

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

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AUTHORITY: 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277,

sec. 1-105; Department of Homeland Security Delegation No. 0170.1(II)(92)(a), (92)(b).

SOURCE: CGFR 65-50, 30 FR 16890, Dec. 30, 1965, unless otherwise noted.

Subpart 70.01—Authority and Purpose

§ 70.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for passenger vessels. The regulations are necessary to carry out the provisions of law affecting passenger vessels and such regulations have the force of law. The regulations in this subchapter (parts 70, 71, 72, 76, 77, 78, and 80) have preemptive effect over State or local regulations in the same field.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51203, Sept. 30, 1997, USCG-2012-0196; 81 FR 48251, July 22, 2016]

§ 70.01-7 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[54 FR 50380, Dec. 6, 1989]

§ 70.01-15 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

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46 CFR part or section where identified or described	Current OMB control No.
§ 71.10	1625-0032
§ 71.50-5	1625-0032
§ 78.17-22	1625-0064
§ 78.17-33	1625-0064

[49 FR 38120, Sept. 27, 1984, as amended by CGD 88-072, 53 FR 34297, Sept. 6, 1988; CGD 89-037, 57 FR 41822, Sept. 11, 1992; USCG-2004-18884, 69 FR 58347, Sept. 30, 2004]

Subpart 70.05—Application

§ 70.05-1 United States flag vessels subject to the requirements of this subchapter.

(a) This subchapter is applicable to all U.S.-flag vessels indicated in Column 3 of table 2.01-7(A) that are 100 gross tons or more, except as follows:

- (1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States; or,
- (2) Any vessel while laid up and dismantled and out of commission; or,
- (3) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

(b) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a domestic passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 70.05-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 70.05-3 Foreign vessels subject to the requirements of this subchapter.

(a) Except as specifically noted in paragraphs (b) and (e), and (f) of this section, parts 70 to 78, inclusive, of this subchapter, shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in column 4 of table 70.05-1(a) that are 100 gross tons or over:

(1) Foreign vessels which carry more than 12 passengers from any port in the United States; or,

(2) Foreign vessels, other than those mentioned in paragraph (a)(1) of this section, which carry more than 6 passengers from any port in the United States, and which are:

- (i) Sailing vessels of 100 gross tons or over and not more than 700 gross tons; or,
- (ii) Non-self-propelled vessels of 100 gross tons.

(b) The provisions of parts 70 to 78, inclusive, of this subchapter shall not be applicable to those foreign vessels covered by paragraph (a) of this section which are:

- (1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1974, and which has on board a current valid safety certificate; or,
- (2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current valid certificate of inspection issued by its government under such arrangements.

(c) Notwithstanding the exceptions previously noted in paragraph (b) of this section, foreign vessels of novel design or construction, or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States' ports, as further provided by § 2.01-13 of subchapter A (Procedures Applicable to the Public) of this chapter.

(d) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a foreign passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.

(e) Notwithstanding the other provisions of this section, foreign passenger vessels of over 100 gross tons having berth or stateroom accommodations for more than 50 persons and departing a United States port with passengers who are United States nationals and

who embarked at that port shall comply with the provisions of the International Convention for Safety of Life at Sea, 1974.

(f) Notwithstanding the exceptions noted in paragraph (b) of this section, each foreign vessel must report marine casualties occurring while the vessel is in the navigable waters of the United States as required by subpart 78.07.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGFR 66-33, 31 FR 15280, Dec. 6, 1966; CGFR 68-65, 33 FR 19985, Dec. 28, 1968; CGFR 69-106a, 35 FR 16834, Oct. 31, 1970; CGD 72-187R, 38 FR 9081, Apr. 10, 1973; CGD 77-042, 42 FR 63643, Dec. 19, 1977; CGD 90-008, 55 FR 30660, July 26, 1990; USCG-2014-0688, 79 FR 58281, Sept. 29, 2014]

§ 70.05-5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term *vessels contracted for* includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

(b) [Reserved]

§ 70.05-7 Ocean or unlimited coastwise vessels on inland and Great Lakes Routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland route, including the Great Lakes.

(b) [Reserved]

§ 70.05-10 Application to vessels on an international voyage.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, the reg-

ulations in this subchapter that apply to a vessel on an “international voyage” apply to a vessel that—

(1) Is mechanically propelled and carries more than 12 passengers; and

(2) Is engaged on a voyage—

(i) From a country to which the International Convention for Safety of Life at Sea, 1974, (SOLAS 74) applies, to a port outside that country or the reverse;

(ii) From any territory, including the Commonwealth of Puerto Rico, all possessions of the United States and all lands held by the United States under a protectorate or mandate, whose international relations are the responsibility of a contracting SOLAS 74 government, or which is administered by the United Nations, to a port outside that territory or the reverse; or

(iii) Between the contiguous states of the United States and the states of Hawaii or Alaska or between the states of Hawaii and Alaska.

