

**REPUBLIC OF THE MARSHALL ISLANDS
MINISTRY OF TRANSPORTATION AND COMMUNICATION
DOMESTIC WATER CRAFT REGULATIONS**

Title 34, Marshall Islands Administrative Code
Regulation 101 et seq.

PART I – INSPECTION OF DOMESTIC WATERCRAFT

101. ADMINISTRATION OF INSPECTION LAWS

The Minister of Transportation and Communication (“the Minister”) shall supervise the inspection of vessels subject to the Domestic Watercraft Act 1992 to ensure a correct and uniform administration of the laws and regulations relating thereto. The Minister may with the consent of Cabinet of the Republic make such requirements as may be necessary for the proper execution of the provisions set forth in these regulations.

102. ANNUAL LIST OF WATERCRAFT

Each year the Minister shall prepare an official list of domestic watercraft, specifying the awarded number, name, tonnage, length, and place and date of building, and shall distinguish in such list self-propelled and non self-propelled vessels.

103. RECORDS AND REPORTS OF INSPECTION AND LICENSES

The Minister shall maintain a record of all inspected domestic watercraft. He shall also keep a record of all licenses and /or, certificates granted, and of all suspensions and revocations of such licenses and/ or certificates.

104. UNAUTHORIZED FEES FOR INSPECTION OF WATERCRAFT

Whoever, being an Officer, employee, or agent of the Republic, fully engaged in inspection of domestic watercraft, receives any fee or reward for his services, except what is allowed to him by law, shall be fined not more than \$500 or imprisoned not more than six months, or both.

105. APPLICATIONS AND FORMS

The Minister may prepare forms to be used for any applications or reports required or used in these Regulations.

106. VESSELS NOT SUBJECT TO THESE REGULATIONS

These Regulations shall not be applicable to vessels registered under the Maritime Act 1990, as amended

107. DEFINITIONS

(1) The term “COMMERCIAL WATERCRAFT” includes every description of vessel other than a seaplane, capable of being used as a means of transport for hire, and so used exclusively in the territorial waters of the Republic of the Marshall Islands,

including a vessel engaged at any time or from time to time in the carriage of passengers for hire, commercial fishing or the gathering of mineral resources, shells or other marine products, for commercial use or sale; or carriage of goods as cargo, either packaged or in bulk.

(2) The word "MINISTER" when used in these Regulations shall be deemed to include any lawful designee or appointee of the Minister of Transport and Communications.

(3) The word "OWNER" means the person who claims lawful possession of a watercraft by virtue of legal title or equitable interest therein.

(4) "PLEASURE WATERCRAFT" includes every description of vessel not used for hire but shall not include seaplanes, traditional sailing or paddling canoes, surf board, or sail boards.

(5) The term "TERRITORIAL WATER" include those waters comprising the internal waters territorial sea and exclusive defined in the Marine Zones (Declaration) Act 1984.

(6) The term "UNDOCUMENTED WATERCRAFT" means any commercial or other watercraft no registerable under any law of the Republic other than the Domestic Watercraft Act 1992, which does not have a valid marine document issued by the Minister.

108. NUMBERING OF WATERCRAFT

Every commercial or pleasure watercraft whether propelled by motor, inboard or outboard, or non self-propelled, operating exclusively with the waters of the Republic, whether for commercial or private use, shall be inspected, and numbered in accordance with this Chapter, except:

- (1) Foreign watercraft temporarily using the navigable waters of the Republic;
- (2) Lifeboats or other survival craft.
- (3) Vessels registered under the Maritime Act 1990, as amended.

109. CERTIFICATE OF REGISTRATION

The Minister shall establish a system of registering and numbering of domestic watercraft as set forth below:

- (1) A certificate of Registration shall be awarded, which, with the Vessel number shall be valid until a change of ownership occurs, unless cancelled or revoked.
- (2) The vessel number awarded shall be required to be painted on, or Attached to each side of the bow of the vessel and shall be of such size, color, and type as to daylight. The numbers shall be sized in proportion to the vessel and in a uniform style as specified by the Minister.
- (3) The Certificate of Registration shall be available for inspection at all times, whether or not the vessel is in use.
- (4) The owner shall furnish to the Minister notice of the transfer of all or any part of his interest in any numbered vessel, and of the abandonment or destruction of such vessel within thirty days of such occurrence.

- d) One personal flotation device (life vest) for each person aboard and on extra. All personal flotation devices must carry the U.S. Coast Guard or equivalent approval.
 - e) A flashlight for signaling.
 - f) Proper operational running lights (appropriate to the size of the vessel).
 - g) A small handheld mirror for signalling.
 - h) Paddle.
- (2) Group II. All Group II vessels, in addition to the equipment listed for Group I vessels, must carry the following equipment.
- a) A compass.
 - b) A fire extinguisher properly charged and inspected.
 - c) A throwable personal flotation device (U.S. Coast Guard Type IV or similar rating).
 - d) A first aid kit which, at a minimum, is adequate for cleaning and dressing small wounds.
- (3) Group III. All Group III vessels, in addition to the equipment listed for Group II vessels, must carry the following equipment:
- a) Spare parts for minor engine repairs and appropriate tools.

