

DEPARTMENT OF TRANSPORTATION



COAST GUARD

**"Standard Method of Reporting"
(Boating Accidents)**

CG-449



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
U.S. COAST GUARD (G-BD)
400 SEVENTH STREET SW.
WASHINGTON, D.C. 20590
PHONE: (202) 426-1531

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STANDARD METHOD OF REPORTING
(BOATING ACCIDENTS)
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LETTER OF PROMULGATION

1. Purpose. This first edition of the Standard Method of Reporting (Boating Accidents) is issued as a guide for the reporting of boating accidents from all States and Jurisdictions, in implementing Section 37, of the Federal Boat Safety Act of 1971 and regulations promulgated pursuant thereto in 33 CFR 173-174. This guide should reduce administrative processing, be of benefit in defining reportable boating accidents, and assist in the resolution of questionable accidents as to the requirement for reporting.
2. Corrections. Comments, suggestions and information as to errors or omissions noted should be addressed to the Commandant (G-BD).
3. Form availability. Form CG-3865 is stocked at Supply Center, Brooklyn.

John F. Thompson
JOHN F. THOMPSON
Chief, Office of Boating Safety

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TABLE OF CONTENTS
STANDARD METHOD OF REPORTING

	<u>PAGE</u>
INTRODUCTION	1
BACKGROUND INFORMATION	1-3
Reporting Procedure	3
Report Format	3-4
Submission of Boating Accident Reports	4
Forwarding of Boating Accident Reports	4
DOCUMENTED VESSEL REPORTING REQUIREMENTS	5-6
NOTIFICATION OF SAFETY RELATED DEFECTS	6
BOATING ACCIDENT REPORT REVIEW	7
DEATH CERTIFICATES	7
DEFINITIONS	7-10
EXAMPLES OF CHARGEABLE BOATING ACCIDENTS	10
EXAMPLES OF BOATING ACCIDENTS NOT CONSIDERED CHARGEABLE TO STATE PROGRAMS	11
EXAMPLES OF NON-REPORTABLE ACCIDENTS	11-12
STATISTICS	12
CG-3865, (REVISED 5/72), BOATING ACCIDENT REPORT FORM	12-13
APPENDIX "A" REPORTING OF CASUALTIES AND ACCIDENTS	A1-A5
APPENDIX "B" CASUALTY REPORTING SYSTEMS	B-1

1. INTRODUCTION

a. A need for a common standard to be followed by all agencies involved in the reporting or handling of boating accident reports has existed for many years. With the additional emphasis now placed on boating safety by the Federal Boat Safety Act of 1971 and the establishment of a Standard Vessel Casualty Reporting System, the requirement for such a common standard is clearly indicated.

b. The Standard Method of Reporting provides information on the reporting procedures for boating accidents with definitions and examples of what does and what does not constitute a boating accident.

c. Each agency designated as the "Reporting Authority" under the "Vessel Casualty Reporting System", (33 CFR 173.59), should use this "Standard Method of Reporting (Boating Accidents)". Such use will aid in reducing the many variables in the handling of boating accident reports and enhance accuracy in reporting.

2. BACKGROUND INFORMATION

a. Failures in reporting boating accidents by operators of vessels has resulted in many accidents not being reported or when reported, lacking in completeness. This failure to provide information introduced many "unknowns" into the statistical data collected and precluded proper analysis to determine preventative measures to reduce such occurrences.

b. The failure of agencies in the past to adequately review boating accident reports, or to require reports that had not been submitted, permitted such incompleteness in reporting to continue. The Federal Boat Safety Act of 1971 and the Casualty Reporting System for vessels required to be established under the Act provide the authority to correct these deficiencies in the reporting of boating accidents.

c. The "Vessel Casualty Reporting System", established by regulation (33 CFR 173-174), under the Federal Boat Safety Act of 1971 provides that:

(1) A boating accident must be reported, giving all information required by the regulations.

(2) A State having a Casualty Reporting System must require reportable boating accidents to be reported.

(3) The State agency receiving the required reports has the responsibility to review these accident reports for completeness and accuracy.

(4) The agency reviewing these reports is required to determine the cause or causes of casualties or accidents reported.

(5) An operator is required to make an "Immediate Notification" to the proper reporting authority whenever death or disappearance of a person results from a boating accident.

d. The reporting requirements established under the Casualty Reporting System are prescribed to reduce the time that elapses between the accident and the submission of the written report. This "Immediate Notification" requirement will be of benefit by:

(1) Enabling the agency charged with investigating boating accidents to examine the vessel and interview survivors and witnesses on scene.

