

115TH CONGRESS  
1ST SESSION

# S. 89

To amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2017

Mrs. McCASKILL (for herself, Mr. BLUNT, Mr. BROWN, Mr. PORTMAN, Mr. CASSIDY, Mr. COTTON, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials 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. FIRE-RETARDANT MATERIALS EXEMPTION.**

2 Section 3503 of title 46, United States Code, is  
3 amended to read as follows:

4 **“§ 3503. Fire-retardant materials**

5 “(a)(1) A passenger vessel of the United States hav-  
6 ing berth or stateroom accommodations for at least 50  
7 passengers shall be granted a certificate of inspection only  
8 if—

9 “(A) the vessel is constructed of fire-retardant  
10 materials; and

11 “(B) the vessel—

12 “(i) is operating engines, boilers, main  
13 electrical distribution panels, fuel tanks, oil  
14 tanks, and generators that meet current Coast  
15 Guard regulations;

16 “(ii) is operating boilers and main elec-  
17 trical generators that are contained within non-  
18 combustible enclosures equipped with fire sup-  
19 pression systems; and

20 “(iii) has multiple forms of egress off the  
21 vessel’s bow and stern.

22 “(2) Before December 1, 2028, this section does not  
23 apply to any vessel in operation before January 1, 1968,  
24 and operating only within the Boundary Line.

25 “(b)(1) When a vessel is exempted from the fire-re-  
26 tardant standards of subsection (a)—

1           “(A) the owner or managing operator of the  
2 vessel shall—

3           “(i) notify in writing prospective pas-  
4 sengers, prior to the sale of any ticket for  
5 boarding and to be affirmatively recognized by  
6 such passenger prior to purchase, and any crew  
7 member that the vessel does not comply with  
8 applicable fire safety standards due primarily to  
9 the wooden construction of passenger berthing  
10 areas; and

11           “(ii) display in clearly legible font promi-  
12 nently throughout the vessel, including in each  
13 state room the following: ‘THIS VESSEL  
14 FAILS TO COMPLY WITH SAFETY  
15 RULES AND REGULATIONS OF THE U.S.  
16 COAST GUARD.’;

17           “(B) the owner or managing operator of the  
18 vessel—

19           “(i) may not disclaim liability to a pas-  
20 senger or crew member for death, injury, or any  
21 other loss caused by fire due to the negligence  
22 of the owner or managing operator; and

23           “(ii) shall acquire prior to entering service,  
24 and maintain, liability insurance in an amount

1 to be prescribed by the Federal Maritime Com-  
2 mission;

3 “(C) the penalties provided in section 3504(c)  
4 of this title apply to a violation of this subsection;

5 “(D) the owner or managing operator of the  
6 vessel shall—

7 “(i) make annual structural alteration to  
8 not less than 10 percent of the areas of the ves-  
9 sel that are not constructed of fire retardant  
10 materials;

11 “(ii) prioritize alterations in galleys, engi-  
12 neering areas of the vessel, including all spaces  
13 and compartments containing, or adjacent to  
14 spaces and compartments containing, engines,  
15 boilers, main electrical distribution panels, fuel  
16 tanks, oil tanks, and generators;

17 “(iii) ensure, to the satisfaction of the  
18 Coast Guard, that the combustible fire-load has  
19 been reduced pursuant to clause (i) during each  
20 annual inspection for certification; and

21 “(iv) provide advance notice to the Coast  
22 Guard regarding the structural alterations  
23 made pursuant to clause (i) and comply with  
24 any noncombustible material requirements pre-  
25 scribed by the Coast Guard;

1           “(E) the Coast Guard, in making the deter-  
2           mination required in subparagraph (D)(iii), shall  
3           consider, to the extent practicable, the goal of pres-  
4           ervation of the historic integrity of the vessel in  
5           areas carrying or accessible to passengers or gen-  
6           erally visible to the public;

7           “(F) the owner or managing operator of the  
8           vessel shall annually notify all ports of call and State  
9           emergency management offices of jurisdiction that  
10          the vessel does not comply with applicable fire safety  
11          standards due primarily to the wooden construction  
12          of passenger berthing areas;

13          “(G) the crews manning such vessel shall re-  
14          ceive specialized training, above minimum standards,  
15          in regards to shipboard firefighting that is special-  
16          ized for exempted vessels and approved by the Coast  
17          Guard; and

18          “(H) the owner or managing operator of the  
19          vessel shall, to the extent practicable, take all steps  
20          to retain previously trained crew knowledgeable of  
21          such vessel or to hire crew trained in operations  
22          aboard exempted vessels.

23          “(2) The Secretary shall conduct an annual audit and  
24          inspection of any vessel exempted from the fire-retardant  
25          standards of subsection (a).

1       “(c) The Secretary shall prescribe regulations to  
2 carry out this section. Such regulations shall include the  
3 manner in which prospective passengers are to be notified.

4       “(d) In addition to other penalties permitted by law,  
5 the Secretary is authorized to immediately withdraw a cer-  
6 tificate of inspection for a passenger vessel that does not  
7 comply with any requirement under this section.”.

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