

TITLE 20 – HARBORS AND NAVIGATION

Chapters:

- 01 Marine Inspection, Certification, License
- 02 Boat Operations
- 03 Mooring and Unmooring
- 04 Dockage and Wharfage

TITLE 20 – CHAPTER 01 – MARINE INSPECTION, CERTIFICATION, LICENSE

Sections:

- 20.0101 Board of marine inspectors-Establishment.
- 20.0102 Board of marine inspectors-Authority.
- 20.0103 Legislative intent-Construction.
- 20.0104 Laid up vessels exempt-Inspection before operation.
- 20.0105 ASG and U.S. vessels exempt.
- 20.0106 Definitions.
- 20.0107 Foreign vessels-Statutory authority.
- 20.0108 Foreign vessels-Applicability of safety standards.
- 20.0109 Foreign vessels-Inspection.
- 20.0110 Foreign vessels-Licensed master and engineer required.
- 20.0111 Foreign vessels-Home compliance consideration.
- 20.0112 Annual inspection-Certificate.
- 20.6113 Certificates of registry and inspection.
- 20.0114 Change of master.
- 20.0115 Failure to report sale or transfer.
- 20.0116 Name change.
- 20.0117 Refusal, revocation, suspension, limitation, or modification of certificates.
- 20.0118 Master and engineer license required.
- 20.0119 Master qualifications.
- 20.0120 Engineer’s license qualifications.
- 20.0121 License renewal.
- 20.0122 License refusal, revocation, suspension, limitation, modification.
- 20.0123 Retention of vessels-Safety measure enforcement.
- 20.0124 Inspection power unrestricted.
- 20.0125 Operation despite noncompliance.
- 20.0126 Violation-Summary fines.
- 20.0127 Violation-Penalties upon Conviction.

For provisions see small vessels, including inspection and operator licensing, see 20.02 of this code.

20.0101 Board of marine inspectors-Establishment.

The board of marine inspectors has been established pursuant to 20.0203 A.S.C.A., which reads as follows:

“There is hereby created a Board of Marine Inspectors composed of five qualified persons appointed by the Governor of American Samoa, which shall have general superintendence over all vessels and seamen operating in inter-island coast-wise traffic in American Samoa and adjacent waters.”

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 1.01.

20.0102 Board of Marine inspectors-Authority.

(a) In 20.0204 A.S.C.A., the board of marine inspectors is granted the following authority:

- (1) To issue registers and certificates of inspection (hull and machinery) for the operation of vessels;
- (2) To issue license for masters, pilots and engineers after appropriate written and oral examinations as determined necessary by the board;
- (3) To maintain records of board proceedings and preserve copies of documents issued under this chapter;
- (4) To make all necessary inspections of vessels in furtherance of the provisions of this chapter;
- (5) To promulgate all rules necessary to effectuate the purpose of this chapter;
- (6) To hold hearings, compel attendance of witnesses, to order the production of documents and other tangible evidence and to administer oaths;
- (7) To refuse to issue, revoke, suspend, limit, or modify any register, certificate of inspection, or license provided for in this title.

(b) The rules contained in this title are promulgated pursuant to the authority contained in paragraph (a) (5).

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 1.02.

20.0103 Legislative intent-Construction.

It is the Legislature’s declared purpose in 20.0201 A.S.C.A., to establish standards for the protection and

promotion of the health, safety, and general welfare of the people of the territory in dealing with vessels operating in interisland and coastwise shipping in American Samoa and adjacent waters. The board was created to effect that purpose and these rules promulgated pursuant to 20.0204 (5) A.S.C.A., and the rules set out in this chapter and elsewhere in this title should be construed so as to carry out the legislative purpose.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 1.03.

20.0104 Laid up vessels exempt-Inspection before operation.

Vessels while laid up and out of commission are exempt from any and all inspection by the board. Before a vessel is placed back in operation, an inspection by the board shall be made to ascertain that all rules required are complied with.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 1.04.

20.0105 ASG and U.S. vessels exempt.

Any vessel owned or operated by the ASG or the United States is exempt from inspection by the board unless it is requested to do so.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 1.05.