(2) Prompt investigation and examination of the vessel to determine if a safety related defect in the vessel or its equipment contributed to or caused the accident or casualty.

The State, by the requirements of the Federal Boat Safety Act of 1971 and the Vessel Casualty Reporting System must take action to obtain reports and determine causes of accidents and casualties. This will involve more state investigations as well as the editing and review of boating accident reports.

e. The Coast Guard under the authority of the Federal Boat Safety Act of 1971 may issue safety regulations and standards for boats and associated equipment. The determination and notification to the Coast Guard of safetyrelated defects will depend upon the ability and efforts by each State agency involved in boating accident reporting in obtaining such information and cooperative efforts to promptly notify the Coast Guard. The Coast Guard will endeavor to examine and inquire into such safety related defects involving vessels or their associated equipment. The following examples of safety related defects should be reported: (NOTE: Reportable safety related defects should not be limited to this list):

- (1) Electric wiring failure
- (2) Bow railing failure
- (3) Hull failure
- (4) Seat failure
- (5) Steering failure
- (6) Fuel tank failure
- (7) Fuel line failure
- (8) LPG refrigerator lack of venting

- (9) Stability, lack of
- (10) Flotation failure
- (11) LPG refrigerator pilot light failure
- (12) LPG automatic (thermostatically controlled) oven failure
- (13) LPG (catalytic heater) failure

3. BOATING ACCIDENTS

a. Reporting Procedure.

(1) Immediate Notification - An operator is required to make immediate notification to the reporting authority, by the quickest means available, when an accident occurs that involves a vessel or its equipment resulting in a death or disappearance of a person from a vessel. Information to be provided is set forth in the regulations 33 CFR 173-174. When the operator of a vessel cannot give the notice required, each person on board shall notify the reporting authority or determine that the notice has been given.

(2) Written Report - A report to the reporting authority is required whenever an uninspected numbered vessel, or any other uninspected vessel, that is used by the operator for pleasure, recreational purposes or that is required to be numbered, is involved in a boating accident which results in any one or more of the following:

- (a) Loss of life.
- (b) A person loses consciousness or receives medical treatment or is disabled for more than 24 hours.
- (c) Actual physical damage to property (including vessels) in excess of \$100 (aggregate amount of one or more vessels or other real property).
- (d) A person disappears from the vessel under circumstances that indicate death or injury.

(NOTE: Casualties or accidents involving commercial and inspected vessels not subject to the reporting requirements of 33 CFR 173-174 are required by other statutes and regulations to report such occurrences directly to the Officer in Charge, Coast Guard Marine Inspection).

b. Report Format.

(1) Where the Coast Guard is the reporting authority, the boating accident reports must be made on CG Form CG-3865, Boating Accident Report.

(2) Where the State is the reporting authority, the form that is used must contain the information required by Coast Guard regulations prescribing the Vessel Casualty Reporting System requirements.

c. Submission of Boating Accident Reports.

(1) In every casualty or accident involving a vessel subject to the reporting requirements, the operator of the vessel is required to submit the written report, except, when the operator cannot, then the owner shall submit the report.

(2) In every reportable boating accident, the required report must be submitted to the reporting authority where the vessel was numbered or if the vessel has no number, to the reporting authority where the vessel is principally used. In casualties or accidents occurring outside the State where the vessel is numbered or principally used, the report is submitted to the reporting authority where the casualty or accident occurred. Accidents on the high seas must be reported to the reporting authority where the vessel is numbered or principally used.

(3) Boating accident reports must be made within 48 hours of the occurrence:

(a) If a person dies within 24 hours of the occurrence.

(b) If a person loses consciousness or receives medical treatment or is disabled for more than 24 hours.

(4) Boating accidents must be reported within five days of the occurrence or death:

(a) If an earlier report is not required.

d. Forwarding of Boating Accident Reports.

(1) The flow of Boating Accident Reports to Coast Guard Headquarters, is effected by designated Coast Guard officers in each district these officers also perform liaison duties for those States, whose State capitol is located within that district.

