



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



US Updates 1851 Law Following Boating Deaths

Owners of small passenger vessels in the United States will be held legally responsible for damages in future boating accidents and incidents – regardless of the value of their boat – following the recent passing of the Small Passenger Vessel Liability Fairness Act.

It is understood that previously, the country's Limitation of Liability Act 1851 stipulated that the owner of a vessel may not be held financially liable for any losses incurred as a result of the fire – including loss of life – because the boat had no value after it was destroyed.

This meant that the families of 34 persons killed in the 2019 Conception boat fire off the Central Coast of California could not seek damages from the boat owner in the aftermath of the incident.

Congressman Salud Carbajal, who championed change following that tragedy, hailed the new law's passing.

“As chair of the Coast Guard and Maritime Transportation Subcommittee, I'm proud to see important reforms that I've fought for signed by President Biden – including long-overdue updates to maritime liability laws that have denied victims' families compensation for wrongful deaths at sea,” said Congressman Carbajal.

“This is an important change, inspired by the families of the 34 precious lives lost on the Conception in 2019, that will ensure families of future maritime disasters do not face the same antiquated laws when seeking the support they deserve.”

Fellow Small Passenger Vessel Liability Fairness Act advocate Senator Dianne Feinstein said the previous legislation was “fundamentally unfair to victims of maritime tragedies”.

“Basing current maritime liability rules on a law written in 1851 is ridiculous,” said the Senator.

“Owners of small passenger vessels who are found to be legally responsible for damages should be required to make those payments.”

The new law also extends the period of time after an incident during which victims can file a claim from six months to two years.

As an aside, Congressman Carbajal lamented that some parties during bipartisan negotiations felt making the legislative change retroactive for all past maritime accidents “would go too far”.

“I completely disagree with that line of thinking, especially when it comes to getting justice for victim's families – but I believe fixing our laws for the future will be the best case for proving them wrong.”

March 2023