20.0106 Definitions.

As used in the rules set forth in this chapter and elsewhere in this title, the words in this section mean as follows:

- (a) “approved”, when applied to safe equipment approved, shall in all cases means United States Coast Guard approved or any foreign nation signatory to the International Convention for Safety of Life at Sea having inspection laws approximating those of the United States.
- (b) “board” means the board of marine inspectors or a person designated to act on behalf of the board of marine inspectors.
- (c) “certificate of inspection” means a certificate as required by 20.0212 A.S.C.A.
- (d) “certificate of registry” means a certificate issued pursuant to 20.0215 A.S.C.A.
- (e) “examiner” means a person designated by the board of marine inspectors to examine and inspect vessels in the enforcement of provision of Title 20 A.S.C.A., and the rules set out; this chapter and elsewhere in this title:

- (f) “person” means an individual, firm, partnership, joint venture, or corporation when the context so requires.
- (g) “port director” means the port director of American Samoa or his designated representative.
- (h) “vessel” means every description of watercraft (except longboats and paopaos) used or intended to be used as a means of transporting passengers or freight for profit.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 1.06.

20.0107 Foreign vessels-Statutory authority.

Section 20.0230 A.S.C.A., grants the board authority to inspect foreign vessels entering Pago Pago Harbor carrying goods or people to or from American Samoa to ascertain if the vessel’s safety precautions and equipment meet the standards established by Chapter 20.02 A.S.C.A., and the rules set out in this chapter and elsewhere in this title.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 2.01.

20.0108 Foreign vessels-Applicability of safety standards.

It is declared to be the policy of the board that the safety standards established in the law and the rules set out in this chapter and elsewhere in this title are minimum safety standards which should be met by all vessels operating in interisland and coastwise shipping in American Samoa and adjacent waters and these standards should be complied with by all such vessels regardless of the country of registry.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 2.02.

20.0109 Foreign vessels-Inspection.

All vessels entering Pago Pago Harbor operating in interisland or coastwise shipping carrying goods or people to or from American Samoa, shall be subject to periodic inspection by the board to determine if the vessel meets the safety standards as established by Chapter 20.02 ASCA and the rules set out in this chapter and elsewhere in this title.

History: Bd. or Mar. Insp. Regs., eff 16 Oct 72, § 2.03.

20.0110 Foreign vessels-Licensed master and engineer required.

All foreign vessels must have a master and engineer licensed by the country of the vessel’s registry. The license of the master and engineer must be produced upon demand of the board if the master or engineer fails to produce their license on demand, the vessel

may be prohibited from carrying passengers or cargo to or from any port in American Samoa until the license is produced.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 2.04.

20.0111 Foreign vessels-Home compliance consideration.

If the board determines that a foreign vessel has been registered, licensed, and inspected by a marine board of comparable jurisdiction in the vessel's home port or country of registry the board will give consideration to the foreign board's standards to determine if the vessel meets the fundamental safety requirements of Article I of 20.02 of this code.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 2.05.

20.0112 Annual inspection-Certificate.

The board shall, once in every year and oftener, if it is determined necessary by them, carefully inspect every vessel licensed by the board. Such inspection shall determine that all requirements of law, such as seaworthiness, lifesaving equipment, firefighting equipment, pumps, hose, anchors, cables, electrical equipment, structure, and other things are faithfully observed. If in the opinion of the board any of the foregoing equipment is found unsatisfactory, shall order the correction of the fault and may suspend the certificate of inspection or revoke the license of the master. Upon satisfactorily passing the inspection, the board shall issue to the vessel inspected the certificate of inspection. Such certificate of inspection shall state the number of liferings, water lights, rafts, boats, firefighting equipment, crew complement, anchors, cable, and other safety equipment, on the vessel, as the board requires.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.04.