(2) Within 30 days of the receipt of a Boating Accident Report, each State must forward a copy of that report to the district commander (b), in which the State capitol is located, except---Ohio and Minnesota send their reports to Commander, Ninth Coast Guard District, and Vermont to the Commander, Third Coast Guard District. The Chief, Boating Safety Division in the district is then responsible for forwarding these reports on to Coast Guard Headquarters, (U. S. Coast Guard (G-BD-4), for review, coding and statistical processing. Copies of these reports are also provided to the cognizant Officer in Charge, Marine Inspection Office for investigation when indicated.

4. DOCUMENTED VESSEL REPORTING REQUIREMENTS

a. Certain documented vessels, specifically those that do not hold a "Certificate of Inspection", whose use is for recreation or pleasure are subject to the requirements of the "Vessel Casualty Reporting System" in 33 CFR 173-174. This is a new requirement for these vessels created by the applicability of the Federal Boat Safety Act of 1971 which is also the applicability of the Vessel Casualty and Accident Reporting System.

b. These vessels are also subject to the reporting requirements of 33 USC 361, which requires any vessel of the United States to report any accident involving loss of life, material loss of property or any serious injury, or any material damage affecting her seaworthiness or efficiency to the Coast Guard, by letter within five days.

c. The Coast Guard by regulation in 46 CFR 136.05 implemented the provisions of 33 USC 361, by requiring reports of accidents that involved:

- (1) Actual physical damage to property in excess of \$1500.00;
- (2) Material damage affecting the seaworthiness or efficiency of a vessel;
- (3) Stranding or grounding;
- (4) Loss of life; or
- (5) Injury causing any person to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

d. The Coast Guard provided for the reporting of these occurrences Coast Guard Form CG-2692, Report of Vessel Casualty or Accident; and Coast Guard Form CG-924E, Report of Personal Injury or Loss of Life.

e. Under the Federal Boat Safety Act of 1971, 46 USC 1486, the Coast Guard was, by regulation, to establish a uniform vessel casualty reporting system for vessels subject to the Act which was implemented by the Vessel Casualty Reporting System in 33 CFR 173-174. These regulations also apply to an uninspected documented vessel that is used by its operator for recreational purposes.

f. These vessels must now report an occurrence that involves the vessel or its equipment when:

- (1) A person dies;
- (2) A person loses consciousness or receives medical treatment or is disabled for more than 24 hours;

(3) Damage to the vessel and other property damage totals more than \$100; or

(4) A person disappears from the vessel under circumstances that indicate death or injury.

g. The report form for reporting these occurrences to the "Reporting Authority", which may be the Coast Guard or a State, is further established as Coast Guard Form CG-3865, Boating Accident Report, or State form.

h. This class of vessels, estimated at approximately 30,000 at present, are now subject to a dual reporting requirement for accidents or casualties.

i. The use of Coast Guard Forms CG-2692 or CG-924E are not amenable to the reporting requirements established for a uniform vessel casualty reporting system required by the Federal Boat Safety Act of 1971. The report of an accident or casualty which is reportable under 33 CFR 173-174 must be made on Coast Guard Form CG-3865 or appropriate State form. Reports made by these vessels to the Coast Guard on Forms CG-2692 and CG-924E, are still required for accidents or casualties prescribed by other law and regulation. Copies of these reports must and, when received, will be provided the appropriate "Reporting Authority".

j. In handling of accident or casualty reports from these vessels, an effort will be necessary to assure that a copy of each report submitted to a State or to the Coast Guard, Officer in Charge, Marine Inspection, is provided to the other "Reporting Authority" for their information, action or subsequent disposition.

k. This method of handling reports from uninspected, documented vessels, used for recreational purposes will enable both the State and Coast Guard to carry out its responsibilities for accidents and casualties subject to its jurisdiction until the dual reporting requirement is eliminated.

5. NOTIFICATION OF SAFETY RELATED DEFECTS

a. The reporting authority in each State having an approved Vessel Casualty Reporting System determining that a defect has been found or that may have contributed to a boating accident or casualty should notify the district commander (b), in whose district the responsibility for liaison with the State lies. Prompt notification will permit the designation of trained personnel to examine or inquire into the reported safety related defect to determine its effect on boating safety.

6. BOATING ACCIDENT REPORT REVIEW

a. The State agency designated as the "Reporting Authority" and who administers the Casualty Reporting System must review accident and casualty reports to assure accuracy and completeness in reporting and the determination of the cause or causes of the accident or casualties reported.

b. The use of an agency stamp that identifies the agency and the date of receipt of the report reviewed will simplify and reduce the administrative handling of these reports.