4. EQUIPMENT REQUIRED ON VESSELS OPERATED OUTSIDE OF LAGOON AREAS.

In addition to the equipment specified by vessel Group, any vessel which is operated outside of a lagoon area must carry the following equipment.

- 1) Compass.
- 2) Radio (VHF, SSB or CB).
- 3) Flares.
- 4) Drinking water.
- 5) For vessels in Groups I or II which have only a single engine for main propulsion, a spare means of motorized propulsion (a "kicker") is required.

5. VESSELS OPERATED IN INTER-ISLAND TRAVEL OR COMMERCE.

In addition to the equipment specified by vessel Group, any vessel operated in inter-island travel or commerce must carry the following:

- 1) Charts appropriate for the area to be navigated.
- 2) Emergency food, water, and provisions.

6. FOREIGN FLAGGED VESSELS.

The Minister or his designee may inspect any foreign flagged vessel for compliance with these standards. The Minister or his designee may exempt any Foreign Flagged vessel from an inspection if the jurisdiction in which the vessel is registered has standards that are least equivalent to the standards contained herein.

- (5) The owner shall submit to the Minister reports of accidents involving the numbered domestic watercraft.
- (6) The Minister may require that a domestic watercraft to issued under Chapter III of these regulations.
- (7) The Certificate of Registration shall designate the appropriate Vessel Group as set out in these Regulations.
- (8) Persons applying or registration of new building (newly constructed vessels not previously registered elsewhere), must present a builders or carpenters certificate.
- (9) Person applying for registration of an existing vessel or a vessel currently registered elsewhere, must present a certificate of deletion from the previous registry.

110. CERTIFICATE OF REGISTRATION - CONTENTS

Each certificate of number shall contain the following information:

- (1) The number issued to the vessel ;
- (2) The expiration date of the certificate ;
- (3) The name and address of the owner ;
- (4) A statement as to use (pleasure, vessel carrying passengers for hire, other) ;
- (5) The manufacturer's hull identification number, if any ;
- (6) The make, model, type or builder of vessel, and year built ;
- (7) The length of the vessel ;
- (8) The hull material (wood, steel, aluminum, plastic, other) ;
- (9) The type of propulsion (inboard, outboard, inboard-outboard, sail, other) ;
and
- (10) The type of fuel (gasoline, diesel, other).

111. VIOLATIONS; PENALTIES

The owner of a domestic watercraft required to be numbered who fails to apply for, obtain, and keep aboard the vessel a Certificate of Registration shall be liable for an administrative penalty of up to one hundred (\$100.00) dollars for each day the violation continues.

112. REPORTS TO THE MINISTER

The owner of a vessel required to be numbered shall, within 15 days, notify the Minister for any change or abandonment of the vessel, loss or destruction of a valid certificate or number, or transfer of all or part of his or her interest in the vessel.

113. CANCELLED OF REGISTRATION

The Minister shall cause the revocations; or cancellation of a Certificate of Registration for non-compliance with any of the following:

- (1) Violation of any laws of the Republic;
- (2) Non-payment of fees;
- (3) Non-compliance with safety regulations; or
- (4) Any other violation which may endanger the safety of the domestic watercraft, her passengers, or crew.

114. PROHIBITED ACTIVITIES

(1) No person may buy, receive, operate, possess, sell, or dispose of a vessel with knowledge that the identification number on the vessel has been removed, falsified, or concealed with intent to avoid compliance with this act or to conceal or misrepresent the identity of the vessel or its owner.

(2) No person may remove or falsify a vessel identification number or affix to a vessel an identification number not authorized by law for use on such vessel to avoid compliance with this act or to conceal or misrepresent the identity of the vessel or its owner.

(3) No person may, with fraudulent intent, permit another not entitled thereto to use or have possession of a certificate of number.

(4) No person may alter, forge, or counterfeit a certificate of number.

(5) No person may use or have possession of a certificate of number knowing it to have been altered, forged, or counterfeited.

(6) No person may use a false or fictitious name or address or make a false statement or conceal any material fact in an application for a certificate of number or its transfer.

115. PENALTIES

Any person found in violation of any of the items of Regulation 114 may be assessed an administrative penalty of up to two hundred and fifty dollars (\$250.00) for each day of a continuing violation, and if convicted in a court of law fined not more than one thousand dollars (\$1000.00) and sentenced to up to one year imprisonment.

