



So it's always smooth sailing

Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels

February 3, 2015

Van Greenway CMIP, CIC, ITP, PWCA

LIG Marine Managers, Inc.

St. Petersburg, FL Tel: (727) 578-2800

IRG@LIGMarine.com

www.LIGMarine.com

FLORIDA - TEXAS - CALIFORNIA - OHIO - PENNSYLVANIA - WASHINGTON - LONDON

Each Year

1927

1972

1984

2009

2012

Recreational Vessels Regulations Jan 2012



§ 701.302(c)

(3) Individuals employed by a marina, provided they are not engaged in its construction, replacement or expansion, except for routine maintenance such as cleaning, painting, trash removal, housekeeping and small repairs;

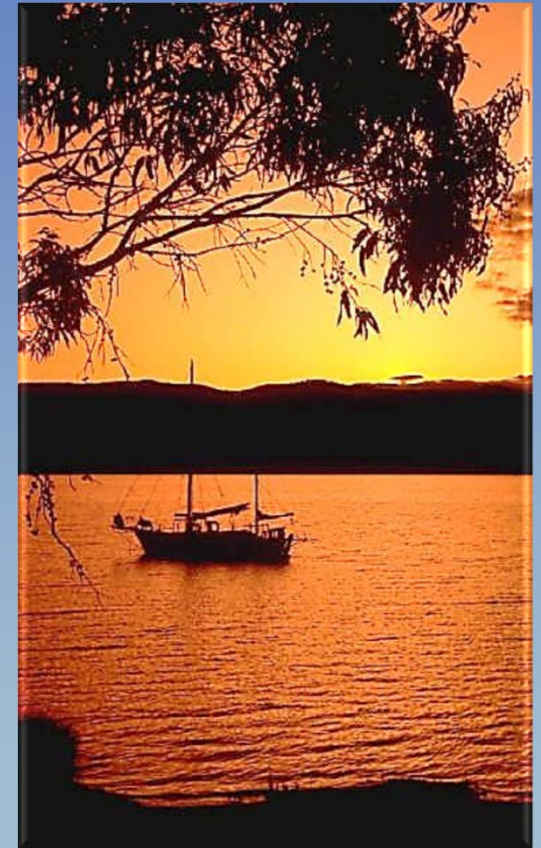
Recreational Vessels Regulations Jan 2012



(6) Individuals employed to build any recreational vessel under sixty-five feet in length, or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel. For purposes of this paragraph, the special rules set forth at §§ 701.501 through 701.505 apply.

Longshore Act Status Exclusions

| Type of Vessel | Repair/Service | Build/Construct /Manufacture |
|--------------------|----------------|------------------------------|
| Recreational <65ft | State WC | State WC |
| Recreational >65ft | State WC | Longshore |
| Commercial | Longshore | Longshore |



Recreational Vessels Regulations Jan 2012

§ 701.501 What is a recreational vessel?

(a) Recreational vessel means a vessel—

- (1) Being manufactured or operated primarily for pleasure; or
- (2) Leased, rented, or chartered to another for the latter's pleasure.



Recreational Vessels Regulations Jan 2012

(b) In applying the definition in paragraph (a) of this section, the following rules apply:

(1) A vessel being manufactured or built, or being repaired under warranty by its manufacturer or builder, is a recreational vessel if the vessel appears intended, based on its design and construction, to be for ultimate recreational uses. The manufacturer or builder bears the burden of establishing that a vessel is recreational under this standard.



Recreational Vessels Regulations Jan 2012

- (2) A vessel being repaired, dismantled for repair, or dismantled at the end of its life is not a recreational vessel if the vessel had been operating, around the time of its repair or dismantling, in one or more of the following categories on more than an infrequent basis—
- (A) “Passenger vessel” as defined by [46 U.S.C. 2101\(22\)](#);
 - (B) “Small passenger vessel” as defined by [46 U.S.C.2101\(35\)](#);
 - (C) “Uninspected passenger vessel” as defined by [46U.S.C.2101\(42\)](#);
 - (D) Vessel routinely engaged in “commercial service” as defined by [46 U.S.C. 2101\(5\)](#); or
 - (E) Vessel that routinely carries “passengers for hire” as defined by [46 U.S.C. 2101\(21a\)](#).

Recreational Vessels Regulations Jan 2012

| | Passenger Vessel >100tons | Small Pass Vessel <100tons | Uninspected >100tons | Uninspected <100tons | Combined |
|--------------------|---------------------------|----------------------------|----------------------|----------------------|----------|
| Carry Passengers * | >12 | >6 | >12 | >6 | ALL* |
| Skipped Charter | >12 | >6 | >12 | <6 | ALL |
| Bareboat Charter | >12 | >12 | n/a | n/a | >12 |
| Submersible* | ALL | ALL | n/a | n/a | ALL |
| Ferry | ALL | ALL | n/a | n/a | ALL |

* Includes requirement that has at least one passenger for hire!

Recreational Vessels Regulations Jan 2012

Longshore Vessels

- ALL Ferry and Skippered Charter
- ALL Passenger carrying vessels and Submersibles with at least one passenger for hire
- Bareboat charter over 12 people
- Commercial Use & Military Vessels

Recreational Vessels Regulations Jan 2012

(3) Notwithstanding paragraph (b)(2) of this section, a vessel will be deemed recreational if it is a public vessel, i.e., a vessel owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, at the time of repair, dismantling for repair, or dismantling, provided that such vessel shares elements of design and construction with traditional recreational vessels and is not normally engaged in a military, commercial or traditionally commercial undertaking.



