

113TH CONGRESS
2D SESSION

H. R. 3896

To amend the Longshore and Harbor Workers' Compensation Act to provide a definition of recreational vessel for purposes of such Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2014

Ms. WASSERMAN SCHULTZ (for herself, Mr. PETRI, Ms. FRANKEL of Florida, Ms. ROS-LEHTINEN, Mr. MURPHY of Florida, Mr. DIAZ-BALART, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Longshore and Harbor Workers' Compensation Act to provide a definition of recreational vessel for purposes of such Act.

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. DEFINITION OF RECREATIONAL VESSEL.**

4 (a) DEFINITION.—Section 2 of the Longshore and
5 Harbor Workers' Compensation Act (33 U.S.C. 902) is
6 amended—

7 (1) by redesignating paragraph (22) as para-
8 graph (23); and

1 (2) by inserting after paragraph (21) the fol-
2 lowing:

3 “(22)(A) The term ‘recreational vessel’ means a
4 vessel—

5 “(i) being manufactured or operated pri-
6 marily for pleasure; or

7 “(ii) leased, rented, or chartered to an-
8 other for the latter’s pleasure.

9 “(B) In applying the definition in subparagraph
10 (A), the following rules apply:

11 “(i) A vessel being manufactured or built,
12 or being repaired under warranty by its manu-
13 facturer or builder, is a recreational vessel if
14 the vessel appears intended, based on its design
15 and construction, to be for ultimate recreational
16 uses. The manufacturer or builder bears the
17 burden of establishing that a vessel is rec-
18 reational under this standard.

19 “(ii) A vessel being repaired, dismantled
20 for repair, or dismantled at the end of its life
21 will be treated as recreational at the time of re-
22 pair, dismantling for repair, or dismantling,
23 provided that such vessel shares elements of de-
24 sign and construction of traditional recreational
25 vessels and is not normally engaged in a mili-

1 tary, commercial or traditionally commercial
2 undertaking.

3 “(iii) A vessel will be treated as a rec-
4 reational vessel if it is a public vessel, such as
5 a vessel owned or chartered and operated by the
6 United States, or by a State or political subdivi-
7 sion thereof, at the time of repair, dismantling
8 for repair, or dismantling, provided that such
9 vessel shares elements of design and construc-
10 tion with traditional recreational vessels and is
11 not normally engaged in a military, commercial,
12 or traditionally commercial undertaking.”.

13 (b) REGULATIONS.—Not later than 90 days after the
14 date of enactment of this Act, the Secretary of Labor
15 shall—

16 (1) amend the regulations in section 701.501 of
17 title 20, Code of Federal Regulations, by deleting
18 the text of subsections (a) and (b) of such section
19 and replacing it with only the text of the definition
20 of recreational vehicle in section 2(22) of the
21 Longshore and Harbor Workers’ Compensation Act,
22 as added by subsection (a); and

1 (2) make no further modification to such defini-
2 tion in another regulation or any administrative di-
3 rective.

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