



## SMALL PASSENGER AND CHARTER VESSEL DEFINITIONS

**Passenger:** an individual carried on the vessel except: (i) 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; (ii) the Master (captain); or (iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services. *46 United States Code (USC) 2101 (21)*

**Passenger for Hire:** 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. *46USC 2101 (21a)*

**Consideration:** An economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies. *46 USC 2101 (5a)*

**Uninspected Passenger Vessel (UPV):** A vessel not subject to inspection by the Coast Guard under *46 USC 3301*, less than 100 gross tons that is: (i) Carrying no more than six passengers, including at least one person for hire; (ii) Chartered with the crew provided by the owner or owner's representative, and carrying six or fewer passengers. *46 USC 2101 (42) (B)*

**Small Passenger Vessel:** Each vessel of less than 100 gross tons that: (i) carries more than six passengers, including at least one for hire; (ii) is chartered with a crew provided or specified by the owner or the owner's representative and is carrying more than six passengers; (iii) is chartered with NO CREW PROVIDED or specified by the owner or the owner's representative and is carrying more than 12 passengers. *46 USC 2101 (35)*

**Passenger Vessel:** A vessel of at least 100 gross tons that: (i) is carrying more than 12 passengers, including at least one for hire; (ii) is chartered and carrying more than 12 passengers. *46 USC 2101 (22)*

**The Passenger Vessel Safety Act of 1993:** The PVSA was signed into law on December 20, 1993, making significant changes to the laws at the time that regulated passenger carrying vessels. Most significantly, the change required chartered vessels carrying more than 12 passengers to be inspected for certification. Additionally, the Act provided clarification on the use of charter agreements, the term "bareboat" charter and the specific requirements to constitute a "bareboat" charter, vs. operating as a passenger vessel inspected for certification. Reference (a) provides compliance and enforcement guidance on the Act.

**Owner:** Under the terms of a valid bareboat charter, the owner (be it an individual, partnership, corporation, etc.) of the vessel retains exclusive title to the vessel for the duration of the bareboat charter.

**Charterer:** Under a valid bareboat charter, the charterer stands in the shoes of the owner of the vessel. The charterer has complete command, control, and possession of the vessel as it were his or her own. The charterer assumes responsibility for the vessel operations within the maritime laws and regulations for the duration of the charter.