20.0113 Certificates of registry and inspection.

- (a) It shall be the duty of the board to provide blank certificates of registry and inspection. Such register shall cover ownership of the vessel, residence and citizenship of owner and if there be more than 1 owner, the proportion of ownership to each owner his residence and citizenship, the name of the vessel its home port, name of present master his address and citizenship tonnage, kind of vessel, and appropriate ship measurement.
- (b) Certificates of registry and inspection shall be issued for periods of 1 year but nothing herein shall be construed as preventing the revocation or suspension of such certificate in case such

process is authorized by law. The certificates shall be signed by the examiner and chairman.

- (c) Exhibition of certificates of registry and inspection: The certificates of registry and inspection shall be framed under glass and posted in a conspicuous place in the vessel where it will most likely be observed by passengers and others.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 3.01.

20.0114 Change of master.

Whenever the master or person having charge of a vessel registered under the laws of American Samoa is changed, the owner, or 1 of the owners shall request authorization for such change as soon as possible from the board. Thereupon the board shall endorse upon the certificate of registry and inspection a memorandum of such change, specifying the name of the new master, if qualified, and shall subscribe the memorandum with their names.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 3.02.

20.0115 Failure to report sale or transfer.

If any vessel registered under the laws of American Samoa is sold or transferred in whole or in part, by way of trust, confidence or otherwise, to any other person and such sale or transfer is not be made known immediately to the board, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, is so owned in part only and it is made to appear to the board that any other owner or owners of such vessel was (were) wholly ignorant of the sale or transfer the sale or interest of such owner or owners shall not be subject to such forfeit, and the residue only shall be so forfeited.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 3.03.

20.0116 Name change.

No master, agent or owner shall in any way change the name of a registered vessel without the authorization of the board. There shall be levied a fee of \$100 for every change of a vessel's name.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 3.04.

20.0117 Refusal, revocation, suspension, limitation, or modification of certificates.

A certificate of inspection or registry provided for in this chapter may be refused, revoked, suspended, limited, or modified for any 1 or combination of the following:

- (1) Failure to comply with any of the provisions of this chapter or valid rules of the board in furtherance of the purpose of this chapter;
- (2) Fraud or misrepresentation in obtaining a registry or certificate of inspection;
- (3) Refusal to permit inspection subsequent to a change of the physical conditions of the vessel.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 3.05.

20.0118 Master and engineer license required.

No person shall operate as the master or engineer of any vessel engaged in the coastwise or interisland traffic of American Samoa and adjacent waters until he has been duly licensed under this chapter.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 6.01.

20.0119 Master qualifications.

Master of American Samoa registered vessels:

- (1) Show written evidence of at least 4 years experience in the deck department of a vessel;
- (2) Successfully pass a physical examination and color blindness test;
- (3) Successfully pass a written and practical examination in seamanship, navigation, rules of the road, chart work, aids to navigation, winds, weather, temperature, repairs to hull, lifesaving gear, rules and regulations;
- (4) Be at least 21 years of age (show documentary evidence);
- (5) Submit character references from at least 3 responsible persons.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 6.02.

20.0120 Engineer's license qualifications.

All persons operating or performing technical duties on vessels engaged in coastwise or interisland traffic in American Samoa or adjacent waters shall be duly licensed as an engineer. The qualifications for issuance of an engineer's license are as follows:

- (1) The individual must be a United States national, United States citizen, or a resident alien who has resided in American Samoa for at least 5 years or has met all requirements of the immigration rules of American Samoa;
- (2) He must provide character references from at least 3 responsible persons, 2 of whom must be vessel's officers;

- (3) He must provide documentary proof that he has had shop experience or other engine room time corresponding to that as follows:

(A) He must have at least 18 months experience in the engine department of a motor vessel except as otherwise provided for in this section;

(B) For a license not exceeding 150 horsepower, 18 months shop experience as a watch tender or a total of at least 3 years sea experience standing watch in an engine room.

(C) For a license of over 150 horsepower and not exceeding 500 horsepower, 2 years shop experience and 1 year sea experience as a watch tender or a total of 4 years sea experience as a watch tender in an engine room.

(D) For a license over 500 horsepower and not exceeding 750 horsepower 4 years shop experience and 2 years sea experience as a watch tender or a total of 6 years sea experience as a watch tender in an engine room.

