

**Union Calendar No. 51**

103D CONGRESS  
1ST SESSION

**H. R. 1159**

**[Report No. 103-99]**

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**A BILL**

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

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MAY 19, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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1<sup>ST</sup> SESSION**H. R. 1159****[Report No. 103-99]**

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1993

Mr. TAUZIN (for himself, Mr. STUDDS, Mr. FIELDS of Louisiana, and Mr. COBLE) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

MAY 19, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 1, 1993]

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**A BILL**

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,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Passenger Vessel Safety*  
3 *Act of 1993”.*

4 **SEC. 2. PASSENGER.**

5       *Section 2101(21) of title 46, United States Code, is*  
6 *amended to read as follows:*

7           “(21) ‘passenger’—

8                   “(A) means an individual carried on the  
9 vessel except—

10                           “(i) the owner or an individual rep-  
11 resentative of the owner or, in the case of a  
12 vessel under charter, an individual  
13 charterer or individual representative of the  
14 charterer;

15                           “(ii) the master; or

16                           “(iii) a member of the crew engaged in  
17 the business of the vessel who has not con-  
18 tributed consideration for carriage and who  
19 is paid for on board services.

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

22                           “(i) an individual included in clause  
23 (i), (ii), or (iii) of subparagraph (A) of this  
24 paragraph;

1           “(ii) an employee of the owner, or of a  
2           subcontractor to the owner, engaged in the  
3           business of the owner;

4           “(iii) an employee of the charterer, or  
5           of a subcontractor to the charterer, engaged  
6           in the business of the charterer; or

7           “(iv) an individual employed in a  
8           phase of exploration, exploitation, or pro-  
9           duction of offshore mineral or energy re-  
10          sources served by the vessel.

11          “(C) on a fishing vessel, fish processing ves-  
12          sel, or fish tender vessel, means an individual  
13          carried on the vessel except—

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

17               “(ii) a managing operator;

18               “(iii) an employee of the owner, or of  
19               a subcontractor to the owner, engaged in the  
20               business of the owner; or

21               “(iv) an employee of the charterer, or  
22               of a subcontractor to the charterer, engaged  
23               in the business of the charterer.

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

1                   “(i) an individual included in clause  
2                   (i), (ii), or (iii) of subparagraph (A) of this  
3                   paragraph;

4                   “(ii) an employee of the owner of the  
5                   vessel engaged in the business of the owner,  
6                   except when the vessel is operating under a  
7                   demise charter;

8                   “(iii) an employee of the demise  
9                   charterer of the vessel engaged in the busi-  
10                  ness of the demise charterer; or

11                  “(iv) a sailing school instructor or  
12                  sailing school student.”.

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

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

16                  “(22) ‘passenger vessel’ means a vessel of at least  
17                  100 gross tons—

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

20                  “(B) that is chartered and carrying more  
21                  than 12 passengers; or

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

1 **SEC. 4. SMALL PASSENGER VESSEL.**

2 *Section 2101(35) of title 46, United States Code, is*  
3 *amended to read as follows:*

4 *“(35) ‘small passenger vessel’ means a vessel of*  
5 *less than 100 gross tons—*

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

8 *“(B) that is chartered with the crew pro-*  
9 *vided or specified by the owner or the owner’s*  
10 *representative and carrying more than 6 pas-*  
11 *sengers;*

12 *“(C) that is chartered with no crew pro-*  
13 *vided or specified by the owner or the owner’s*  
14 *representative and carrying more than 12 pas-*  
15 *sengers; or*

16 *“(D) that is a submersible vessel carrying*  
17 *at least one passenger for hire.”.*

18 **SEC. 5. UNINSPECTED PASSENGER VESSEL.**

19 *Section 2101(42) of title 46, United States Code, is*  
20 *amended to read as follows:*

21 *“(42) ‘uninspected passenger vessel’ means an*  
22 *uninspected vessel—*

23 *“(A) of at least 100 gross tons—*

24 *“(i) carrying not more than 12 pas-*  
25 *sengers, including at least one passenger for*  
26 *hire; or*

1           “(ii) that is chartered with the crew  
2           provided or specified by the owner or the  
3           owner’s representative and carrying not  
4           more than 12 passengers; and

5           “(B) of less than 100 gross tons—

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

9           “(ii) that is chartered with the crew  
10          provided or specified by the owner or the  
11          owner’s representative and carrying not  
12          more than 6 passengers.”.

