

103^D CONGRESS
1ST SESSION

H. R. 1159

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

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

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,*

3 **TITLE I.—PASSENGER DEFINITIONS**

4 **SECTION 101. SHORT TITLE.**

5 This Act may be cited as the “Passenger Vessel
6 Safety Act of 1993”.

7 **SEC. 102. PASSENGER.**

8 Section 2101(21) of title 46, United States Code, is
9 amended to read as follows:

10 “(21) ‘passenger’—

1 “(A) means an individual carried on the
2 vessel except—

3 “(i) the owner or representative of the
4 owner or, in the case of a charter, the
5 charterer or representative of the
6 charterer;

7 “(ii) the master; or

8 “(iii) a member of the crew engaged
9 in the business of the vessel who has not
10 contributed consideration for carriage and
11 who is paid for on board services.

12 “(B) on an offshore supply vessel, means
13 an individual 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) an employee of the owner, or of
18 a subcontractor to the owner, engaged in
19 the business of the owner;

20 “(iii) an employee of the charterer, or
21 of a subcontractor to the charterer, en-
22 gaged in the business of the charterer; or

23 “(iv) an individual employed in a
24 phase of exploration, exploitation, or pro-

1 duction of offshore mineral or energy re-
2 sources served by the vessel.

3 “(C) on a fishing vessel, fish processing
4 vessel, or fish tender vessel, means an individ-
5 ual carried on the vessel except—

6 “(i) an individual included in clause
7 (i), (ii), or (iii) of subparagraph (A) of this
8 paragraph;

9 “(ii) a managing operator;

10 “(iii) an employee of the owner, or of
11 a subcontractor to the owner, engaged in
12 the business of the owner; or

13 “(iv) an employee of the charterer, or
14 of a subcontractor to the charterer, en-
15 gaged in the business of the charterer.

16 (D) on a sailing school vessel, means an in-
17 dividual carried on the vessel except—

18 “(i) an individual included in clause
19 (i), (ii), or (iii) of subparagraph (A) of this
20 paragraph;

21 “(ii) an employee of the owner of the
22 vessel engaged in the business of the
23 owner, except when the vessel is operating
24 under a demise charter;

1 “(iii) an employee of the demise
2 charterer of the vessel engaged in the busi-
3 ness of the demise charterer; or

4 “(iv) a sailing school instructor or
5 sailing school student.”

6 **SEC. 103. PASSENGER VESSEL.**

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

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

11 “(A) carrying at least one passenger for
12 hire;

13 “(B) which is a charter with the crew pro-
14 vided or specified by the owner or the owner’s
15 representative and carrying at least one pas-
16 senger; or

17 “(C) which is a charter with no crew pro-
18 vided or specified by the owner or the owner’s
19 representative and carrying more than twelve
20 passengers.”

21 **SEC. 104. SMALL PASSENGER VESSEL.**

22 Section 2101(35) of title 46, United States Code, is
23 amended to read as follows:

24 “(35) ‘small passenger vessel’ means a vessel of
25 less than 100 gross tons—

1 “(A) carrying more than six passengers,
2 including at least one passenger for hire;

3 “(B) which is a charter with the crew pro-
4 vided or specified by the owner or the owner’s
5 representative and carrying more than six pas-
6 sengers;

7 “(C) which is a charter with no crew pro-
8 vided or specified by the owner or the owner’s
9 representative and carrying more than twelve
10 passengers; or

11 “(D) which is a submersible vessel carrying
12 at least one passenger for hire.”

13 **SEC. 105. UNINSPECTED PASSENGER VESSEL.**

14 Section 2101(42) of title 46, United States Code, is
15 amended by inserting “, including at least one passenger
16 for hire, or which is a charter with the crew provided or
17 specified by the owner or the owner’s representative and
18 carrying not more than six passengers” immediately after
19 “passengers” and before the period at the end.

20 **SEC. 106. PASSENGER FOR HIRE.**

21 Section 2101 of title 46, United States Code, is
22 amended by inserting between paragraphs (21) and (22)
23 a new paragraph (21a) to read as follows:

24 “(21a) ‘passenger for hire’ means a passenger
25 for whom consideration is contributed, whether di-

1 rectly or indirectly flowing to the owner, charterer,
2 operator, agent, or any other person having an inter-
3 est in the vessel, as a condition of carriage on the
4 vessel.”

5 **SEC. 107. CONSIDERATION.**

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

9 “(5a) ‘consideration’ means an economic bene-
10 fit, inducement, right, or profit including but not
11 limited to pecuniary payment accruing to an individ-
12 ual, person, or entity, but not including a voluntary
13 donation of food, beverage, or other item which is of
14 a nominal value considering the circumstances.”

15 **SEC. 108. OFFSHORE SUPPLY VESSEL.**

16 Section 2101(19) of title 46, United States Code, is
17 amended by inserting “individuals in addition to the
18 crew,” immediately after “supplies,” and by striking ev-
19 erything after “resources” to the period at the end.

20 **SEC. 109. SAILING SCHOOL VESSEL.**

21 Section 2101(30) of title 46, United States Code, is
22 amended in subparagraph (B) by striking “at least 6” and
23 substituting “more than 6” in its place.

1 **SEC. 110. SUBMERSIBLE VESSEL.**

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

5 “(37a) ‘submersible vessel’ means a vessel
6 which is capable of operating below the surface of
7 the water.”

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