PART III - INSPECTION OF DOMESTIC WATERCRAFT

116. INSPECTION; CERTIFICATE

(1) Every domestic watercraft operating within the territorial waters of the Republic shall be subject to inspection once in every twelve months by duly appointed and certified Inspector appointed by the Minister. The Inspection shall be done in accordance with the standards set out in Appendix A to these regulations.

(2) When the inspection is completed and the Inspector approves the domestic watercraft and her equipment, he shall deliver to the master or owner of the watercraft a Certificate of Inspection. A copy of the Certificate shall be kept on file at an office designated for that purpose by the Minister one other copy shall be kept on board as part of the official papers of the watercraft.

(3) If the Inspector disapproves the issuance of a Certificate of Inspection, he shall make a statement in writing giving the reasons for his disapproval.

117. TEMPORARY CERTIFICATE

Upon completion of an inspection, the Inspector may, if appropriate, issue a Temporary Certificate setting forth the findings of the inspection and shall deliver one copy to the master or owner of the vessel and shall keep a copy on file at an office designated for the purpose by the Minister.

118. REINSPECTIONS

In addition to the annual inspection, the Minister may require a domestic watercraft to be reinspected whenever that there are detected defects or there is reason to believe that there are similar deficiencies which may render the navigation of the vessel unsafe. A reinspected may also be required when it is ascertained that the watercraft is being navigated without complying with the terms of the vessel's Certificate of Registration, without the proper number and grade of licensed officers and crew, or without proper lifesaving or fire fighting equipment.

119. PENALTY FOR FAILURE TO MAKE REPAIRS

If any master or owner of an inspected domestic watercraft shall refuse or neglect to comply with a requirement to correct deficiencies as set forth in its Temporary Certificate of Inspection, endangering safety of life, they shall be liable to an administrative penalty of (\$500.00) for each offense.

120. INSPECTION OF CREW QUARTERS

(1) Each crew member serving on board a domestic watercraft of more than two (2) net tons shall have a separate fixed berth and not more than one berth shall be placed above another; the crew quarters and galley shall be properly lighted, drained, ventilated, and protected from weather and sea, as far as practicable. Such crew quarters and galley must be in a clean and sanitary condition and equipped with proper plumbing which must be in good working order at all times.

(2) Whenever it is found that the crew quarters and galley of any such vessel do not comply with the requirements set forth herein, the Minister shall cause the said domestic watercraft to be detained, and shall withdraw its Certificate of Inspection; and shall not reissue the said Certificate until all improper conditions have been corrected. The Minister may also impose a fine in proportion to the severity of the deficiency (s).

PART IV - ACCIDENTS OR CASUALTIES

121. REPORT OF ACCIDENTS OR CASUALTIES

(1) Whenever a domestic watercraft has sustained or caused any casualty involving the loss of life, the material loss of property, or serious injury to any person or has received material damage affecting her seaworthiness, the master or owner of such watercraft shall, within two working days after such incident, file a Report of Casualty with the Minister.

(2) Each report required by this Section must be in writing, dated upon completion, signed by the person who prepared it, and must contain, if available, at least the following information about the casualty or accident:

- a) the numbers and names of each vessel involved;
- b) the name and address of each owner of each vessel involved;
- c) the time and date the casualty or accident occurred;
- d) the name and address of each operator of each vessel involved; and
- e) the name, address, and date of birth of each person injured or killed.

122. REPORT OF PROBABLE LOSS OF WATERCRAFT

Whenever the owner or operator of any domestic watercraft has reason to believe, because of nonappearance of such vessel, that she has been lost, he shall, as soon as possible, send notice in writing to the Minister stating the name and official number of the watercraft, the names of all person on board and such additional information as he may be able to furnish.

123. FAILURE TO REPORT

If any owner neglects to comply with the above requirement within a reasonable time, he shall incur an administrative penalty of (\$200).

124. CASUALTY INVESTIGATIONS

The Minister may, in consultation with the Attorney General, prescribe policies and procedures for the investigation of casualties involving domestic watercraft in order to determine whether any incompetence, misconduct, or willful violation of law on the part of any licensed officer, pilot, crew member, owner or agent caused or contributed to the casualty.

125. WITNESSES, EVIDENCE

In any investigation or hearing under this Chapter, the Minister shall have power to summon witnesses and to require the production of books, papers, documents and any other evidence.

PART V- FEES

126. SCHEDULE OF FEES

(1) The fees for initial inspection and issuance of Certificate of Registration shall be as follows:

Vessels in Group I	\$25.00
Vessels in Group II	\$35.00
Vessels in Group III	\$40.00

(2) The fees for annual inspection and renewal of Certificate of Registration shall be as follows:

Vessels in Group I	\$20.00
Vessels in Group II	\$30.00
Vessels in Group III	\$40.00

(3) The fee for each duplicate Certificate of Registration shall be \$15.00.

