

Passenger Vessel Operations Vs. Recreational Use



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Problem Overview



Hazard to life, property, environment

Increased availability via app/online

Uneven playing field for legitimate operators

Bareboat charters

Key Terms

- Passenger (46 USC 2101 (21))
 - Everyone except owner or rep, master, crew
- Passenger for hire (46 USC 2101 (21a))
 - Passenger who provides consideration
- Consideration (46 USC 2101 (5a))
 - Economic benefit, inducement, right or profit accruing to an individual or entity
 - But not voluntary sharing of actual expenses of trip

Vessel Types



Bareboat Charter

More likely

- No crew provided / charterer hires and pays
- Charter pays for fuel/food/stores
- Owner not on board in any capacity
- Charter must obtain liability insurance
- Vessel surveyed before/after

Less likely

- Charterer picks crew but owner can veto
- Owner provides fuel/food/stores as part of charter cost
- Owner hired as master
- No separate insurance required

Bareboat Charters and Apps

AT&T LTE 09:26

\$595.00
+ service fees

Per Full Day

With Captain

09/17/2018

09/17/2018

8
Passengers

Request to Book

Done

With Captain
No Captain

AT&T LTE 11:41

Deposit \$300

Rental Minimum 3 Hours

Cancellation 50% Refund 7 Days Prior

Contact Owner [Send Message](#)

Rental Requirements [Read](#)

Features

- Life jackets/required safety gear
- Cabin
- Wheel steering
- Bar
- Bimini
- Inboard Engine
- Dinghy
- Single Engine
- Galley Stove & Oven
- Berth
- Furling Headsail
- Furling Mainsail
- Head

Services

- Captained

Request to Book



AT&T LTE 11:59

Boats Nearest You

Uh-oh!

It looks your party size is too big for the boats we have online right now.

Try reducing your party size to see if there are any boats that can pick you up

Update Party Size

What's Needed to Legally Operate?

Recreational Vessel

Certificate of Documentation or State Registration

Small Passenger Vessel

Certificate of Documentation or State Registration
USCG Credentialed Mariner
Certificate of Inspection

Uninspected Passenger Vessel


Certificate of Documentation or State Registration
Credentialed Mariner (OUPV)
OUPV Exam (recommended)

Bareboat Charter

Certificate of Documentation or State Registration
Bareboat Agreement
Credentialed Mariner or OUPV (if required)

Hypotheticals




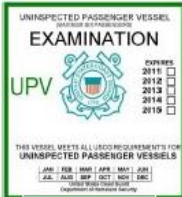


Going for a Ride? Paying Passenger?

**By Law
&
For Your Safety**

Captain Must Be USCG Licensed and Look for USCG Vessel Inspection





UPV safety exam & decal program is voluntary but recommended.

FINES: Up to \$38,175 per day or more for illegal operations

46 U.S.C. 8906 / 46 U.S.C. 3318(j)(1) / 33 U.S.C. 1232(a)

Questions or to Report Illegal Activity
Contact Your Local USCG Sector Office

Enforcement

News Release

Contact: 7th District Public Affairs

Office: 305-415-6683

After Hours: 786-367-7649

7th District online newroom

Coast Guard halts 3 illegal charter operations in Miami over weekend



Editor's Note: Click on images to download high resolution version.

MIAMI — The Coast Guard terminated the voyage off the 147-foot yacht Golden Touch II with 47 people aboard in the vicinity of Nixon Beach Sunday after discovering several safety issues, including carrying more paying passengers than they were certified to carry aboard the vessel.

A Coast Guard Station Miami 33-foot Special Purpose Craft—Law Enforcement boatcrew conducted the boarding of the Golden Touch II in the vicinity of Nixon Beach where they discovered the following violations:

- Violation of 46 C.F.R. 176.100A for not having a valid Certificate of Inspection.
- Violation of 46 C.F.R. 16.201 for failure to have a drug and alcohol program.
- Violation of 46 C.F.R. 170.120 for failure to have a valid stability letter.

"Tragically people have lost their lives on illegal charters, as was seen in the case of the vessel Jaguar in the Tampa Bay area and in the case of the Miami Vice yacht in Miami," said Capt. Ladorn Allen, chief of Coast Guard 7th District prevention department. "The unsafe atmospheres that these types of companies and unlicensed captains, who knowingly engage in illegal activity, create on their boats show a complete disregard for passenger safety and have been responsible for multiple deaths in Florida alone. We cannot stress enough to anyone looking to charter a boat to verify the captain's license and safety of the vessel."

The owner and operator of the Golden Touch II faces maximum civil penalties amounting up to \$41,456 for this illegal passenger for hire operation.

THE UNITED STATES ATTORNEY'S OFFICE SOUTHERN DISTRICT of FLORIDA

U.S. Attorneys » Southern District of Florida » News

Department of Justice

U.S. Attorney's Office

Southern District of Florida

SHA

FOR IMMEDIATE RELEASE Wednesday, August 29, 2018

Charter Captain Pleads Guilty to Misconduct or Neglect that Resulted in Death

Mauricio Alvarez, 49, of Miami, Florida, pled guilty today, before U.S. District Court Judge Cecilia M. Altonaga, to misconduct or neglect of a ship officer that resulted in the death of an individual, in violation of Title 18, United States Code, Section 1115.

YACHT NEWS

Man killed in Miami Beach boat incident

April 3, 2018

12472

Yacht Harbour » Yacht News »

Man killed in Miami Beach boat incident

Issue Spotting for an Owner

- U.S. or foreign built (coastwise trade eligibility)
- Gross tonnage (100 GT is the key tonnage)
- Recreational (33 CFR Sub S 173-187)
- Uninspected passenger vessel (all recreational requirements + 46 CFR Sub C 24-26)
- Small passenger vessel (46 CFR Sub T or K)
- Passenger vessel (46 CFR Sub H)
- OCMI Excursion Permit

State Registered Vessels Overseas

CODE OF FEDERAL REGULATIONS

33

Parts 125 to 199
Revised as of July 1, 2017

**Navigation and
Navigable Waters**



National Defense Authorization Act FY2019: “Super Yacht” Section 3529



“large recreational vessels”
that are over 300 gross tons
(or measured under
alternative tonnage
standards under Title 46);

- These “large recreational vessels” will be statutorily exempted from inspection



Questions?



Thank you!