- (4) All applicants will be required to successfully qualify for the class of license for which they are applying:

(A) The board shall designate upon the license any horsepower of a marine engine on which lie may act:

(B) The term vessel, as used in this section, includes any vessel of 15 gross tons or over propelled by gas, diesel, or diesel-electric power, or other machinery.

(C) The term "shop experience" means time served under apprenticeship or service in any mechanical workshop oilier than auto repair. Mechanical workshop service shall include service in a powerhouse or on heavy equipment, machine shop, or any shop specializing in marine engine repair, diesel engine repair, or electrical repair. Documentary evidence shall be submitted showing at least 2 years experience in any mechanical or electrical shop.

(D) Requirements for officer qualification shall be first, second mate, and assistant engineer.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 6.03.

20.0121 License renewal.

All licenses shall be renewed every 5 years when the holder of the license has been actively engaged in maritime activities for that period continuously, and once every year if the holder is not so engaged.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 6.04.

20.0122 License refusal, revocation, suspension, limitation, modification.

Any license issued by the board may be refused, revoked, suspended, limited or modified by the board for any 1 or combination of the following:

- (1) Fraud or misrepresentation in obtaining a license authorized to be issued by the provisions of this chapter;
- (2) Breach of duty tending to endanger life or property;
- (3) Being under the influence of intoxicating liquor or drugs while actually performing required duties on a vessel;
- (4) Hindering, delaying, or interfering with the board or its authorized representative in the performance of his duties under this chapter;
- (5) Refusal to admit the board or its authorized representative on board the vessel while performing duties under this chapter;
- (6) Violation of any of the provisions of this chapter or any of the rules promulgated by the board;
- (7) Failure to comply with any qualification or requirement provided in this chapter or any rule promulgated hereunder.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72. § 6.05.

20.0123 Detention of vessels-Safety measure enforcement.

The board may detain any foreign or domestic vessel temporarily to determine if there exists a violation of 20.0401 A.S.C.A., or the rules contained in this title. If after an inspection, the board determines a violation does exist and the safety of the passengers and crew are in danger, the vessel may be restrained or allowed to sail under such limitations as are necessary for the protection of the safety and property of the public and the crew of the vessel.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, §7.01.

20.0124 Inspection power unrestricted.

Nothing in the rules set forth in this chapter and elsewhere in this title shall be construed as limiting the board from making such tests or inspections as are reasonable and practicable to be assured of the seaworthiness and safety of the vessel.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72. § 8.01.

20.0125 Operation despite noncompliance.

The board may allow a vessel limited authority to carry passengers if the vessel owner establishes to the satisfaction of the board he is unable to immediately comply with the rules set forth in this chapter and elsewhere in this title. The authority exercised pursuant to this section shall be in the sole discretion of the board.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 8.02.

20.0126 Violation-Summary fines.

Any person who violates any of the provisions of Chapter 20.02 A.S.C.A., may be subject to a summary fine of \$100 per violation.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72. § 7.02.

20.0128 Violation-Penalties upon conviction.

Notwithstanding any other penalties, any person who is convicted or found guilty in a court of law of violating any section of this chapter or any rules promulgated thereto is guilty of a misdemeanor and shall be fined not more than \$1,000 or be imprisoned not more than 1 year or both.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 7.03.

[End Of Title 20 – Chapter 1]

TITLE 20 – CHAPTER 02 – BOAT OPERATIONS

Sections:

I. PASSENGER AND FREIGHT VESSELS

- 20.0201 Name and home port marking.
- 20.0202 Draft numeral markings.
- 20.0203 Load lines.
- 20.0204 Emergency steering apparatus
- 20.0205 Vessel name on equipment.
- 20.0206 Bulkheads required.
- 20.0207 Steering gear, whistle, and telegraph tests.
- 20.0208 Radio equipment and operation.
- 20.0209 Pilothouse-engineer alternate communication.
- 20.0210 Machinery inspection-Engineer duty-Negligence accountability.
- 20.0211 Machinery inspection-Standard.
- 20.0212 Tail shaft inspection-Dry-docking notice.
- 20.0213 Sea connection, bilge pump inspection.
- 20.0214 Engine, machinery inspection-Guard rails and covers.
- 20.0215 Maintenance logbook.
- 20.0216 Electrical wiring standards.
- 20.0217 Life preservers-Life jackets.
- 20.0218 Life buoys-Liferings.
- 20.0219 Lifeboats-Liferrafts.
- 20.0220 Fire axes.
- 20.0221 Firehoses.
- 20.0222 Fire pump-Extinguishers and systems.
- 20.0223 Sanitation.
- 20.0224 Medical supplies-Water containers.
- 20.0225 Logbook contents-Loading.
- 20.0226 Deck cargo.
- 20.0227 Passenger limit.
- 20.0228 Officers amid crew-Crew list.
- 20.0229 Arrival and departure reporting.
- 20.0230 Explosives-Inflammables-Dangerous articles.
- 20.0231 Lookout-Anchor watch.
- 20.0232 Unnecessary whistling.
- 20.0233 Interfering, unauthorized lights.
- 20.0234 Searchlight use.
- 20.0235 Rules of the road.
- 20.0236 Casualty reporting-Unsafe conditions.
- 20.0237 Departure clearance .
- II. SMALL VESSELS
- 20.0240 Applicability-Purpose.
- 20.0241 Length defined.
- 20.0242 Operator license.
- 20.0243 Fuel tanks.
- 20.0244 Navigational lights.
- 20.0245 Fire extinguishers.
- 20.0246 Distress signals.
- 20.0247 Anchor.
- 20.0248 Tow line.

- 20.0249 Life rings.
- 20.0250 Compass.
- 20.0251 Sweeps.
- 20.0252 Radar reflector.
- 20.0253 Radio transceiver-Status and position reports-Radio operation.
- 20.0254 Watertight bulkheads.
- 20.0255 Emergency rations-Water stores.
- 20.0256 Inspection.
- 20.0257 Life preservers.
- 20.0258 Flame arrestor-Backfire flame control.
- 20.0259 Operation in noncompliance prohibited.
- 20.0260 Permitting operation in noncompliance.
- 20.0261 Bilge Pump for emergencies.
- 20.0262 Violation-penalty.

For general, penalty, and other provisions applicable to this chapter, sec 20.01 of this code.

I. PASSENGER AND FREIGHT VESSELS

20.0201 Name and home port markings.

The name of every registered vessel of American Samoa shall be marked on each bow and upon the stern, and the home port shall also be marked upon the stem. These names shall be painted or consist of cut or carved or cast Roman letters in light color on a dark background or in a dark color on a light background, secured in place and to be distinctly visible. The smallest letters shall not be less than 4 inches in size. If any such vessel is found without these names being so marked, the owner, owners, or master shall be liable to penalty of \$100 for each name omitted.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72. § 4.01.

20.0202 Draft numeral markings.

Numerals indicating the draft shall be permanently secured or cut into the stem and stern of every registered vessel. Measurement shall be in English feet, taken from the bottom of the keel, and extend 1 foot above the maximum draft allowed. The bottom of each numeral shall indicate the draft of that line and each numeral shall be 6 inches high.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.02.

20.0203 Load lines.

The stability of the vessel will be established prior to the establishment of the load waterlines and marks thereof indicating the maximum depth to which any vessel may be safely loaded, and in establishing such load lines, due consideration will be given to, and differentials made for the various types and character

of the vessels and trades in which they are engaged provided, that no load line shall be established or marked on any vessel which, in the judgment of the board of marine inspectors is above the actual line of safety. It shall be the duty of the owner and master of every vessel subject to this section so established to have the load line permanently and conspicuously marked upon the vessel in such manner as the aforesaid board directs and keep the same so marked.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.03.

20.0204 Emergency steering apparatus.

Every vessel shall be equipped with emergency steering apparatus consisting of relieving tackle or hand steering gear by which the vessel can be steered independently of the regular steering gear.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.05.