13   **SEC. 6. PASSENGER FOR HIRE.**

14          Section 2101 of title 46, United States Code, is amend-  
15    ed by inserting between paragraphs (21) and (22) a new  
16    paragraph (21a) to read as follows:

17           “(21a) ‘passenger for hire’ means a passenger for  
18          whom consideration is contribution as a condition of  
19          carriage on the vessel, whether directly or indirectly  
20          flowing to the owner, charterer, operator, agent, or  
21          any other person having an interest in the vessel.”.

22   **SEC. 7. CONSIDERATION.**

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

1           “(5a) ‘consideration’ means an economic benefit,  
2           inducement, right, or profit including pecuniary pay-  
3           ment accruing to an individual, person, or entity, but  
4           not including a voluntary sharing of the actual ex-  
5           penses of the voyage, by monetary contribution or do-  
6           nation of fuel, food, beverage, or other supplies.”.

7   **SEC. 8. OFFSHORE SUPPLY VESSEL.**

8           Section 2101(19) of title 46, United States Code, is  
9           amended by inserting “individuals in addition to the  
10          crew,” immediately after “supplies,” and by striking every-  
11          thing after “resources” to the period at the end.

12   **SEC. 9. SAILING SCHOOL VESSEL.**

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

16   **SEC. 10. SUBMERSIBLE VESSEL.**

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

20                 “(37a) ‘submersible vessel’ means a vessel that is  
21                 capable of operating below the surface of the water.”.

22   **SEC. 11. GENERAL PROVISION.**

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



1 **“§ 2113. Authority to exempt certain vessels**

2 *“If the Secretary decides that the application of a pro-*  
3 *vision of part B, C, F, or G of this subtitle is not necessary*  
4 *in performing the mission of the vessel engaged in excur-*  
5 *sions or an oceanographic research vessel, or not necessary*  
6 *for the safe operation of certain passenger vessels, the Sec-*  
7 *retary by regulation may—*

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

11 *“(2) exempt an oceanographic research vessel*  
12 *from that provision under conditions the Secretary*  
13 *may specify; and*

14 *“(3) establish different operating and equipment*  
15 *requirements for vessels defined in section*  
16 *2101(42)(A) of this title.”.*

17 *(b) Section 4105 of title 46, United States Code, is*  
18 *amended—*

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

20 *(2) by adding a new subsection (b) to read as*  
21 *follows:*

22 *“(b) Within twenty-four months of the date of enact-*  
23 *ment of this subsection, the Secretary shall, by regulation,*  
24 *require certain additional equipment including liferafts or*  
25 *other lifesaving equipment, construction standards, or*  
26 *specify additional operating standards for those*

1 *uninspected passenger vessels defined in section*  
2 *2101(42)(A) of this title.”.*

3 **SEC. 12. EFFECTIVE DATE.**

4 *(a) Regulations governing small passenger vessels and*  
5 *passenger vessels, as those terms are defined in 46 U.S.C.*  
6 *2101, which are chartered with no crew provided shall not*  
7 *apply before May 1, 1994.*

8 *(b) The Secretary of the Department in which the*  
9 *Coast Guard is operating may extend the time period for*  
10 *compliance with the regulations referenced in subsection (a)*  
11 *for an additional period of up to one year if the owner*  
12 *of the vessel demonstrates to the satisfaction of the Secretary*  
13 *that a good faith effort, with due diligence and care, has*  
14 *failed to enable compliance with the deadline under sub-*  
15 *section (a).*