(b) The regulations that apply to a vessel on an “international voyage” in this subchapter do not apply to ships engaged on a voyage solely on the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian;

(c) The Commandant or his authorized representative may exempt any vessel on an international voyage from the requirements of this subchapter if the vessel—

(1) Makes a single international voyage in exceptional circumstances; and

(2) Meets safety requirements prescribed for the voyage by the Commandant.

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

[CGD 72-131R, 38 FR 29320, Oct. 24, 1973, as amended by CGD 90-008, 55 FR 30661, July 26, 1990; CGD 84-069, 61 FR 25287, May 20, 1996]

§ 70.05-18 Applicability to vessels operating under an exemption afforded in the Passenger Vessel Safety Act of 1993 (PVSA).

(a) The Passenger Vessel Safety Act of 1993 (PVSA) contained an allowance for the exemption of certain passenger vessels that are—

(1) At least 100 gross tons but less than 300 gross tons; or

(2) Former public vessels of at least 100 gross tons but less than 500 gross tons.

(b) The owner or operator of a vessel must have applied for an exemption under the PVSA by June 21, 1994, and then brought the vessel into compliance with the interim guidance in Navigation and Inspection Circular (NVIC) 7-94 not later than December 21, 1996. The PVSA exemption is valid for the service life of the vessel, as long as the vessel remains certified for passenger service. If the Certificate of Inspection (COI) is surrendered or otherwise becomes invalid (not including a term while the vessel is out of service but undergoing an inspection for recertification), the owner or operator must meet the appropriate inspection regulations to obtain a new COI without the PVSA exemption. See 46 CFR 175.118 for information about applicable regulations for vessels that operate under the PVSA exemption.

[USCG-1999-5040, 67 FR 34791, May 15, 2002]

§ 70.05-20 Gross tonnage as a criterion for requirements.

(a) The regulations in this subchapter, as well as referenced requirements in other subchapters in this chapter, take into account the passenger vessel's size, construction, and equipment, as well as its intended service on the routes or waters on which it is desired to be operated or navigated, which are indications of the hazards to which such vessel may be subjected. The Commandant's determinations in this respect for a particular passenger vessel are stipulated in a certificate of inspection, which states certain terms and conditions governing such vessel when in operation.

(b) In applying the laws and regulations to passenger vessels, one criterion for invocation of safety standards is the description of passenger ves-

sels by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular passenger vessel, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the passenger vessel regulations for a vessel of such physical size, the Commandant shall prescribe the regulations to be made applicable to such vessel.

(c) When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such passenger vessel, and before being permitted to operate such vessel, compliance therewith shall be required. Endorsements or notations on the passenger vessel's certificate of inspection may be made as appropriate.

§ 70.05-30 Combustible and flammable liquid cargo in bulk.

NOTE: Requirements for double hull construction for vessels carrying oil, as defined in 33 CFR 157.03, in bulk as cargo are found in 33 CFR 157.10d.

Vessels inspected and certificated under this subchapter may carry limited quantities of combustible liquid cargo in bulk in the grades indicated, provided the certificate of inspection is endorsed to permit such carriage:

(a) Grade E in an integral tank; and

(b) Grade E in a portable tank, including a marine portable tank, in accordance with subpart 98.30 or 98.33 of this chapter.

[CGD 84-043, 55 FR 37410, Sept. 11, 1990, as amended by CGD 90-051, 57 FR 36246, Aug. 12, 1992]

Subpart 70.10—Definition of Terms Used in This Subchapter

§ 70.10-1 Definitions.

Approved means approved by the Commandant, unless otherwise stated.

Barge means any non-self-propelled vessel.

Carrying freight for hire means the carriage of any goods, wares, or merchandise, or any other freight for a consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

Classed vessel means any vessel classed by the American Bureau of Shipping or other recognized classification society.

Coast Guard District Commander means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his or her district, which include the inspection, enforcement, and administration of Subtitle II, Title 46 U.S. Code; Title 33 U.S. Code; and regulations issued under these statutes.

Coastwise is a designation of service that includes all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

Commandant means the Commandant of the United States Coast Guard.

Consideration means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity but not including a voluntary sharing of the actual expenses of the voyage by monetary contribution or donation of fuel, food, beverage, or other supplies.

Ferry means a vessel that is used on a regular schedule—

(1) To provide transportation only between places that are not more than 300 miles apart; and

(2) To transport only—

(i) Passengers; or

(ii) Vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.

Great Lakes is a designation of service that includes all vessels navigating the Great Lakes.

Headquarters means the Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509.

Lakes, bays, and sounds is a designation of service that includes all vessels navigating the waters of the lakes, bays, or sounds other than the waters of the Great Lakes.

Marine inspector or *inspector* means any person from the civilian or military branch of the Coast Guard assigned under the direction of an Officer in Charge, Marine Inspection, or any other person designated to perform duties related to the inspection, enforcement, and administration of Subtitle II, Title 46 U.S. Code; Title 33 U.S. Code; and regulations issued under these statutes.

