

# Legal Stuff

## Legal Aspects of Amateur Boat Building.

Almost every day, we receive requests concerning registration, capacity tags, licenses, conformity to standards etc. Please find below some basic information, mostly about the legal requirements in the USA.

Most of us love boating because of the feeling of freedom one gets on the water: sail or power, we use our boats to get away from the hassles of life ashore. Unfortunately, an increasing number of government agencies seem to love to get involved with every aspect of our lives and exercise their powers. As with the IRS, the laws are complicated and make little sense. An added difficulty is that the agents in charge of enforcement do not always know or understand the law.

Even after 30 years in the business, the situation is confusing but below, I tried to outline the legal requirements faced by an amateur boat builder in the USA.

(A professional boat builder should become member of the ABYC and follow their standards.)

A concerned individual builder should start by calling the USCG hot line: 1-800-368-5647. They will send you a free booklet (not really free, you pay for it with your taxes) listing the requirements for "back yard boat builders". The USCG has a web site about legal requirements but read our page first: it is easier to understand. The URL for the USCG site is at the bottom of this page.

The different legal requirements are:

- Capacity tag
- Hull ID number
- State registration
- Title

In the US, you don't need a license to build a boat (that kind of freedom is dangerous and they are working on it . . . ). There are also safety requirements (helmets, shark repellent etc.) but we will not address these here.

An amateur boat builder can get a **title and registration** by simply going to the local title registration office, the same one than for cars. Bring some of your invoices for supplies, be ready to wait, pay your dues and you will get your title and registration at the same time. You need a title to resell your boat and the registration numbers is what the cops on the water will check first.

**Hull ID number:** If you take the law literally, it says that every boat manufactured in the US must have an HIN: USCG 33CFR, sub-part C but we know from experience that this requirement is not enforced for amateur builders. However, it is easy and cheap: call the USCG Hotline. They will give you a number. The numbering requirements take 7 pages of legal gibberish in the ABYC book: let the USCG go through it if you want a number.

**Capacity Tag:** First, **only power boats** are affected by this, not sailboats, row boats, canoes etc.

Second, after many years in the business, as a member of the regulating agency (ABYC), after lots of reading and attendance to a 3 days (yes, three) seminar about that subject, I am still confused. I have an excuse: a strong allergy to regulations and bureaucrats but still, I don't know if a capacity tag is required for amateur built boats and different USCG persons gave different answers to that question.

The ABYC standard S7 clearly states that it is "voluntary" (articles 7.1, 7.2, 7.4.1 etc.) but all professional builders should comply and I calculated my share of tags for many of them. Amateur builders who want the tag (why?) should, again, call the USCG hotline. The USCG, in most districts will send you the tag after asking some questions. In some cases, they will ask you to fill a form with specifications and dimensions from which they will calculate the legal capacity. They will then send a tag for \$ 2.50 (1999). In other cases, they will send you a pamphlet explaining how to calculate the tag yourself: have fun, it is almost as easy to read than IRS documents.

As designers, we calculate the legal capacity and max. HP. This service is included in our contracts with boat manufacturers but

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we will not take that responsibility for amateur builders unless some conditions are fulfilled.

If an amateur builds one of our boats strictly to our plans, we will supply, based on information from the builder about type of engine, tanks etc., the completed capacity tag form for a small fee. The amateur builder must also send us a signed statement guaranteeing that the boat is built exactly as specified.

The capacity calculations cover max. horsepower.

**Other:** There are other requirements: building standards, safety requirements and sometimes local taxes and decals. Some of the building requirements apply only to boats built professionally. Example of standards: flotation, upright flotation, navigation lights, fuel tanks etc. There are industry standards for these requirements and we conform to them in all our plans. For power boats, we use the ABYC standards. The ABYC (American Boat and Yacht Council) is the regulating agency in the US. They work in collaboration with the USCG to establish these requirements. The ABYC standards are almost 100% in conformity with the ISO standards. If you build a power boat from our plans and respect our specs, you will not have any registration or certification problem. For sailboats, we prefer to use ISO and some Lloyds and Veritas norms. These plans always conform to the ABYC standards which are very few for sailboats but in the US, there are no usable construction norms for small sailboats. The ABS (American Bureau of Shipping) norms address only large yachts or large racing boats. ISO certification is available for our plans for boats of more than 9 meters.

**Conclusion:** For my boats, I do the following:

- If the boat is a small dinghy: nothing. I launch the boat and have fun. Here in Florida, as in most states and countries, small boats with engines of less than 10 HP are not subject to registration, tags etc.
- If she is a sailboat: I get a title and pay the registration fee, nothing else.
- Power boat: title, registration fee and if I plan to resell at a good price, capacity tag.

For larger boats, there is usually a legal way around restrictions. Seeing what governments do with our tax money, I consider it a moral duty to pay as little as legally possible.

I owned a 41' sailboat registered as a freighter in Europe (no taxes), paid a small import duty to sail in the US and kept the Belgian flag: no problem except that they closed the loophole after three others did the same.

One last word: don't be afraid to speak up. You vote for the people who regulate us that way, let them know that you don't like their interference. Some years ago, the FCC raised a major fee on the use of VHF's. Each time I saw an FCC booth at a boat show, I talked to them and clearly said how much I disagreed with it. Very often, other boaters joined in the discussion. More wrote to magazines or to their representatives and after two years, the licensing fee was repealed. Our marine patrols, coast guards units and other on the water cops should have better things to do than to enforce tax laws and senseless bureaucratic rules: let's keep boating as free as possible.

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