7. DEATH CERTIFICATES

a. In each boating accident, where death results, the provision of a death certificate with the required boating accident report is encouraged. A death certificate, if obtainable, is included in each Coast Guard investigative report. These certificates often assist the next of kin in settling Social Security, insurance, and other matters. The Coast Guard has no statutory authority to issue certificates of death or presumptive death and relies upon State or local authorities for issuance of these documents. A "Reporting Authority" is not required to provide these documents, however the provision of these death certificates is recommended. This practice will enable the Coast Guard to more efficiently complete its investigative report and provide a humanitarian service to the next of kin or surviving family members.

8. DEFINITIONS

a. Accident - means an event or occurrence that takes place without one's foresight or expectation, which is undesigned, sudden or unexpected.

b. Boat - "Boat" means any vessel -

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

c. Boating Accident - means a collision, grounding, sinking or other casualty that involves a vessel, its equipment or appendages.

(1) A vessel is considered to be involved in a "Boating Accident" whenever the occurrence results in -

(a) Loss of life or disappearance of any person from on board under circumstances which indicates the possibility of death or injury.

(b) Injury that causes any person to lose consciousness or receives medical treatment or is disabled for more than 24 hours.

(c) Damage to the vessel or its equipment, or other vessels, or other property in excess of \$100, or disappearance of the vessel other than by theft.

NOTE: (1) The phrase "medical treatment" is a well known term in general usage. In general, the term "medical treatment" means all injuries receiving aid or attention by a physician or other person trained to practice medicine or to administer treatment.

NOTE: (2) Disabled for more than 24 hours is construed to mean impairment to such an extent that the individual is unable to perform normal functions or usual occupational activities. This term includes broken bones and loss of extremities, and permanent or temporary impairment of any physical function, including the senses, such as sight or hearing. Any cases where the injured is bed-ridden or hospitalized in excess of 24 hours is considered to involve a reportable injury.

NOTE: (3) The accident must occur on board or must involve the vessel or its equipment or appurtenances. For example -

Death or injury incurred while scuba diving or swimming from a vessel where the vessel does not contribute in any way to the casualty, other than as a vehicle or platform from which the person safely departs, does not constitute a boating accident. However, after departing safely, if the swimmer or diver swims under the vessel and injury results from striking or fouling on any part of the vessel or its equipment, such as the propeller, this does constitute a reportable boating accident if death or injury results.

d. Capsizing - means when a vessel overturns or upsets.

e. Collision with Fixed Object - means the striking of any fixed object, above or below the surface of the water except the bottom. (The striking of rocks, reefs, shoals, etc., or the bottom is a "grounding").

f. Collision with Floating Object - means the striking of any floating object, other than vessel, which is above or below the surface of the water, the object not being fixed or held in place by any means such as trees, barrels, logs or other flotsam.

g. Collision with Vessel - means any striking together of two or more vessels, regardless of operation at the time of the accident. This also includes colliding with tow of another vessel, regardless of the nature of the tow, i.e., surfboard, ski-ropes, skier, etc.

h. Documented - This term means registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently or temporarily.

i. Estimate of Property Damage - means that cost to repair or restore the damaged property to its original condition, which is estimated or made by the operator, owner or other person in whose opinion such cost is necessary.

j. Falls Overboard - A spilling out of a person or persons without overturning the vessel.

k. Flooding - means the filling with water, regardless of the method of ingress, but retaining sufficient buoyancy to remain upon the surface.

l. Grounding - means that the vessel runs aground, strikes or pounds upon rocks, reefs, shoals or the bottom.

m. Jurisdiction - means the right to say and the power to act; and as between agencies of the government, jurisdiction is the power of that particular agency to administer and enforce the law.

(Discussion) - Various States differ on waters over which they exercise jurisdiction. If Federal and/or State jurisdiction is exercised over a particular body of water, a report of a boating accident on this body of water is required to be forwarded to the Coast Guard. Vessels required to report accidents to a reporting authority will on occasion be beyond the jurisdiction of that State. As an example, a vessel numbered in a coastal state may sail from that State and travel beyond its territorial waters on to the high seas. The requirement to report an accident is not affected. The authority to investigate would be affected. Such a casualty or accident, when the needs of boating safety or law require such to be investigated, may be accomplished by the Coast Guard under its statutory authority. Another example would be the use of a vessel on a private pond or lake. Jurisdiction may or may not be granted the reporting authority by the laws of that State, dependent upon the individual State laws. When jurisdiction does exist, reportable boating accidents that occur on such waters must be reported.