THE PART VI- PROHIBITED OPERATION; LOCAL OPTION; SERVERABILITY

127. PROHIBITED OPERATION

(1) No person shall operate any motorboat, water, bike, or vessel, or manipulate any water or negligent manner so as to endanger the life, limb, or property of any person.

(2) No person shall operate any motorboat or vessel, or manipulate any water ski, water bike, aquaplane, surfboard, or similar device while under the influence of alcohol or controlled substance.

(3) Any person found to have violated this Section shall be liable for an administrative penalty of up to two hundred and fifty (\$250.00) or charged in a court of law. If found guilty, they shall be fined up to one thousand dollars (\$1000.00) and sentenced to up one year in prison.

128. LOCAL OPTION

Each municipality or local government unit in the Republic, whether chartered or not, may enact by ordinance or other authorized manner rules and regulations authorizing and regulation the operation of vessels. Such rules and regulations shall be effective only within the jurisdiction of each such municipality or local government unit and shall not be inconsistent with the laws of the Republic which relate to the operation of vessels. A municipality or local government unit may enact ordinances or regulations more restrictive but not less restrictive than those promulgated in these Regulations

129. SEVERABILITY

If any provision of this act, or a rule, regulation, or order promulgated thereunder, or the application of such provision, rule, regulation, or order to any specific person or in any specific circumstance be held invalid by a court of competent jurisdiction, the remainder of said act, rule, regulation, or order promulgated thereunder, shall not be affected thereby.

PART VII- PENALTIES, WAIVERS AND EXEMPTIONS

130. PENALTIES

Unless otherwise specifically provide, any person who violates any provision of these Regulations may be charged with a misdemeanor and upon conviction thereof and shall be fined not more than \$500.00, or imprisoned for not more that one year or both; provided that in addition to or as a condition of the suspension of such fines and penalties the Court may deprive the offender of the privilege of operating any vessel on the waters of the Republic of the Marshall Islands for a period of not more than one (1) year.

131. WAIVERS; EXEMPTIONS

The Minister, with the written approval of the Cabinet signified by Cabinet Minute, shall have authority and discretion to waive any provision of these Regulations and may exempt any class or type of vessel form the provisions of the Domestic Watercraft Act 1992. Prior to granting any waiver or exemption the person or persons requesting such waiver or suspension must demonstrate that the waiver or exemption is or would be beneficial to the interests of the Republic or its citizens and detail the particular measures to be taken in lieu of the Regulation waived of exempted. The measure take in lieu of the

Regulation must provide substantially the same protection as the Regulation waived or exempted.

APPENDIX A

SAFETY AND EQUIPMENT STANDARDS FOR DOMESTIC WATERCRAFT

1. MAXIMUM NUMBER OF PERSONS; CARGO

(1) The maximum number of persons and cargo that may be carried in any vessel shall not exceed the rated capacity as specified by the manufacturer.

(2) For vessels not rated by their manufacturer, or at the discretion of the Secretary for any particular vessel, the following formula shall be used to determine the capacity of a vessel:

$$\# \text{ of people} = \frac{L \times W}{15}$$

15

- a) L represents the Length of the vessel, from the foremost part of the vessel to the aftermost, measured parallel to the centerline, excluding bowsprits, rudders, outboard motors etc.
- b) W represents the Width of the vessel.
- c) 15 would be used if the average weight of the deemed necessary by the Secretary a greater average weight be specified.

2. CLASSES OF DOMESTIC WATERCRAFT

(1) For the purposes of these regulations and the specification of equipment there shall be three basic classes to be known as Groups I, II, III.

(2) Group I shall include all vessels up to and including those measuring 16 feet in length.

(3) Group II shall include all vessels greater than 16 feet but less than 33 feet in length.

(4) Group III includes all vessels greater than 33 feet in length.

3. SAFETY AND OTHER EQUIPMENT

(1) Group I. All Group I vessels greater than 33 feet in length.]

- d) One personal flotation device (life vest) for each person aboard and on extra. All personal flotation devices must carry the U.S. Coast Guard or equivalent approval.
 - e) A flashlight for signaling.
 - f) Proper operational running lights (appropriate to the size of the vessel).
 - g) A small handheld mirror for signalling.
 - h) Paddle.
- (2) Group II. All Group II vessels, in addition to the equipment listed for Group I vessels, must carry the following equipment.
- a) A compass.
 - b) A fire extinguisher properly charged and inspected.
 - c) A throwable personal flotation device (U.S. Coast Guard Type IV or similar rating).
 - d) A first aid kit which, at a minimum, is adequate for cleaning and dressing small wounds.
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In addition to the equipment specified by vessel Group, any vessel which is operated outside of a lagoon area must carry the following equipment.

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