

PLEASURE CRAFT REGULATIONS
(Section 403 of the National Maritime Act, 1997)

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PLEASURE CRAFT REGULATIONS
(Section 403 of the National Maritime Act, 1997)

PART 1 GENERAL PROVISIONS

1.1 Authority - These Regulations are promulgated by the Secretary of Transportation, Communications and Infrastructure pursuant to the provisions of section 403 of Title 19 of the Code of the Federated States of Micronesia and provide for the safety and control of operations of pleasure craft as required by Chapter 4.

1.2 Short Title - These Regulations may be cited as the Pleasure Craft Regulations.

1.3 Application - These Regulations shall apply to all non-commercial vessels not trading for hire or reward, used for pleasure or recreation, owned by persons resident in the Federated States of Micronesia and all pleasure craft in the Inland Waters, Territorial Sea or Exclusive Economic Zone of the Federated States of Micronesia.

1.4 Definitions - In these Regulations, unless the contrary intention appears:

“approved” means approved by the Principal Surveyor;

“operator” in relation to a vessel, means the person who is, for the time being, in charge or control of the vessel;

“vessel” means a pleasure craft not normally used for hire; and

“volatile fuel” means fuel having a flashpoint of less than 141 degrees F.

PART 2 IDENTIFICATION OF VESSEL, MARKING AND RECORDING

2.1 Recording of Pleasure Craft Information

(a) Pleasure craft shall be licensed by the appropriate authority as designated by the Principal Surveyor and the details shall be recorded in a central database.

(b) The Principal Surveyor shall cause to be maintained in the database, in respect of each vessel, the following information:

(i) name and identification number of a vessel to which section 2.2 applies;

(ii) length and type;

(iii) safe capacity of the pleasure craft, as determined by the builder or using criteria similar to that in the Small Vessel Regulations;

- (iv) name of the owner or operator;
- (v) date of the last inspection carried out under section 3.1.

2.2 Identification and Marking of Vessel

- (a) The identification number allocated by the Principal Surveyor to each vessel shall be painted on or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible, and in figures of not less than three inches in height and of proportionate breadth.
- (b) The identification number of a vessel shall also be painted in a conspicuous manner on the deck or on the top of a deck house or other such structure where it would be visible to aircraft, in figures of not less than six inches in height and of proportionate breadth.

PART 3 INSPECTION OF VESSELS

3.1 Initial and Periodic Inspections

- (a) A surveyor shall, under the powers conferred under section 405 of the Act, carry out, in respect of each vessel:
 - (i) an initial inspection on the coming into force of these Regulations or on the occasion of the pleasure craft commencing operations in the Federated States of Micronesia; and
 - (ii) a periodic inspection at least once in every period of twelve months thereafter.
- (b) The inspections referred to in paragraph (a) shall include inspections of:
 - (i) hull, fittings, superstructure, deck houses and reserve buoyancy;
 - (ii) machinery;
 - (iii) equipment and appliances referred to in section 4.1; and
 - (iv) accommodation and spaces allocated for the use of owners, operators and guests,

to ensure the continued seaworthiness of the vessel and the safety and well-being of all persons carried.
- (c) During the initial inspection referred to in subparagraph (a)(i) the

surveyor shall determine the capacity of the vessel for carriage of persons under section 3.2 of the Small Vessel Regulations.

3.2 Examination of Underwater Portion of Vessel - For the purpose of an inspection of the underwater portion of a vessel, the Principal Surveyor may, if he thinks fit, direct the owner of the vessel to have the vessel slipped, beached, or taken into dock or otherwise dealt with.

3.3 Pleasure Craft Safety Certificate - If the surveyor conducting the Initial or Periodic Survey finds that the vessel is seaworthy, safe and in every way complies with these Regulations, he may issue a Pleasure Craft Safety Certificate in a form to be prescribed by the Secretary.