n. Numbered Vessel - means any undocumented vessel that is numbered by:

(1) A State with an approved numbering system under the Federal Boating Act of 1958 or the Federal Boat Safety Act of 1971; or

(2) The Coast Guard in those State jurisdictions not having an approved numbering system.

o. Sinking - means where a vessel loses enough buoyancy to settle below the surface of the water.

p. Undocumented Vessel - means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

q. Vessel - "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(Discussion) - Rowboats, canoes and rubber rafts are included within this definition. Surfboards, or small plastic toy boats (usually not over 4' in length) are not included within the definition, since from a practical point of view these "craft" are not intended to be used as a means of transportation but simply as a recreational platform, swimming aid or toy, respectively.

r. Vessel of the United States - This term means any vessel documented under the laws of the United States.

s. Water-Skiing - means the use of waterskis, surf-boards, sleds, discs, inflatable tubes, or any other device used for flotation of a person that is provided motion through the water by a vessel, such as being towed.

9. EXAMPLES OF CHARGEABLE BOATING ACCIDENTS

(NOTE: Do not limit reports to this list of examples)

a. A sailboat capsizes; in righting the sailboat, the person suffers a heart attack and dies.

b. An oar or other item is lost from a vessel and a person drowns or dies in an attempt to retrieve the lost item.

c. A person is injured, burned, or dies from exposure or immersion which is the result of an accident involving the vessel or its appendages where the vessel or its appendages contributed to the accident or casualty.

d. A person dies, is injured, or property damage results from any occurrence or incident that was caused by or contributed to by the vessel, its equipment or appendages.

e. A fire, explosion, sinking or other occurrence involving a vessel, if the vessel, its installed or associated equipment or appendages failed, malfunctioned or otherwise caused or contributed to the accident or casualty.

10. EXAMPLES OF BOATING ACCIDENTS NOT CONSIDERED CHARGEABLE TO STATE PROGRAMS.

a. Questions have been raised by various State authorities on what does and does not constitute a boating accident. Every occurrence listed in 33 CFR 173 subpart C, Casualty and Accident Reporting involving a vessel subject to the reporting requirements must be reported to the appropriate reporting authority. This does not necessarily mean that every such occurrence is a chargeable accident to a boating safety program, but a positive determination must be made in each case.

b. The below listed examples are occurrences under the reporting regulations that are not included in the "Standard Method of Reporting (Boating Accidents)". The Coast Guard considers these cases as non-preventable by a boating safety program and although they must be reported to the State they are not considered chargeable to a boating safety program.

(1) A person dies from self inflicted wounds, ingestion of barbituates or poison, or from gunshot wounds or other assault by another person or persons.

(2) A person drowns in swimming to retrieve a vessel that is adrift from its mooring or dock, having departed from a position of inherent safety such as a shore or pier.

(3) Damage, injury or death results from a fire on shore or pier that spreads to a vessel or vessels.

(4) Damage, injury or death on a moored vessel resulting from such weather phenomena as tornadoes, typhoons or hurricanes.

(5) Damage to a vessel from vandalism.

(6) A person dies from natural causes while aboard a vessel.

(7) A person drowns while swimming from a vessel for pleasure.

(8) Damage, injury, or death on a moored vessel resulting from unusual tidal, sea or swell conditions.

(9) Deaths, injury or damage on a moored non-propelled houseboat used as a permanent residence.

11. EXAMPLES OF NON-REPORTABLE ACCIDENTS

a. A person dies in an "ice boat" accident. (An ice boat is not considered to be a vessel and therefore would not be considered to be involved in a boating accident by legal ruling).

b. A person drowns after falling from a raft that is in a pond, river, or other body of water, so placed, moored or anchored for use as a swimming platform or other purpose. In this case it is not considered to be a vessel or a means of transportation on the water and the accident cannot be construed to be a "boating accident".

c. A person dies from drowning in State or Federal waters as a result of an automobile accident.