20.0205 Vessel name on equipment.

All equipment of a vessel such as fire hose, axes, boats, rafts, oars, life preservers, life buoys, wooden benches, and deck chairs shall be painted or branded with the name of the vessel on which they are used.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.06.

20.0206 Bulkheads required.

- (a) Less than 100 gross tons: not less than 4 watertight, transverse bulkheads. There shall be a forepeak bulkhead located not less than 5% of the length of the vessel from the bow, 1 bulkhead at the forward end of machinery space, and 1 bulkhead aft of the machinery space and 1 collision bulkhead after located not less than 5% of the vessel length from the stem; provided, however, if bulkheads provided for in this section are not practical due to construction of the vessel, a permanent flotation medium may be substituted in lieu of the bulkheads. The flotation medium shall be to the satisfaction of the board.
- (b) Bulkheads on vessels of 100 gross tons and up to 300 gross tons: no less than 4 nor more than 7, and spaced as required by the local board. The general structure of the vessel shall determine the actual number of bulkheads, but in all cases there shall be 1 watertight bulkhead just forward of the engine room, 1 watertight bulkhead at the forward end, 1 watertight bulkhead just aft of the engine room and 1 watertight bulkhead at the stern just forward of the steering gear.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.07.

20.0207 Steering gear, whistle, and telegraph tests.

Not more than 12 hours before departure from any port, the steering gear, whistle, and telegraphs between pilothouse and engine room shall be tested and entered in the ship's logbook.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.08.

20.0208 Radio equipment and operation.

Every vessel shall be equipped with a suitable radio telephone, or with radio transmitter and receivers to send and to receive. Such equipment is to be properly maintained and in work order. A radio check is a requirement not more than 1 hour before departure. Vessels underway shall guard at all times the International Radio Telephone Frequency of 2182 M.H.C. All calls shall be entered in a logbook and a copy shall be filed with Pago Pago Communication Center upon arrival in Pago Pago.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.09.

20.0209 Pilothouse-engine room alternate communication.

Vessels using telegraph between the pilothouse and engine room shall also be fitted with a voice tube or sound-powered telephone for the purpose of conversation between pilothouse and engine room. Vessels equipped with wheel house engine controls shall have an alternate means of communication which may be telegraph, voice-type, or power phone between pilothouse and engine room.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.10.

20.0210 Machinery inspection-Engineer duty-Negligence accountability.

It shall be the duty of an engineer when he assumes charge of the machinery of a vessel to thoroughly examine same and if he finds any part in need of repairs, he shall immediately report the facts to the master, owner, or agent, and, in the event of a major repair, to the board which shall thereupon investigate and if the former engineer has been negligent in the performance of his duties he may be proceeded against as to revocation or suspension of his license, if licensed in American Samoa.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.11.

20.0211 Machinery-inspection-Standard.

The inspection of machinery prior to and after repair of any vessel is to ensure good working order.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.12.

20.0212 Tail shaft inspection-Dry-docking notice.

- (a) Tail shafts shall be drawn biannually or at the same time as the annual dry-docking if required by the board.
- (b) Whenever any vessel is dry-docked, it shall be the duty of the master, owner, or agent to notify the board so that a thorough examination can be made. No repairs or alterations affecting the safety of the vessel either in regard to hull or machinery shall be made without the knowledge of the board.

History: Bd. of Mar. Insp. Regs., off 16 Oct 72, § 4.13.

20.0213 Sea connection, bilge pump inspection.

At every dry-docking period all sea connections, together with cocks, valves, and strainers, shall be dismantled if so required and examined and, where required, repaired or replaced. The pumping arrangements, piping, and strainers in all bilge compartments shall be examined and maintained in good order.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.14.

20.0214 Engine, machinery inspection-Guard-rails and covers.

- (a) A complete examination shall be made when required by the board of the main engine and auxiliary engines; all cylinders, pistons, valves, gears, pumps, connecting rods, bearings, guides, and shafting shall be examined. The cylinders, pistons, valves of air compressors shall be examined and renewed where necessary.
- (b) The various engine piping systems, coolers, and oil tanks shall be cleaned if necessary. Where necessary to renew parts, these parts shall be new or approved by time board. Guards and rails: All machinery shall be adequately protected by guard rails or covers so that the danger of accidents is minimized.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.15.

