

103D CONGRESS
1ST SESSION

H. R. 1159

IN THE SENATE OF THE UNITED STATES

JUNE 10, 1993

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To revise, clarify, and improve certain marine safety laws
of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Passenger Vessel Safe-
5 ty Act of 1993”.

6 **SEC. 2. PASSENGER.**

7 Section 2101(21) of title 46, United States Code, is
8 amended to read as follows:

9 “(21) ‘passenger’—

10 “(A) means an individual carried on the
11 vessel except—

1 “(i) the owner or an individual rep-
2 resentative of the owner or, in the case of
3 a vessel under charter, an individual
4 charterer or individual representative of
5 the charterer;

6 “(ii) the master; or

7 “(iii) a member of the crew engaged
8 in the business of the vessel who has not
9 contributed consideration for carriage and
10 who is paid for on board services.

11 “(B) on an offshore supply vessel, means
12 an individual carried on the vessel except—

13 “(i) an individual included in clause
14 (i), (ii), or (iii) of subparagraph (A) of this
15 paragraph;

16 “(ii) an employee of the owner, or of
17 a subcontractor to the owner, engaged in
18 the business of the owner;

19 “(iii) an employee of the charterer, or
20 of a subcontractor to the charterer, en-
21 gaged in the business of the charterer; or

22 “(iv) an individual employed in a
23 phase of exploration, exploitation, or pro-
24 duction of offshore mineral or energy re-
25 sources served by the vessel.

1 “(C) on a fishing vessel, fish processing
2 vessel, or fish tender vessel, means an individ-
3 ual carried on the vessel except—

4 “(i) an individual included in clause
5 (i), (ii), or (iii) of subparagraph (A) of this
6 paragraph;

7 “(ii) a managing operator;

8 “(iii) an employee of the owner, or of
9 a subcontractor to the owner, engaged in
10 the business of the owner; or

11 “(iv) an employee of the charterer, or
12 of a subcontractor to the charterer, en-
13 gaged in the business of the charterer.

14 “(D) on a sailing school vessel, means an
15 individual carried on the vessel except—

16 “(i) an individual included in clause
17 (i), (ii), or (iii) of subparagraph (A) of this
18 paragraph;

19 “(ii) an employee of the owner of the
20 vessel engaged in the business of the
21 owner, except when the vessel is operating
22 under a demise charter;

23 “(iii) an employee of the demise
24 charterer of the vessel engaged in the busi-
25 ness of the demise charterer; or

1 “(iv) a sailing school instructor or
2 sailing school student.”.

3 **SEC. 3. PASSENGER VESSEL.**

4 Section 2101(22) of title 46, United States Code, is
5 amended to read as follows:

6 “(22) ‘passenger vessel’ means a vessel of at
7 least 100 gross tons—

8 “(A) carrying more than 12 passengers, in-
9 cluding at least one passenger for hire;

10 “(B) that is chartered and carrying more
11 than 12 passengers; or

12 “(C) that is a submersible vessel carrying
13 at least one passenger for hire.”.

14 **SEC. 4. SMALL PASSENGER VESSEL.**

15 Section 2101(35) of title 46, United States Code, is
16 amended to read as follows:

17 “(35) ‘small passenger vessel’ means a vessel of
18 less than 100 gross tons—

19 “(A) carrying more than 6 passengers, in-
20 cluding at least one passenger for hire;

21 “(B) that is chartered with the crew pro-
22 vided or specified by the owner or the owner’s
23 representative and carrying more than 6 pas-
24 sengers;

1 “(C) that is chartered with no crew pro-
2 vided or specified by the owner or the owner’s
3 representative and carrying more than 12 pas-
4 sengers; or

5 “(D) that is a submersible vessel carrying
6 at least one passenger for hire.”.

7 **SEC. 5. UNINSPECTED PASSENGER VESSEL.**

8 Section 2101(42) of title 46, United States Code, is
9 amended to read as follows:

10 “(42) ‘uninspected passenger vessel’ means an
11 uninspected vessel—

12 “(A) of at least 100 gross tons—

13 “(i) carrying not more than 12 pas-
14 sengers, including at least one passenger
15 for hire; or

16 “(ii) that is chartered with the crew
17 provided or specified by the owner or the
18 owner’s representative and carrying not
19 more than 12 passengers; and

20 “(B) of less than 100 gross tons—

21 “(i) carrying not more than 6 pas-
22 sengers, including at least one passenger
23 for hire; or

24 “(ii) that is chartered with the crew
25 provided or specified by the owner or the

1 owner's representative and carrying not
2 more than 6 passengers.”.

