

## **Warning Issued on Uninspected Charter Boats on Tampa Bay**

*People who charter yachts on Tampa Bay during upcoming major events like the Super Bowl may be putting themselves and their guests at risk. Local charter boat operators are warning about potential liabilities with uninspected charter boats.*

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Contact: Captain Paul Warren, Phone: (727) 480-3147/Mobile or E-Mail: [pdwarren11@earthlink.net](mailto:pdwarren11@earthlink.net)

### **BEWARE OF UNLICENSED, UNINSPECTED CHARTER BOATS**

Local charter boat operators warn public about risks of private vessels offered for charter

Tampa Bay, FL; January 7, 2009 -- With several major events upcoming in the Tampa Bay area including the Super Bowl, the Gasparilla Festival and the SEC Men's Basketball Championship, local professional charter boat operators are issuing a warning to visitors looking to charter boats for excursions on Tampa Bay's numerous waterways: Beware of private-boats-turned-charter-boats which might not be in compliance with commercial chartering requirements. Additionally, would-be charterers should also avoid charter boats whose owners/skippers lack the proper U.S. Coast Guard licenses to operate "for hire", or ones that utilize a 'Non-Commercial' facility.

"There are real safety issues involved in this situation," says Captain Dan Peretz, owner of Dolphin Landings Charter Boat Center in St. Pete Beach. Peretz, a charter boat industry veteran who's been in business for more than 36 years, observed that the issues involve the mechanical and structural integrity of private-turned commercial boats, the quantity and quality of safety equipment on board and the experience of the crew. Peretz' boats are rigorously inspected annually by Coast Guard inspectors and carry certifications regarding their equipment, stability and passenger capacities. Every passenger-carrying boat operating "for hire" is required to be under the command of a USCG-licensed captain.

Not every charter vessel needs to be Coast Guard inspected, however. The Coast Guard allows any vessel to operate on an uninspected basis, but they are limited to a maximum of 6 passengers. Additionally, the operators of uninspected charter boats are still required to have a valid Coast Guard-issued "captain's" license. Such vessels must also meet the minimum Federal requirements for onboard safety equipment such as personal floatation devices (life jackets), flares, horns/bells, and fire extinguishers.

The Coast Guard, under its authority of the Code of Federal Regulations, Chapter 46, Sub-Chapter "T," classifies charter boats in two categories: "Inspected Vessels" and "Uninspected Vessels." Inspected vessels undergo a thorough yearly inspection, carry extra safety gear and are subject to requirements for conducting regular safety drills and random drug testing for the crew. Uninspected passenger vessels operate without regular inspections or training requirements; some local operators, such as "MEETINGS AFLOAT!" of Redington Beach, operate primarily as commercial/charter vessels and, thus, maintain a higher standard of regular maintenance, crew training/experience and safety systems than most private yachts.

Of particular concern to local charter operators is the use of "bareboat/demise charter" contracts. Their concern stems from the fact that visitors signing a demise agreement may not fully understand their responsibilities and liabilities under this type of contract. Specifically, under a demise contract, the charter assumes almost full responsibility and substantial liability for the operation of the vessel. Frequently, these responsibilities and potential liabilities are not explained to the potential charterer, who remains "on the hook" despite their lack of knowledge. An additional factor is that the "private-turned-commercial" boat's insurance may not cover it for charter service, which could, again, leave the charter extremely vulnerable in the event of an accident.

Unless a vessel is Coast Guard Inspected and Certified, it may only carry 6 passengers, no matter the size of the vessel. In the event of a 'Bareboat Demise Charter Contract', the limit is 12 passengers. Per the Coast

Guard, there are many stringent aspects of an acceptable 'Bareboat Demise Contract', some of which are very difficult to accomplish. Briefly, they are:

- a.) The charter takes complete possession of the vessel, operating it as if it were their own.
- b.) The charterer becomes the owner for most legal purposes, such as the vessel's seaworthiness.
- c.) Assumes nearly total liability for the vessel's operation.
- d.) Charter must provide a qualified Captain/crew
- e.) Responsibility for pollution clean up, and any other liability normally flowing to a vessel owner.
- f.) Guest may NOT pay individually or contribute by 'paying for gas', bring food, etc.

The most important distinction is personal liability when entering into a 'Bareboat Demise Contract'.

An additional chartering consideration is that a yacht that does not get underway, i.e. remaining docked, is still subject to the Coast Guard's passenger limitations. According to LT Matt Dooris, Senior Investigating Officer for Sector St. Petersburg in Tampa, a vessel may required to be USCG-certified if the vessel carries more than 6 passengers-for-hire, even if it remains docked. Certain exemptions may apply, including the exception under a "bareboat" contract where the passenger limit is 12 persons. To determine what safety regulations your vessel needs to meet, or to schedule a USCG inspection, please call Sector St. Petersburg's Inspections Division at 813-228-2191 Ext. 8131.

Additional information about Tampa Bay yacht charters can be obtained from

- Dolphin Landings Charter Boat Center, (727) 367-4488; [www.dolphinlandings.com](http://www.dolphinlandings.com)
- MEETINGS AFLOAT!, (727) 394-8978; [www.meetings-afloat.com](http://www.meetings-afloat.com)

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|----------------|---|
| Source         | Dolphin Landings Charter Boat Center  |
| City/Town      | St Pete Beach   |
| State/Province | Florida   |
| Zip            | 33913   |
| Country        | United States   |
| Industry       | <a href="#">Business</a> , <a href="#">Sports</a> , <a href="#">Tourism</a>   |
| Tags           | <a href="#">Charter Boat</a> , <a href="#">Charter Yacht</a> , <a href="#">Tampa Bay</a> , <a href="#">Super Bowl</a> , <a href="#">Bareboat Charter</a> , <a href="#">Boat</a> , <a href="#">Yacht</a> |
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