20.0215 Maintenance logbook.

Every master or engineer shall be required to keep a special logbook showing all repairs, replacement, and general maintenance work clone as required by this chapter.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.16.

20.0216 Electrical wiring standards.

On all vessels using electrical wiring or electricity for any purpose, the installation shall be in keeping with the best modern practice. Wire shall be of an approved type; (protected) cable shall be required in cargo spaces, storerooms, enginerooms, and in all places where the loads are liable to mechanical injury. Joints in wiring shall be made in metal boxes. When wires are led through beams, frames, or nonwatertight bulkheads, they shall be carried in conduit, armored casing, or bushings. Wire led through watertight bulkheads or decks shall be provided with suitable stuffing boxes. All fixtures, taps, joints, and splices shall be fitted with metal boxes. Boxes exposed to weather, in cargo and machinery spaces, shall be weathertight. Special attention will be given by the board in examining electrical installation to see that it is such as to preclude any danger of fire.

History: Bd. of Mar. Insp. Regs., off 16 Oct 72. 4.17.

20.0217 Life preservers-Life jackets.

- (a) Every vessel licensed to operate shall be provided with 1 approved life preservers for each person carried, and an additional number of life preservers to equal at least 10% of the total number of persons carried shall be for children. There shall be an approved child's lifejacket available for every child carried aboard the vessel.
- (b) Life preservers shall be properly distributed throughout staterooms, crew quarters, and other convenient places for crew and passengers as the board may direct. Lockers, boxes, and closets in which life preservers are stowed shall be plainly marked and life preservers contained therein shall be readily available. A printed notice framed and under glass, shall be posted in each cabin and stateroom informing passengers of the location of the life preservers. At each annual inspection, or oftener if deemed necessary, the life preservers shall be examined by an inspector of the board to determine serviceability. Life preservers found not to be serviceable shall be removed from the vessel and destroyed. Unserviceable life preservers shall be replaced by an equal number of serviceable life preservers.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.18.

20.0218 Life buoys-Liferings.

- (a) Number Required. Every vessel licensed to operate shall carry approved number of 30- inch

life buoys in accordance with the following table:

Length of Vessel	Minimum No. of Buoys	Minimum No. With Water Lights Attached
Under 70 feet	3	1
70 feet and under 110 feet	6	3
110 feet and under 150 feet	8	4

- (b) Distribution and Securing. All life buoys (liferings) shall be distributed and secured as follows: All life buoys shall be so placed as to be readily accessible to the persons on board, and their positions shall be plainly indicated. All life buoys shall always be capable of being cast loose and shall not be permanently secured in any way. One life buoy on each side of the vessel shall have an attached line of at least 15 fathoms in length and 3/4 inch circumference. The self-igniting waterlight required shall be of the approved type. Waterlights for liferafts shall be of the battery-operated self-igniting type.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.19.

20.0219 Lifeboats-Liferafts.

- (a) Every vessel licensed to operate shall carry lifeboats and liferafts, as directed by the board. Lifeboats and liferafts shall be kept clear for launching. The decks on which lifeboats and liferafts are carried shall be kept clear of freight or any other obstruction that would interfere with the immediate launching of the lifeboats or liferafts.
- (b) Care of lifeboats and liferafts: Lifeboats and liferafts shall be striped, cleaned; thoroughly overhauled, and painted at least once in every 6 months and the board so informed.
- (c) Handling of lifeboats and liferafts: All lifeboats shall be stowed in such a way that they can be launched from suitable davits. The davits shall be fitted with blocks and tackle, and other necessary fittings such as fairleads, cleats, and pad eyes, as required for safe launching of the lifeboat.
- (d) Equipment for life boats: Every lifeboat required to be carried is to be equipped with the following:
- (1) Boat hooks: 2 boat hooks at least 8 feet long;
 - (2) Bucket: 1 bucket with lanyard attached;

