

Attention Charter Boat Operators

Un-inspected Passenger Vessels (UPV)

If you want to use your vessel to take charters, even if it is only 2 or 3 times a year, there are a considerable number of requirements (*regulations*) you and your vessel must comply with. These regulations are not new, they have been around for many years.

The one thing you need to consider is, if you are not compliant with all the regulatory items, you have given your insurance company a way to not pay a claim. If you look at your insurance policy, you might see a phrase like “the operator will comply with all rules & regulations”. It is the same as if you drive an unregistered car. You have set a condition for your insurance company not to pay a claim. Is it worth a financial risk not to be compliant with the federal regulations required of UPVs?

Other compelling reasons to be compliant with all the regulations are, demonstrating to your potential clients that you care enough to show them you meet all safety and regulatory requirements of a UPV. You might be able to negotiate a lower insurance premium with your insurance agent; and you remove the possibility of hefty fines that could be imposed by civil action against you as well as the possibility of losing your USCG license.

So what are some of the regulations?

First, you must comply with all recreational vessel regulations, but there are additional requirements if you carry passengers-for-hire (*be a charter boat*):

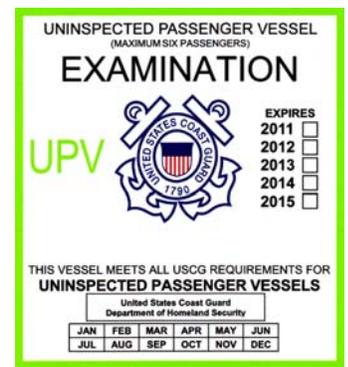
- Documentation: “coastwise” (for vessels over 5 net tons ~ *about a 25 ft vessel*)
- Life jackets: Type 1 with reflective tape and waterlights
- The operator having an appropriate USCG license
- The operator & crew enrolled in a random drug program and other Drug program requirements like an EAP & company policy and pre-employment drug tests
- A Ring Life Buoy if the vessel is over 26 ft.
- Posting an Emergency check-off sheet for passengers to see
- Giving a safety Orientation to the passengers
- Having aboard up to date: charts, Coast Pilot, Light lists, Local Notice to Mariners and tide & current tables

Also check with your insurance company, you will need either a charter policy or a rider to take a limited number the charters per year. Most insurance policies do not allow you to use your vessel for commercial purposes. When you take a charter, you are a commercial vessel.

How do I know if I am a chartering?

On a UPV, there are either passengers or crew

Passengers: UPVs are restricted to a max. of 6 passengers. To carry 7 or more passengers you need to become an inspected vessel and receive a COI.



Passenger means an individual carried on a vessel, except—

- (1) The owner or an individual representative of the owner, or in the case of a vessel under charter, an individual charterer or individual representative of the charterer;
- (2) The master; or
- (3) **A member of the crew engaged in the business of the vessel, who has not contributed consideration for carriage, and who is paid for onboard services.**

Passenger-for-hire means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

The other UPV informational items listed on our website are:

1. A way to **schedule a UPV Examination** when you think you are ready
2. A powerpoint overview of the **UPV program**
3. The **Exam Check Off Sheet**
4. The **Exam Summary sheet**
5. **Additional Information** we need to collect
6. A **UPV Guidebook** that explains most of the regs
7. A USCG Marine Safety Alert “**Drug Testing Requirements**”
8. The **2 hour Alcohol Testing Requirement** if you have an SMI
9. A **Handout for UPV Operators** what and where to get required items
10. A sample **Sharing Crew Agreement** between employers
11. A sample **EAP** for crew & supervisors
12. A sample **Company Policy** for employers
13. The **Marine Employers Drug Testing Guide 2005** for UPVs
14. The **Latest chart Editions**
15. The **Sample Background check form**

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