

UNDERSTANDING UNINSPECTED PASSENGER VESSELS

6 PAX & 12 PAX (August 2015)

I have had several interesting calls from people concerning the Jones Act/Passenger Vessel Act rules concerning small uninspected passenger vessels. This is an area that is fraught with misunderstanding.

First, this does not apply to a "Bareboat Charter" vessel. The rules apply to vessels carrying either 6 pax (passengers) or 12 pax (passengers). This only applies to a vessel carrying at least one "passenger for hire", i.e., having paid for his passage on the vessel. If no one is paying money or giving some type of "consideration" for the passage it does not apply. Be aware that there are two types of Uninspected Passenger Vessels. The type is determined by the "gross tonnage" (GRT) of the vessel. There is one set of rules for vessels under 100 Tons and a more detailed set of rules for vessels 100 tons up to 300 tons.

1. Documentation/Registration. The boat must be documented with the USCG if it is at least 5 Net Tons. If smaller than 5 Net Tons it may be registered with the State in which the boat operates.
2. U.S. Built Requirement. Regardless of the type of registration the boat must have been built in the United States and have coastwise privilege. If the boat is foreign built and more than 3 years old, it may obtain a waiver of the U.S. Built requirement from the Maritime Administration by paying certain fees and making an application.
3. Number of Passengers. How many people can be on a 6 passenger boat? The answer is very clear. Other than the vessel owner, the captain and crew, you may only have six (6) passengers on board. The rules are slightly different for a twelve (12) passenger vessel. A 12 pax boat may only have 12 passengers other than the captain and crew members. The owner or his representative count as passengers. There can be no other guests or observers on either a 6 or 12 pax vessel.
4. Licenses Required. The vessel must be under the command of a licensed captain holding the appropriate license. Deck hands need not be licensed as long as they are not in command of the vessel.
5. 100 Ton Rules. The rules for vessel of at least 100 tons are much more extensive. The master and crew license requirements are more substantial as well as required lifesaving equipment.
6. Penalties for Violations. The owner, charterer, charter agent and master may each be fined up to \$5,000 for each violation in addition to being charged criminally. The vessel may also be subject to "in rem" penalties and seizure.

Here are the links to the USCG Guide books for the 6 Pax and 12 Pax requirements. Read them carefully and fully comply.

6 Pax Guide Book:

http://www.uscg.mil/pvs/docs/UPV_GUIDEBOOK_under100GT_CGD11_2014.pdf

12 Pax Guide Book Supplement

http://www.uscg.mil/pvs/docs/UPV_GUIDEBOOK_Over100GTCMDT2014.pdf

Mike Vaughn

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