Motor vessel means any vessel more than 65 feet in length, which is propelled by machinery other than steam.

Ocean is a designation of service that includes all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20-nautical miles offshore.

Officer in Charge, Marine Inspection means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties related to the inspection, enforcement, and administration of Subtitle II, Title 46 U.S. Code; Title 33 U.S. Code; and regulations issued under these statutes.

Passenger means—

(1) On an international voyage, every person other than—

(i) The master and the members of the crew or other persons employed or engaged in any capacity onboard a vessel on the business of that vessel; and

(ii) A child under the age of one.

(2) On other than an international voyage, an individual carried on the vessel, except—

(i) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) The master; or

(iii) A member of the crew engaged in the business of the vessel, who has not contributed consideration for carriage, and who is paid for onboard services.

Passenger-for-hire means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

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Passenger vessel means a vessel of at least 100 gross tons:

(1) Carrying more than 12 passengers, including at least one passenger for hire;

(2) That is chartered and carrying more than 12 passengers;

(3) That is a submersible vessel carrying at least one passenger for hire; or

(4) That is a ferry carrying a passenger.

Pilot boarding equipment means a pilot ladder, accommodation ladder, pilot hoist, or combination of them, as required by this subchapter.

Point of access means the place on the deck of a vessel where a person steps onto or off pilot boarding equipment.

Recognized classification society means the American Bureau of Shipping or other classification society as recognized by the Commandant.

Rivers is a designation of service that includes all vessels whose navigation is restricted to rivers and/or canals, and to such other waters as may be designated by the Coast Guard District Commander.

Sailing vessel means a vessel with no mechanical means of propulsion, all propulsive power being provided by sails.

Short international voyage means an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination, nor the return voyage, may exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the vessel commences its return voyage to the country in which the voyage began.

Specially suitable for vehicles is a designation used for a space that is designed for the carriage of automobiles or other self-propelled vehicles with batteries connected and fuel tanks containing gasoline on vessels on ocean or unlimited coastwise voyages. Requirements for the design and protection of spaces specially suitable for vehicles appear in subparts 72.15, 76.15, 77.05, 78.45, 78.47, and 78.83 of parts 72, 76, 77, and 78 of this subchapter. In addition,

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preparation of automobiles prior to carriage, with the exception of disconnecting battery cables, must be in accordance with the applicable provision of 49 CFR 176.905.

Submersible vessel means a vessel that is capable of operating below the surface of the water.

Vessel, unless otherwise noted in this subpart, includes all vessels indicated in column three of table 70.05-1(a) in § 70.05-1 that exceed 65 feet in length (measured from end-to-end over the deck, excluding sheer) and that carry more than six passengers-for-hire.

[USCG-1999-5040, 67 FR 34792, May 15, 2002, as amended by USCG-2008-1107, Dec. 4, 2009; USCG-2012-0832, 77 FR 59778, Oct. 1, 2012; USCG-2013-0671, 78 FR 60149, Sept. 30, 2013]

Subpart 70.15—Equivalents

§ 70.15-1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other provision or arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement shall be at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 70.20—General Marine Engineering Requirements

§ 70.20-1 Marine engineering details.

All marine engineering details such as piping, valves, fittings, boilers, pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of subchapter F (Marine Engineering) of this chapter.

Subpart 70.25—General Electrical Engineering Requirements

§ 70.25-1 Electrical engineering details.

All electrical engineering details and installations shall be designed and installed in accordance with subchapter J (Electrical Engineering) of this chapter.

Subpart 70.28—Lifesaving Appliances and Arrangements

§ 70.28-1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements on passenger vessels must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

[CGD 84-069, 61 FR 25287, May 20, 1996]

Subpart 70.35—American Bureau of Shipping's Standards

§ 70.35-1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

(b) [Reserved]

§ 70.35-5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be

purchased from the American Bureau of Shipping, ABS Plaza, 16855 Northchase Drive, Houston, TX 77060. These standards may also be examined at Coast Guard Headquarters. Contact Commandant (CG-5PS), Attn: Director of Commercial Regulations, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue, SE., Washington, DC 20593-7509, or contact the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

(b) [Reserved]

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 70-35-5, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

PART 71—INSPECTION AND CERTIFICATION

Subpart 71.01—General Provisions; Certificate of Inspection

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- 71.01-1 Preemptive effect.
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- 71.05-1 When issued.
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- 71.10-1 When issued.
- 71.10-5 To whom issued.
- 71.10-10 Conditions of permit.
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Subpart 71.15—Inspection of Vessels

- 71.15-1 Standards in inspection of hulls, boilers, and machinery.
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Subpart 71.20—Initial Inspection

- 71.20-1 Prerequisite of certificate of inspection.
- 71.20-5 When made.
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