PART 4 SAFETY EQUIPMENT

4.1 Safety Equipment to be Carried in Vessels - Subject to section 6.1 every vessel shall carry the safety equipment and appliances set out in the Schedule to these Regulations.

PART 5 OPERATIONAL REQUIREMENTS

5.1 Licensing of Operator

- (a) A person may apply to the Principal Surveyor for a Pleasure Craft Operators License.
- (b) the Principal Surveyor shall satisfy himself, by oral examination if necessary, of the experience and competence of the applicant and, if satisfied, shall issue to him a Pleasure Craft Operators License, in a form prescribed by the Secretary.
- (c) A Pleasure Craft Operators License issued under paragraph (b) may be issued in respect of a specified pleasure craft, subject to such conditions as the Principal Surveyor thinks fit and its period of validity shall not exceed five years.
- (d) A Pleasure Craft Operators License may be suspended or cancelled at any time by the Principal Surveyor, where evidence is received of negligence, incompetence, misconduct, unfitness or intemperance on the part of the operator;

5.2 Control of Vessels

- (a) A vessel shall not be operated by any person who is under the influence of intoxicating liquor, any narcotic drug or of any other drug to such an extent as to be incapable of having proper control of the vessel.
- (b) A surveyor or person authorized by the Principal Surveyor may at any time inspect a vessel and, if he is of the opinion that the safety of persons on board is likely to be endangered because the vessel is:
 - (i) being operated in waters which are not safe for the vessel at that time;
 - (ii) being operated in a reckless or negligent manner;
 - (iii) not seaworthy;
 - (iv) overloaded or carrying too many persons; or
 - (v) not being operated or equipped in compliance with these Regulations,

he may require the operator to take the vessel to shore and discontinue all operations until the condition has been rectified.

5.3 Duties of Owners and Operators

- (a) It shall be the duty of every owner or operator to ensure that the vessel is not operated unless it has been properly constructed and equipped and is being operated in accordance with the provisions of these Regulations.
- (b) It shall be the duty of every owner of a pleasure craft to ensure that any equipment required by these Regulations:
 - (i) which is lost or rendered unfit during operations, is replaced or repaired at the first opportunity; and
 - (ii) is at all times kept properly stowed, and ready and fit for use.

5.4 Fueling of Vessels - Smoking shall not be permitted on board a vessel whilst it is being fuelled with any volatile fuel.

5.5 Measures to Prevent Fire and Explosion - A vessel that is fitted with an engine using volatile fuel, other than an outboard motor:

- (a) shall have the carburetors of the engine equipped with an efficient flame arrestor, backfire trap or other similar approved device; and
- (b) shall be provided with satisfactory means for ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or

flammable gases.

5.6 Freeboard of Undecked Vessels - An undecked vessel shall not be operated outside of harbors or reefs with a mean freeboard of less than 12 inches, unless specific permission for such operation is granted by the Principal Surveyor, provided that:

- (a) adequate safety standards are being maintained, taking into account the age, type and condition of the vessel, the material of its hull and the area of operations in which the vessel is employed; and
- (b) to give such permission will not
 - (i) adversely affect safety of life at sea; or
 - (ii) harm the public interest.

PART 6 EXEMPTIONS

6.1 Exemptions from Specific Requirements of Regulations

- (a) The Principal Surveyor may, subject to such conditions (if any) as he thinks fit, exempt a particular vessel or class of vessel from any requirement of these Regulations, provided that:
 - (i) adequate safety standards are being maintained, taking into account the age, type and condition of the vessel, the material of its hull and the area of operations in which the vessel is employed; and
 - (ii) to give the exemption will not
 - (i) adversely affect safety of life at sea; or
 - (ii) harm the public interest.
- (b) An exemption granted under this Regulation may be in respect of:
 - (i) a particular period; or
 - (ii) one or more particular voyages.