12. STATISTICS

a. The Federal Boat Safety Act of 1971 directs the Coast Guard to collect, analyze and publish reports, information, or statistics together with such findings and recommendations as are appropriate on boating accidents.

b. To accomplish this, each boating accident report, whether initially submitted to the Coast Guard or to the State, is statistically coded at Coast Guard Headquarters for processing by automatic data processing techniques.

c. All accidents are processed and listed as to the State in which the accident occurred. Accidents occurring on the High Seas are listed to the State to whom the report is required to be made, if known, or to the State from which the vessel departed or was returned to. Multiple reports of the same accident are effectively screened to avoid duplication. Problems may arise when a vessel numbered in one State is involved in an accident in another State jurisdiction. As a matter of practice, the Coast Guard is interested in receiving an accident report on each vessel involved in a boating accident regardless of the source. Many states, in which this type of accident occurs, have such accidents investigated and forward a copy of the accident report to the State in which the vessel is numbered in addition to the Coast Guard liaison office for that State. This is an accepted and recommended procedure.

d. The Coast Guard publishes an annual report, "BOATING STATISTICS, CG-357" containing the accident data in detailed graphs, charts and tables. Analyses of the statistics presented in this report are made to aid in determining the direction of efforts to improve boating safety.

13. CG-3865, (REVISED 5/72), BOATING ACCIDENT REPORT FORM

a. The Coast Guard Form CG-3865, Boating Accident Report, has been revised. Statistics are required to establish the need for regulations and standards. This form is intended to be the standard boating accident report form for use by each reporting authority under its Vessel Casualty Reporting System, although additional information may be required by a "Reporting Authority".

b. This form is intended to be a source of information from which a determination may be made that certain new standards are needed or that existing standards need revision or that regulations are necessary to improve boating safety. All of the information is required and whenever possible must be filled in. The form is self-explanatory. All blocks are to be completed. If a block is not applicable, so indicate by insertion of "N.A.". If information is not known, so indicate by writing in "unknown", or "UNK" in the applicable blocks. (This should be kept to a minimum). The operator's experience block has been expanded to include categories of vessels, the type of vessel involved in the accident, and other types the person has operated. We consider a cabin motorboat to be a motorboat on which a cabin is constructed, which can be closed by means of doors, hatches, windows or ports. "Other", includes kayaks, hydroplanes, houseboats, rafts, etc.

c. What in your opinion, caused the accident - has been expanded to include the ten (10) common causes in check-off format and a space for "other" for causes not listed to assist the operator in completing this important information block.

d. The item "Personal Flotation Devices" - was renamed and expanded to include information on non-approved types of devices as well as those which were Coast Guard Approved, with blocks added to show whether or not they were accessible, used or contributed to the saving of life or whether such use resulted in a fatality.

e. The block on "Fire Extinguishers" is considered vital in view of the many reported fires and explosions.

f. The list of information on "Deceased", is expanded to include the date of birth and an indication of the persons swimming ability.

g. The list of injured is changed to read - incapacitated over 24 hours to reflect the new reporting requirement on injuries.

h. The last block on the reverse side of the form is a new addition. This was added for use by the "Reporting Authority" in their review and is to be filled in by an official of the State agency responsible for reviewing boating accident reports for completeness and accuracy before forwarding to the Coast Guard. This section is to be completed in all cases and provision has been made where the use of that agency's stamp and date stamp will reduce the administrative handling.

APPENDIX "A"

REPORTING OF CASUALTIES AND ACCIDENTS

Excerpts from Part 173 (Vessel Numbering and Casualty and Accident Reporting) and Part 174 (State Numbering and Casualty Reporting Systems) of Title 33, Code of Federal Regulations.

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 required to have a certificate of inspection under Chapter I of Title 46, Code of Federal Regulations.

§ 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 loses consciousness or receives medical treatment or is disabled for more than 24 hours;

(3) Damage to the vessel and other property damage totals more than \$100; or

(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 loses consciousness or receives medical treatment or is disabled for more than 24 hours or disappears from a vessel; and

(3) Within 5 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 Casualty or Accident 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.
- (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 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.

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 require vessel casualty or accident reports resulting in property damage of less than \$100.

§ 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 accident and casualty reports to assure accuracy and completeness of reporting;

(d) Determines the cause of casualties and accidents reported;

APPENDIX "B"

PUBLIC LAW 92-75

92nd Congress, H.R. 19

August 10, 1971

CASUALTY REPORTING SYSTEMS

Section 37.

(a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by paragraphs (1), (3), and (4) of section 4(c).

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A State shall compile and transmit to the Secretary reports, information, and statistics on casualties and accidents reported to it.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in a casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with such findings and recommendations as he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