3 **SEC. 6. PASSENGER FOR HIRE.**

4 Section 2101 of title 46, United States Code, is
5 amended by inserting between paragraphs (21) and (22)
6 a new paragraph (21a) to read as follows:

7 “(21a) ‘passenger for hire’ means a passenger
8 for whom consideration is contribution as a condi-
9 tion of carriage on the vessel, whether directly or in-
10 directly flowing to the owner, charterer, operator,
11 agent, or any other person having an interest in the
12 vessel.”.

13 **SEC. 7. CONSIDERATION.**

14 Section 2101 of title 46, United States Code, is
15 amended by inserting between paragraphs (5) and (6) a
16 new paragraph (5a) to read as follows:

17 “(5a) ‘consideration’ means an economic bene-
18 fit, inducement, right, or profit including pecuniary
19 payment accruing to an individual, person, or entity,
20 but not including a voluntary sharing of the actual
21 expenses of the voyage, by monetary contribution or
22 donation of fuel, food, beverage, or other supplies.”.

23 **SEC. 8. OFFSHORE SUPPLY VESSEL.**

24 Section 2101(19) of title 46, United States Code, is
25 amended by inserting “individuals in addition to the

1 crew,” immediately after “supplies,” and by striking ev-
2 erything after “resources” to the period at the end.

3 **SEC. 9. SAILING SCHOOL VESSEL.**

4 Section 2101(30) of title 46, United States Code, is
5 amended in subparagraph (B) by striking “at least 6” and
6 substituting “more than 6”.

7 **SEC. 10. SUBMERSIBLE VESSEL.**

8 Section 2101 of title 46, United States Code, is
9 amended by inserting between paragraphs (37) and (38)
10 a new paragraph (37a) to read as follows:

11 “(37a) ‘submersible vessel’ means a vessel that
12 is capable of operating below the surface of the
13 water.”.

14 **SEC. 11. GENERAL PROVISION.**

15 (a) Section 2113 of title 46, United States Code, is
16 amended to read as follows:

17 **“§2113. Authority to exempt certain vessels**

18 “If the Secretary decides that the application of a
19 provision of part B, C, F, or G of this subtitle is not nec-
20 essary in performing the mission of the vessel engaged in
21 excursions or an oceanographic research vessel, or not nec-
22 essary for the safe operation of certain vessels carrying
23 passengers, the Secretary by regulation may—

1 “(1) for an excursion vessel, issue a special per-
2 mit specifying the conditions of operation and equip-
3 ment;

4 “(2) exempt an oceanographic research vessel
5 from that provision under conditions the Secretary
6 may specify; and

7 “(3) establish different operating and equip-
8 ment requirements for vessels defined in section
9 2101(42)(A) of this title.”.

10 (b) Section 4105 of title 46, United States Code, is
11 amended—

12 (1) by inserting “(a)” before the text; and

13 (2) by adding a new subsection (b) to read as
14 follows:

15 “(b) Within twenty-four months of the date of enact-
16 ment of this subsection, the Secretary shall, by regulation,
17 require certain additional equipment which may include
18 liferafts or other lifesaving equipment, construction stand-
19 ards, or specify additional operating standards for those
20 uninspected passenger vessels defined in section
21 2101(42)(A) of this title.”.

22 **SEC. 12. EFFECTIVE DATE.**

23 (a) Regulations governing small passenger vessels
24 and passenger vessels, as those terms are defined in 46

1 U.S.C. 2101, which are chartered with no crew provided
2 shall not apply before May 1, 1994.

3 (b) The Secretary of the Department in which the
4 Coast Guard is operating may extend the time period for
5 compliance with the regulations referenced in subsection
6 (a) for an initial period of up to one year and may extend
7 the period of compliance for one additional period of up
8 to one year if the owner of the vessel demonstrates to the
9 satisfaction of the Secretary that a good faith effort, with
10 due diligence and care, has failed to enable compliance
11 with the deadline under subsection (a).

12 **SEC. 13. SENSE OF CONGRESS REGARDING USE OF VES-**
13 **SELS CONSTRUCTED IN UNITED STATES FOR**
14 **CARRYING PASSENGERS FOR HIRE.**

15 It is the sense of the Congress that persons who, for
16 the purpose of carrying passengers for hire in the United
17 States, operate or charter vessels with respect to which
18 this Act (including the amendments made by this Act) ap-
19 plies should only operate and charter for that purpose ves-
20 sels constructed in the United States.

Passed the House of Representatives June 9, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.