- (1) Lifeline: 1 lifeline properly secured the entire length on each side, festooned in bights of not longer than 3 feet with a seine float in each bight;
 - (4) Life preservers: 2 life preservers in addition to the vessel's complement of life preservers;
 - (5) Oars: 4 oars and a steering oar;
 - (6) Rudder and tiller: 1 rudder and 1 tiller complement with pintle fitting into gudgeons on the stem post of the lifeboat;
 - (7) Painter: 1 painter of manila rope not less than 2-3/4 inches in circumference and of a length of not less than 3 times the distance between the boat deck and the light sea-going draft secured to the lifeboat, free, and secured to a ring in the liferaft supports onto the check;
 - (8) Plugs: drain holes fitted with automatic plugs and 2 caps secured by chain;
 - (9) Rowlock: not less than 4 rowlocks attached to lifeboat by chain, plus 1 steeling row lock;
 - (10) Drinking cups: 1 drinking cup;
 - (11) Drinking water: at least 20 quarts water in sealed containers. Loose equipment shall be kept in a locked watertight box and be securely attached to the lifeboat to which it belongs;
 - (12) Flashlight: 1 flashlight, 1 spare bulb and 2 spare battery cells in a watertight container;
 - (13) Hatchet: 1 hatchet secured in the bow of the lifeboat by a lanyard;
 - (14) Signal flares: 12 combination smoke and flare distress signals in a watertight container; to be limited to 3 years' service;
 - (15) Matches: 2 boxes matches in watertight container;
 - (16) Signal mirror: 2 signal mirrors.
- (e) Equipment for liferafts:
- (1) Distress signals: 12 combination smoke-and-flare distress signals in a watertight container; to be limited to 3 years' service;

- (2) Lifeline: lifeline properly secured entirely around sides and ends of raft, festooned in bights not longer than 3 feet with seine float in each bight; (3) Paddles: 4 paddles;
- (4) Painter: 1 painter of manila rope not less than 2-3/4 inches in diameter and of a length of not less than 3 times the distance between height of stowage and vessel's light draft;
- (5). Self-igniting waterlight: 1 self-igniting waterlight secured to raft by 1 fathom of 3/4 inch circumference manila line;
- (6) Boathook: 1 boathook;
- (7) Signal mirror: 2 signal mirrors;
- (8) Flashlight: 1 flashlight, 2 spare batteries, 1 spare bulb in a watertight container;
- (9) Cup: 1 drinking cup;
- (10) Water: 10 quarts water in sealed containers
- (11) Care of liferafts: if it is found that deterioration has begun, it shall be corrected even to the extent of replacing with a new raft, if so required by the board;
- (12) Capacity: each raft shall have marked upon it, in letters of at least 2 inches, the number of persons allowed. The capacity in every instance shall conform with international requirements.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.20.

20.0220 Fire axes.

Every vessel shall be required to carry fire axes in accordance with the following table:

Vessel Length	Minimum No. With Water Lights Attached
Under 70 feet	2
Over 70 feet and under 110 feet	3
Over 110 feet and under 150 feet	4

All fire axes are to be located and secured so as to be readily at hand and to be used for emergency purposes only.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.21.

20.0221 Firehoses.

All firehoses shall be tested to a pressure of 100 pounds per square inch at each inspection. Firehose shall be of an approved type, double jacketed. Each

firehose shall be stowed immediately adjacent to the fire hydrant and in such a manner as to be readily accessible. All firehose shall be fitted with a proper nozzle, gaskets, and spanner. The spanner shall be secured to the hydrant by a length of chain so as to be readily accessible for use. Firehose shall not be used for any other purpose than fire extinguishing.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.22.

20.0222 Fire pump-Extinguishers and systems.

- (a) All vessels of 100 gross tons and under shall be equipped with 1 hand fire pump or a combination fire and bilge pump of not less than 100 cubic inches or a power-driven pump of equivalent of not less than 30 gallons per minute at 60 pounds per square inch at maximum discharge pressure of the pump. This pump is to be in addition to the regular bilge and fire pump as set out below. