

# Excerpts from Subchapter C Rules & Regulations for uninspected passenger carrying vessels

CHAPTER I--COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 26--OPERATIONS--Table of Contents

Subpart 26.20--**Exhibition of Coast Guard License**

Sec. 26.20-1 **Must be available.**

If a person operates a vessel that carries one or more passengers-for-hire, he or she is required to have a valid Coast Guard license suitable for the vessel's route and service. He or she must have the license in his or her possession and must produce it immediately upon the request of a Coast Guard boarding officer.

Subpart 26.03--Special Operating Requirements

Sec. 26.03-2 **Emergency instructions.**

(a) The operator or master of each uninspected passenger vessel must ensure that an **emergency check-off list is posted** in a prominent and accessible place to notify the passengers and remind the crew of precautionary measures that may be necessary if an emergency situation occurs.

(b) Except where any part of the emergency instructions are deemed unnecessary by the Officer in Charge, Marine Inspection, the emergency checkoff list must contain not less than the applicable portions of the sample emergency checkoff list which follows:

#### Sample Emergency Checkoff List

Measures to be considered in the event of:

- (a) Rough weather at sea or crossing hazardous bars.
- [squ] All weathertight and watertight doors, hatches and airports closed to prevent taking water aboard.
- [squ] Bilges kept dry to prevent loss of stability.

Etc etc

Subpart 26.03--Special Operating Requirements

Sec. 26.03-1 **Safety orientation.**

(a) **Before getting underway on any uninspected passenger vessel, the operator or master must ensure that suitable public announcements, instructive placards, or both, are provided in a manner that affords all passengers the opportunity to become acquainted with:**

- (1) Stowage locations of life preservers;
- (2) Proper method of donning and adjusting life preservers of the type(s) carried on the vessel;
- (3) The type and location of all lifesaving devices carried on the vessel; and
- (4) The location and contents of the Emergency Checkoff List required by Sec. 26.03-2.

(b) Vessels subject to this subpart engaged in tender service at yacht clubs and marinas, and vessels being demonstrated for a potential purchaser by a yacht broker, are excluded from the requirements of Sec. 26.03-1 and Sec. 26.03-2.

Sec. 26.03-4 **Charts and nautical publications.**

(a) As appropriate for the intended voyage, **all vessels must carry adequate and up-to-date--**

- (1) Charts of appropriate scale to make safe navigation possible;
- (2) ``U.S. Coast Pilot'' or similar publication;
- (3) Coast Guard light list;
- (4) Tide tables; and
- (5) Current tables, or a river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(b) As an alternative, you may substitute extracts or copies from the publications in paragraph (a) of this section. This information must be applicable to the area transited.

TITLE 46--SHIPPING

CHAPTER I--COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 16--CHEMICAL TESTING--Table of Contents

Subpart B--Required Chemical Testing

Sec. 16.210 **Pre-employment testing requirements.**

(a) No marine employer shall engage or employ any individual to serve as a crewmember unless the individual passes a chemical test for dangerous drugs for that employer.

(b) An employer may waive a pre-employment test required for a job applicant by paragraph (a) of this section if the individual provides satisfactory evidence that he or she has:

- (1) Passed a chemical test for dangerous drugs, required by this part, within the previous six months with no subsequent positive drug tests during the remainder of the six-month period; or
- (2) During the previous 185 days been subject to a random testing program required by Sec. 16.230 for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.

[CGD 90-053, 58 FR 31107, May 28, 1993, as amended by CGD 93-051, 59 FR 28792, June 3, 1994]

TITLE 46--SHIPPING

CHAPTER I--COAST GUARD, DEPARTMENT OF TRANSPORTATION

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Subpart D--Employee Assistance Programs

Sec. 16.401 **Employee Assistance Program (EAP).**

The employer shall provide an Employee Assistance Program (EAP) for all crewmembers. The employer may establish the EAP as a part of its internal personnel services or the employer may contract with an entity that will provide EAP services to a crewmember. Each EAP must include education and training on drug use for crewmembers and the employer's supervisory personnel as provided below:

(a) **EAP education program:** Each EAP education program must include at least the following elements: **display and distribution of informational material;** display and distribution of a community service hot-line telephone number for crewmember assistance, and display and distribution of the employer's policy regarding drug and alcohol use in the workplace.

(b) EAP training program: **An EAP training program must be conducted for the employer's crewmembers and supervisory personnel.** The training program must include at least the following elements: **the effects and consequences of drug and alcohol use on personal health, safety, and work environment;** the manifestations and behavioral cues that may indicate drug and alcohol use and abuse; and documentation of training given to crewmembers and the employer's supervisory personnel. Supervisory personnel must receive at least 60 minutes of training.

\*\*\*\* (k) **An individual may not be engaged or employed, including self-employment, on a vessel in a position as master, operator, or person in charge for which a license or merchant mariner's document is required by law or regulation unless all crewmembers covered by this section are subject to the random testing requirements of this section.**

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Subpart A--General

Sec. 16.115 Penalties.

Violation of this part is subject to the civil penalties set forth in 46 U.S.C. 2115. Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements for chemical testing for dangerous drugs as prescribed under this part, is liable to the United States Government for a **civil penalty of not more than \$5,000 for each violation.** Each day of a continuing violation will constitute a separate violation.