Peer to Peer Charters: Owners, Charterers, Captains and Platforms Staying Compliant

Peer to Peer in the Marketplace

- 1. Change in Boat Ownership
- 2. Change in Marketplace
- Daily deals Promotional
- On demand
- Hotels
- On line management
- Marketplace w/o Insurance
- Marketplace w/ insurance

Charters

- Time Charter Professional Services
- Demise or Bareboat Charter
 - Demonstrate that exclusive possession, command, and navigation be surrendered to the charterer
 - Terms: time, rate, characteristics, employment, seaworthiness, surveys, and insurance
 - Written agreement

The Demise Charter - A Conceptual and Practical Analysis; Tulane Law Review, Vol 49 (1975), pg 764

PVSA

- Passenger(s)
- For hire
- Consideration includes economic benefit, but not sharing expenses
- ... is chartered with (no) crew provided or specified by the owner or the owners representative

The Passenger Vessel Safety Act of !993 (PVSA) – Public Law 103-206, December 20, 1993

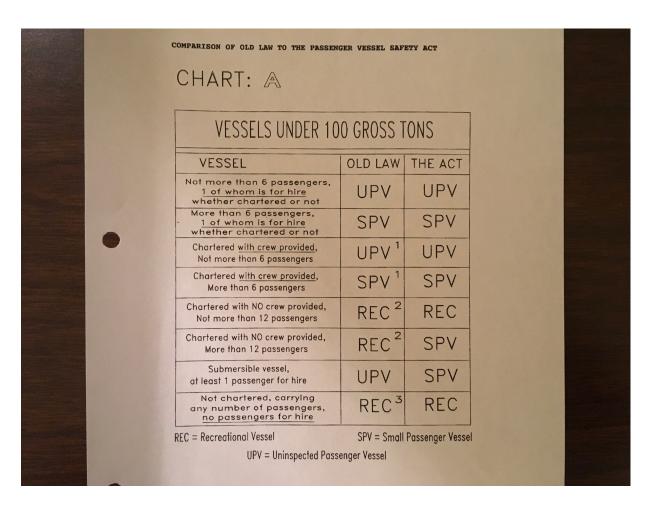
NVIC 7-94

- Charters (Indicators which are not conclusive)
 - Option to select the master/crew (including one provided)
 - Pay the Master/crew
 - May discharge master/crew
 - Food, fuel, stores
 - Port charges
 - Insurance
 - Surveyed upon its deliver and return

Navigation and Vessel Inspection Circular (NVIC) 7-94 Guidance on the Passenger Vessel Safety Act of 1993

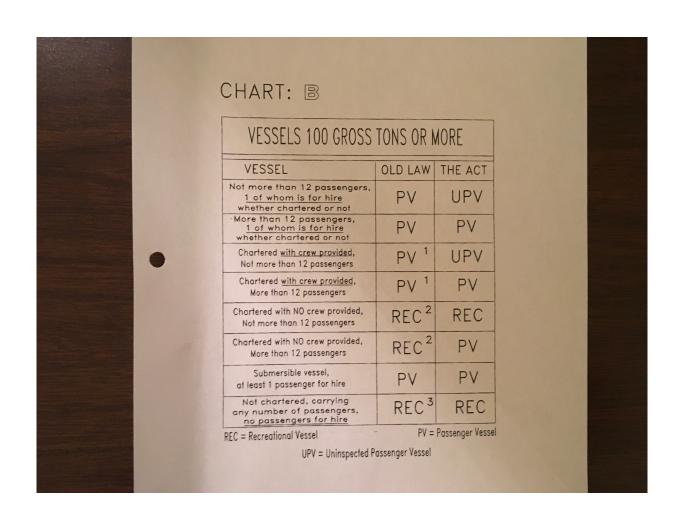
NVIC 7-94.

Comparison



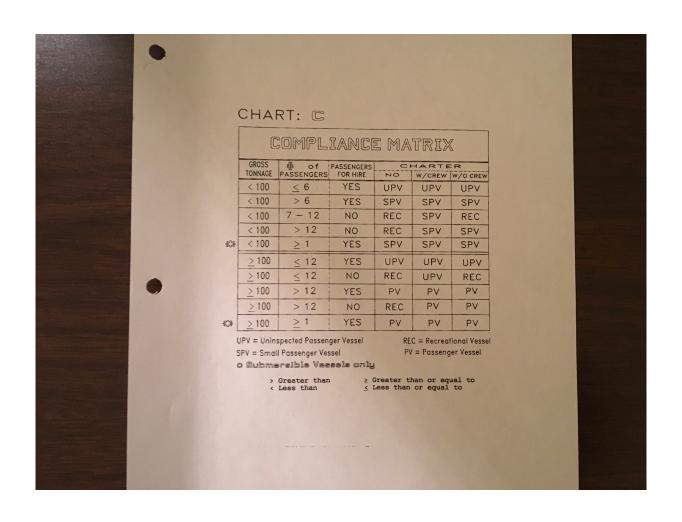
NVIC 7-94.

Comparison



NVIC 7-94.

Compliance Matrix



Conclusions

Its all about Safety

- Owner know the platform and how you want to operate
- Pay attention to transferring control
- Charterer know the platform and understand your responsibilities and limits to your operation
- Captain perform professionally
- Marketplace stay business compliant ..."help the parties be knowledgeable"
- Know Coast Guard resources: NVIC, Maritime Commons Blog, Officers