

SUBCHAPTER K—SMALL PASSENGER VESSELS CARRYING MORE THAN 150 PASSENGERS OR WITH OVERNIGHT ACCOMMODATIONS FOR MORE THAN 49 PASSENGERS

PART 114—GENERAL PROVISIONS

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AUTHORITY: 46 U.S.C. 2103, 3306, 3703; Pub. L. 103-206, 107 Stat. 2439; 49 U.S.C. App. 1804; DHS Delegation 00170.1, Revision No. 01.2, paragraph (II)(92)(a); §114.900 also issued under 44 U.S.C. 3507.

SOURCE: CGD 85-080, 61 FR 885, Jan. 10, 1996, unless otherwise noted.

§ 114.100 Purpose.

The purpose of this subchapter is to implement applicable sections of Subtitle II of Title 46, United States Code, which require the inspection and certification of small passenger vessels. The regulations in this subchapter (parts 114 through 122) have preemptive effect over State or local regulations within the same fields.

[USCG-2012-0196, 81 FR 48267, July 22, 2016]

§ 114.110 General applicability.

(a) Except as in paragraph (b) of this section, this subchapter applies to each vessel of less than 100 gross tons that carries more than 150 passengers, or has overnight accommodations for more than 49 passengers, and that—

(1) Carries at least one passenger for hire;

(2) Is chartered with or without a crew provided or specified by the owner or the owner's representative; or

(3) If a submersible vessel, carries at least one passenger for hire; or

(4) Is a ferry carrying more than 150 passengers, or having overnight accommodations for more than 49 passengers.

NOTE TO PARAGRAPH (a): For a vessel of less than 100 gross tons that carries 150 or less passengers or has overnight accommodations for 49 or less passengers, see subchapter T of this chapter.

(b) This subchapter does not apply to:

(1) A vessel operating exclusively on inland waters that are not navigable waters of the United States;

(2) An oceanographic research vessel;

(3) A boat forming part of a vessel's lifesaving equipment and that is not used for carrying passengers except in emergencies or during emergency drills;

(4) A vessel of a foreign country that is a party to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), to which the United States Government is currently a party, and which has on board a current valid SOLAS Passenger Ship Safety Certificate; or

(5) A vessel of a foreign country, whose government has inspection laws approximating those of the United States and which by its laws accords similar privileges to vessels of the United States, which has on board a current valid certificate of inspection, permitting the carrying of passengers, issued by its government.

(c) Unless otherwise provided, an existing vessel that is not required to comply with a requirement in this subchapter may comply with the regulation that was applicable to the vessel on March 10, 1996.

(d) A vessel required by this subchapter to meet applicable sections of subchapter H shall follow the phase-in schedule for certain equipment and requirements found in this subchapter.

(e) Irrespective of build date, a vessel to which this subchapter applies must meet 46 CFR 118.400(d), 118.500, 122.364, and 122.420(b) if it is not a ferry, and if it—

(1) Has overnight accommodations for passengers; or

(2) Is operating on a Coastwise or Oceans route.

(f) Irrespective of build date, a vessel to which this subchapter applies must meet 46 CFR 116.115(c), 116.500(o), 122.410(b), 122.507, and 122.515 if it is not a ferry, and has overnight accommodations for passengers.

(g) The requirements outlined in paragraphs (e) and (f) of this section must be met no later than March 28, 2022, except for:

(1) The requirements to implement 46 CFR 118.400(d) and 118.500, which must be met no later than December 27, 2022; and

(2) The requirements to implement 46 CFR 116.115(c) and 116.500(o), which must be met no later than December 27, 2023.

[CGD 85-080, 61 FR 885, Jan. 10, 1996, as amended at 62 FR 51347, Sept. 30, 1997; USCG-2008-1107, 74 FR 63664, Dec. 4, 2009; 86 FR 73170, Dec. 27, 2021; 87 FR 3449, Jan. 24, 2022]

§ 114.112 Specific applicability for individual parts.

At the beginning of certain parts of this subchapter, a more specific application is given for all or particular portions of that part. This application sets forth the type, size, service, or age of a vessel to which certain portions of that part apply or particular dates by which an existing vessel must comply with certain portions of that part.

§ 114.120 Vessels on an international voyage.

A mechanically propelled vessel that carries more than 12 passengers on an international voyage must comply with the applicable requirements of SOLAS as well as this subchapter.

§ 114.122 Load lines.

A vessel of 24 meters (79 feet) in length or more, the keel of which was laid or that was at a similar stage of construction on or after July 21, 1968, and that is on a voyage other than a domestic voyage is subject to load line assignment, certification, and marking in subchapter E (Load Lines) of this chapter.

§ 114.400 Definitions of terms used in this subchapter.

(a) Terms used in this subchapter are defined in paragraph (b) of this section. The number in parenthesis after cer-

tain terms describing areas on a vessel refers to the applicable column and row number where that area is listed in Tables 116.415 (b) and (c) of part 116 of this subchapter.

(b) General terms:

Accommodation space (5, 6, or 7 depending on size, fire load, and furnishings) means a space that does not contain any cooking appliance other than a microwave oven or other low heat (maximum heating element temperature less than 121 °C (250 °F)) appliance used as a—

(1) Public space;

(2) Hall;

(3) Dining room and messroom;

(4) Lounge or cafe;

(5) Public sales room;

(6) Overnight accommodation space;

(7) Barber shop or beauty parlor;

(8) Office or conference room;

(9) Medical treatment room or dispensary; or

(10) Game or hobby room.

Adequate hull protection system means a method of protecting the vessel's hull from corrosion. It includes, as a minimum, either hull coatings and a cathodic protection (CP) system consisting of sacrificial anodes, or an impressed current CP system.

Alternative Hull Examination (AHE) Program means a program in which an eligible vessel may receive an initial and subsequent credit hull examination through a combination of underwater surveys, internal examinations, and annual hull condition assessments.

Anniversary date means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

Approval series means the first six digits of a number assigned by the Coast Guard to approved equipment. Where approval is based on a subpart of subchapter Q of this chapter, the approval series corresponds to the number of the subpart. A listing of current and formerly approved equipment and materials may be found on the Internet at: <http://cgmix.uscg.mil/equipment>.

Area of refuge means an area that is separated from the effects of fire and flooding where passengers and crew can gather to await disembarking in the event of fire or flooding. To qualify as