.

Uninspected Passenger Vessel: A vessel in commercial service of less than 100 gross tons that carries not more than six passengers, including at least one passenger-for-hire and is not required to be inspected by the Coast Guard OR a vessel in commercial service of at least 100 gross tons that carries not more than 12 passengers, including at least one passenger for hire. Although Uninspected Passenger Vessels (UPV's) are not required to be inspected by the Coast Guard, they still are regulated under 46 CFR Subchapter C.

Commercial Service: Generally defined as transportation of passengers or goods between points in the U.S. for economic gain.

ADDITIONAL INFORMATION

If you believe that you or someone you know has been on a illegal charter based on the information in this pamphlet, please contact the Coast Guard Sector Command Center at (800) 552-6458.

For all other inquiries regarding vessel operations, please contact the Coast Guard Sector Honolulu Prevention Department at (808) 522-8264.



U.S. Coast Guard
Sector Honolulu
Prevention Department
433 Ala Moana Blvd
Honolulu, HI 96813
Tel. 808-522-8264



U.S. COAST GUARD

COMMERCIAL
PASSENGER
VESSEL LAWS
AND
REGULATIONS



LAWS AND REGULATIONS FOR COMMERCIAL PASSENGER VESSELS

The United States Coast Guard is dedicated to the prevention of loss of life, injuries and damage to property and the environment on U.S. waterways.

When a vessel carries passengers for hire, it is operating in commercial service. Commercial vessels and their operations are regulated by the United States Coast Guard. In order to ensure passenger safety, there are standards that are established by laws and regulations that the Coast Guard enforces. These standards apply to both uninspected and inspected commercial vessels and can be found in 46 CFR Parts 24-26 and 46 CFR Parts 175-185.

For passenger vessels, these safety standards dictate requirements for lifesaving and fire protection equipment, navigation equipment, dewatering capabilities, machinery and electrical installations, construction and stability. If a vessel is inspected by the Coast Guard, the routes and conditions of operation in are also determined by the Coast Guard as well as any requirements for manning the vessel with a Master and a crew. All of these requirements can be found on the vessels Certificate of Inspection which legally must be posted for passengers to see.

The Master of a vessel must have an appropriate Merchant Mariners Credential in order to legally operate a vessel with passengers for hire. A Coast Guard issued Merchant Mariner Credential shows that the operator of a commercial vessel has met certain proficiency requirements in navigation, seamanship as well as steering and sailing rules. A paying passenger cannot be assured of the operator's competency if the Master is not a holder of a valid Merchant Mariners Credential.

LAWS AND REGULATIONS FOR VESSELS IN COMMERCIAL SERVICE

If you are a passenger onboard a commercial vessel, you might ask yourself:

Q: Is this vessel required to be inspected by the Coast Guard and have a valid Certificate of Inspection (COI) on board?

A: If the vessel is carrying 7 or more passengers with at least one of those passengers for hire, (consideration is being exchanged), then a COI is required and shall be posted under glass or other suitable transparent material, such that all pages are visible, in a conspicuous place on the vessel where observation by the passengers is likely.

Q: What if the vessel is carrying less than 7 passengers?

A: If the vessel carries less than 7 passengers in commercial service, than the vessel is not required to have a COI and is considered an Uninspected Passenger Vessel (UPV). By law, UPV's are required to have proper navigation, lifesaving and fire protection equipment on-board for their intended route and service as well as have emergency instructions and conduct a safety orientation. Additionally, every UPV must be under the direction and control of an individual holding an appropriate Merchant Mariners Credential.

LAWS AND REGULATIONS FOR VESSELS IN COMMERCIAL SERVICE

Q: How do I know how many passengers are allowed on the vessel?

A: If the vessel has a COI, the passenger allowance is specified on the COI. Without a COI, the vessel is limited to carrying no more than six passengers.

Q: How do I know if the Master is allowed to command the vessel?

A: Whether the vessel is inspected or uninspected in commercial service, the Master is required to hold a Merchant Mariner Credential specifying the type of vessel he/she is licensed to command.

