

712 3 2 1 If a vessel operator renders assistance, what are his duties? Is he sheltered from liability for any negligence? In a towage situation, are the duties of the participants affected by whose tow rope is used or by who depolys the tow rope?

First, state waters out to 3 nautical miles. SECTION 50-21-130 of the S. C. Code provides that it shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, passengers and guests, to render to other persons affected by the collision such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision. This section also provides that the operator who complies with this duty to render assistance or any other person who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

This same duty of an operator of a vessel involved in a collision, accident, or other casualty continues under federal statute if the collision occurs over 3 nautical miles from shore. However, vessel operators outside state waters have duties even if uninvolved in the casualty. 46 U.S.C. § 2304, provides that "A master or individual in charge of a vessel shall render assistance

to any individual found at sea in danger of being lost, so far as the master or individual in charge can do so without serious danger to the master's or individual's vessel or individuals on board" and provides that "violators shall be fined not more than \$1,000, imprisoned for not more than 2 years, or both." Whose tow line or equipment is used appears to be of little legal significance. All concerned must exercise reasonable care to avoid injury or damage to others and are shielded from liability if they exercise reasonable care.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing. 712