Recreational Vessels Regulations Jan 2012

Non – Longshore

- Bareboat Charters 12 or less passengers
- Passenger vessels and Submersibles with no “passengers for hire” (***but NOT ferry’s***)
- 100% private use.
- Federal State or Local Government Vessels

Recreational Vessels Regulations Jan 2012

§ 701.501 What is a recreational vessel?

(a) Recreational vessel means a vessel—

- (1) Being manufactured or operated primarily for pleasure; or
- (2) Leased, rented, or chartered to another for the latter's pleasure.

(BUT ONLY IF BAREBOAT AND UNDER 12 PASSENGERS)

Recreational Vessels Regulations Jan 2012

1. “Length” means a straight line measurement of the overall length from the foremost part of the vessel to the atmost part of the vessel, measured parallel to the center line. The measurement must be from end to end over the deck, excluding sheer. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

Recreational Vessels Regulations Jan 2012

Longshore Vessels as of Jan 30th



Recreational Vessels Regulations Jan 2012

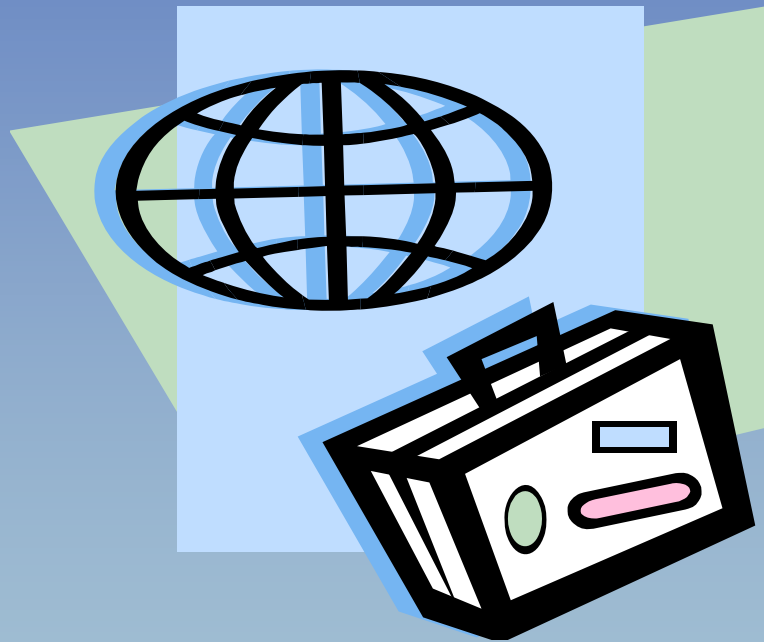
State Act Vessels as of Jan 30th



Recreational Vessels Regulations Jan 2012

- ✓ Manufacturers/Builders <65ft excluded
If recreational use intended for vessel
- ✓ Repair/Service ANY SIZE Excluded
Private pleasure use
Bareboat Charter under 12 passengers
Government vessels that look like recreational.

Certified Marine Insurance Professional

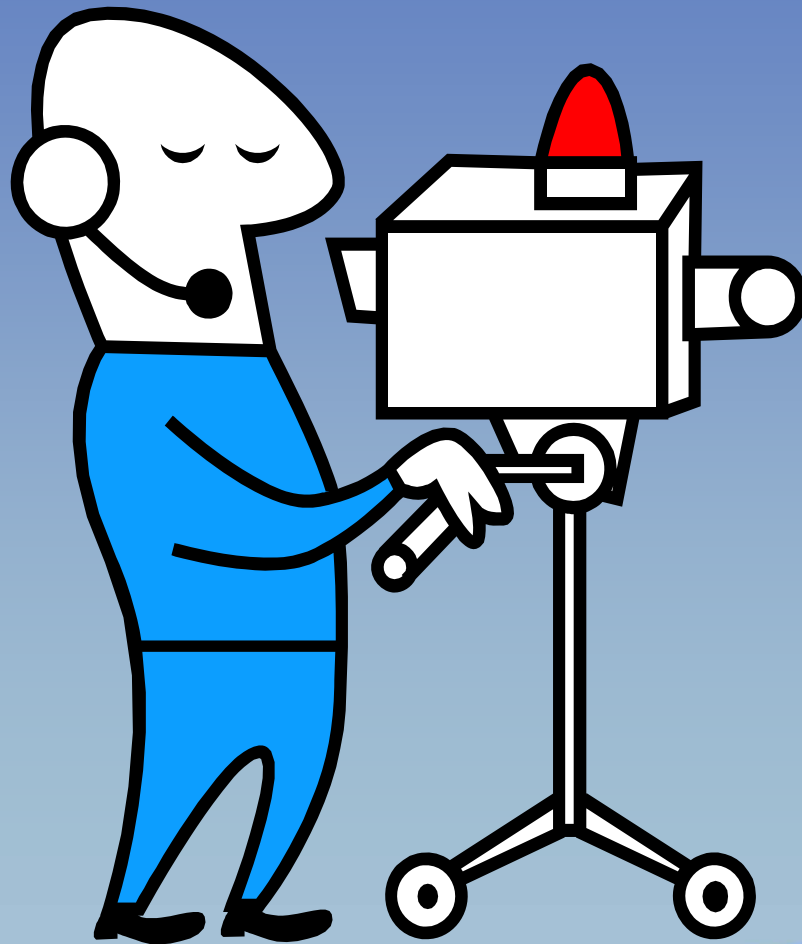


**Insuring Waterfront
Businesses**

April 20-21, 2015

Ft. Lauderdale, FL

Next Webinar



Maritime Employers Liability Myth or Mystery?

March 3, 2015
1:30pm EST

