

50513 3 2 1 Today, Tyler and I review a number of important laws of interest to boat owners.

Remember, a vessel must be wholly owned by U. S. citizens in order to be documented by the Coast Guard as a U.S. flag vessel. After it is documented as a U.S. flag vessel, it must remain owned and controlled by U.S. citizens in order to avoid forfeiture to the U.S. government. This means that the vessel generally cannot be chartered to a foreign corporation, sold to foreigners, mortgaged to a foreign bank, captained by a non U.S. citizen, or crewed by licensed officers who are not citizens. Attempts to avoid the requirements of ownership and control by U.S. citizens, or sale or charter of U.S. documented vessels to aliens, by subterfuge, may result in forfeiture of the vessel under 46 U.S.Code § 808(3).

To be eligible to engage in the coastwise trade, a vessel must have been owned by U.S. citizens at all times since her construction. This U.S. owned requirement is continuous and foreign ownership, even momentarily, will result in permanent disqualification for coastwise trade. One interesting exception is the so called "rebirth" of a vessel when she is forfeited to the government and sold by the U.S. Marshal at a sale resulting from such forfeiture.

Also, remember violation of documentation laws, fishing laws, or operating in trade for which the vessel is not licensed may result in forfeiture of the vessel to the United States under 46 U.S.Code § 12110(c). Of course, § 961(b) provides for petitions for remission of forfeiture by innocent mortgagees and lienholders.

At least two watches are the minimum on all vessels over 100

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gross tons. There is a three watch minimum for towing vessels and offshore supply vessels over 100 gross tons if their voyages exceed 600 miles. On other towing vessels, a licensed person in charge of navigation may not work in excess of 12 hours in any 24 hour period pursuant to 46 U.S. Code § 8104.

Also, remember that vessel owners, agents, and masters are required by 46 Code of Federal Regulations § 4.05-15(a) to preserve logs and other records that may be of assistance in determining the cause of a marine casualty.

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. 50513

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