PART 7 OFFENSES

7.1 Offenses by Operator of Vessel – Any person who:

- (a) fails to ensure, without reasonable cause, that the safety equipment required by section 4.1 is carried in the vessel;
- (b) operates a pleasure craft in a reckless or negligent manner so as to

endanger the life, limb or property of any person;

- (c) operates a pleasure craft while under the influence of intoxicating liquor, any narcotic drug or of any other drug to such an extent as to be incapable of having proper control of the vessel; or
- (d) takes a pleasure craft to sea with more persons on board than the maximum capacity determined by the manufacturer or by the Principal Surveyor;

commits an offence and shall be liable upon conviction to a fine not exceeding \$1,000.

7.2 Prohibition on use of Pleasure Craft

- (a) No person shall use a pleasure craft for reward or hire without the authorization of the Principal Surveyor, who shall conduct a safety survey and a capacity assessment under sections 3.1 and 3.2 of the Small Vessel Regulations and issue a certificate for the period of time that the pleasure craft may be used for reward or hire.
- (b) Any person using a pleasure craft for reward or hire without a certificate issued by the Principal Surveyor under paragraph (a), commits an offence and upon conviction shall be liable to a fine not exceeding \$5,000.

PART 8 FEES

8.1 Fees for Safety Services - An annual fee of \$10 shall be charge in respect of the safety services provided for a pleasure craft. Any additional inspections required due to unforeseen circumstances shall each be charged an additional \$10.00 fee.

SCHEDULE

SAFETY EQUIPMENT FOR PLEASURE CRAFT

(Section 4.1)

Vessels to which these Regulations apply shall carry the safety equipment and appliances specified in this Schedule.

1. Lifesaving Appliances

- (a) One approved lifejacket or buoyancy vest for every person on board;
- (b) One lifebuoy with 30 meters of 2-centimeter line attached;
- (c) 12 self-igniting red hand flares;
- (d) Vessels of 12 meters in length and more - An approved buoyant apparatus, equipped with a sea-painter, paddles and five-gallon container of fresh water and to be painted a bright orange color;
- (e) Vessels operated outside of harbors and lagoons, beyond 20 nautical miles from the nearest land, shall each be equipped with:
 - (i) an approved EPIRB; and
 - (ii) an approved radar transponder.

2. Navigational and Miscellaneous Equipment

- (a) One chart of the waters in which the vessel is navigating;
- (b) One liquid-damped compass;
- (c) One manual pump or other efficient bilge pump;
- (d) One waterproof flashlight or hand lamp;
- (e) One signaling mirror;
- (f) One anchor with not less than 30 meters of cable;
- (g) Vessels of 12 meters in length and more - a spare tiller or other alternative means of steering/propulsion;

3 Fire-Fighting Appliances

(a) Vessels of 8 meters length and over - two approved portable fire extinguishers;

(b) Vessels of less than 8 meters length – one approved portable fire extinguisher.

4. Lights and Signals - The lights, shapes and signals for a vessel of the particular type and size as prescribed in the Prevention of Collisions at Sea Regulations.

APPROVALS

Pursuant to the authority vested in me as Secretary of Transportation, Communications and Infrastructure by section 403 of Title 19 of the Code of the Federated States of Micronesia, I hereby issue and promulgate these Pleasure Craft Regulations. These Regulations shall become effective upon approval by the President and compliance with Title 17 of the Code of the Federated States of Micronesia.

Date: _____

Akillino H. Susaia, Secretary
Department of Transportation,
Communications & Infrastructure

These Pleasure Craft Regulations have been reviewed by the Department of Justice and found to be in proper legal form.

Date: _____

Paul E. McIlrath, Secretary
Department of Justice

I approve the adoption of these Regulations.

Date: _____

Leo A. Falcam, President
Federated States of Micronesia

EFFECTIVE DATE

The President having approved these Regulations and the requirements of Title 17, section 102 of the Code of the Federated States of Micronesia now having been satisfied, I hereby declare that the foregoing Pleasure Craft Regulations became effective on _____, 2002.

Akillino H. Susaia, Secretary
Department of Transportation,
Communications & Infrastructure