

TITLE 46--SHIPPING
Subtitle II--Vessels and Seamen
Part D--Marine Casualties

CHAPTER 61--REPORTING MARINE CASUALTIES

Sec. 6102. State marine casualty reporting system

(a) The Secretary shall prescribe regulations for a uniform State marine casualty reporting system for vessels. Regulations shall prescribe the casualties to be reported and the manner of reporting. A State shall compile and submit to the Secretary reports, information, and statistics on casualties reported to the State, including information and statistics concerning the number of casualties in which the use of alcohol contributed to the casualty.

(b) The Secretary shall collect, analyze, and publish reports, information, and statistics on marine casualties together with findings and recommendations the Secretary considers appropriate. If a State marine casualty reporting system provides that information derived from casualty reports (except statistical information) may not be publicly disclosed, or otherwise prohibits use by the State or any person in any action or proceeding against a person, the Secretary may use the information provided by the State only in the same way that the State may use the information.

33 CFR 173 Subpart C—Casualty and Accident Reporting

§ 173.51 Applicability.

(a) This subpart applies to each vessel used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States that:

- (1) Is used by its operator for recreational purposes; or
- (2) Is required to be numbered under this part.

(b) This subpart does not apply to a vessel subject to inspection under Title 46 U.S.C. Chapter 33.

§ 173.53 Immediate notification of death or disappearance.

(a) When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator shall, without delay, by the quickest means available, notify the nearest reporting authority listed in Appendix A of this part of:

- (1) The date, time, and exact location of the occurrence;
- (2) The name of each person who died or disappeared;
- (3) The number and name of the vessel; and
- (4) The names and addresses of the owner and operator.

(b) When the operator of a vessel cannot give the notice required by paragraph (a) of this section, each person on board the vessel shall notify the casualty reporting authority or determine that the notice has been given.

§ 173.55 Report of casualty or accident.

(a) The operator of a vessel shall submit the casualty or accident report prescribed in §173.57 to the reporting authority prescribed in §173.59 when, as a result of an occurrence that involves the vessel or its equipment:

- (1) A person dies;
- (2) A person is injured and requires medical treatment beyond first aid;
- (3) Damage to vessels and other property totals \$2,000 or more or there is a complete loss of any vessel;
- (4) A person disappears from the vessel under circumstances that indicate death or injury.

(b) A report required by this section must be made:

- (1) Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence;
- (2) Within 48 hours of the occurrence if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and
- (3) Within 10 days of the occurrence or death if an earlier report is not required by this paragraph.

(c) When the operator of a vessel cannot submit the casualty or accident report required by paragraph (a) of this section, the owner shall submit the casualty or accident report.

§ 173.57 Contents of report.

Each report required by §173.55 must be in writing, dated upon completion, and 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 name of the nearest city or town, the county, the State, and the body of water.
- (d) The time and date the casualty or accident occurred.
- (e) The location on the water.
- (f) The visibility, weather, and water conditions.
- (g) The estimated air and water temperatures.
- (h) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report.
- (i) The name and address of each operator of each vessel involved.
- (j) The number of persons on board or towed on skis by each vessel.
- (k) The name, address, and date of birth of each person injured or killed.
- (l) The cause of each death.
- (m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.
- (n) The name and address of each owner of property involved.

- (o) The availability and use of personal flotation devices.
- (p) The type and amount of each fire extinguisher used.
- (q) The nature and extent of each injury.
- (r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.
- (s) A description of each equipment failure that caused or contributed to the cause of the casualty.
- (t) A description of the vessel casualty or accident.
- (u) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, or explosion or other).
- (v) The opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause or contributed to causing the casualty.
- (w) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.
- (x) The name, address, and telephone number of each witness.
- (y) The manufacturer's hull identification number, if any, of the reporting operator's vessel.
- (z) The name, address, and telephone number of the person submitting the report.

§ 173.59 Where to submit report.

A report required by §173.55 must be submitted to:

- (a) The reporting authority listed in Appendix A of this part where the vessel number was issued, or, if the vessel has no number, where the vessel is principally used; or
- (b) The reporting authority where the casualty or accident occurred, if it occurred outside the State where the vessel is numbered or principally used.

§ 173.81 Coast Guard forms for numbering and casualty reporting.

- (a) In a State where the Coast Guard is the issuing authority, the following Coast Guard forms must be used:
 - (1) Each application for a certificate of number or renewal must be made on two-part Form CG–3876 and 3876A, Application for Number and Temporary Certificate.
 - (2) Each notification required by §173.29(b) must be made on Form CG– 2921, Notification of Change in Status of Vessel.
 - (3) Each notification required by §173.29(a) must be made on Form CG– 3920, Change of Address Notice.
 - (4) Each notification required by §173.29(c) must be made in writing.
 - (5) Each application for a duplicate certificate of number must be made on two-part Form CG–3919 and CG–3919A, Application for Duplicate Certificate of Number and Temporary Duplicate Certificate.
 - (6) Each vessel casualty required to be reported by §173.55 must be made on Form CG–3865.

(b) Each surrender of a certificate of number required by §173.31 may be made in any form but must contain a written statement as to why the certificate is being surrendered.

33 CFR 174 Subpart C—Casualty Reporting System Requirements

§ 174.101 Applicability of State casualty reporting system.

(a) A State casualty reporting system must require the reporting of vessel casualties and accidents involving vessels to which §173.51 of this chapter applies.

(b) The State casualty reporting system may also require vessel casualty or accident reports for property damage in amounts less than that required under §173.55 of this chapter.

§ 174.103 Administration.

The State casualty reporting system must be administered by a State agency that—

- (a) Will provide for the reporting of all casualties and accidents prescribed in §173.55 of this chapter;
- (b) Receives reports of vessel casualties or accidents required in §174.101;
- (c) Reviews each accident and casualty report to assure the accuracy and completeness of each report;
- (d) Determines the cause of casualties and accidents reported based on information available and indicates the apparent cause on the casualty report or on an attached page;
- (e) Notifies the Coast Guard, in writing, when a problem area in boating safety peculiar to the State is determined, together, with corrective measures instituted or recommended; and
- (f) Reports on vessel numbering and vessel casualties and accidents as required in Subpart D of this part.

§ 174.105 Owner or operator casualty reporting requirements.

A State casualty reporting system must contain the following requirements of Part 173 applicable to an owner or a person operating a vessel:

- (a) Section 173.55 *Report of casualty or accident.*
- (b) Section 173.57 *Casualty or accident report.*
- (c) Section 173.59 *Where to report.*

§ 174.106 State casualty reporting system optional sections.

In addition to the requirements in §174.105, a State casualty reporting system may contain any of the other requirements applicable to a vessel owner or operator prescribed in Part 173.

§ 174.107 Contents of casualty or accident report form.

Each form for reporting a vessel casualty or accident must contain the information required in §173.57 of this chapter.

33 CFR 174 Subpart D—State Reports

§ 174.121 Forwarding of casualty or accident reports.

Within 30 days of the receipt of a casualty or accident report, each State that has an approved numbering system must forward a copy of that report to the Commandant (G-OPB), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001.

§ 174.125 Coast Guard address.

The report required by §174.123 must be sent to the Office of Boating Safety, 2100 Second Street SW., Washington, DC 20593–0001.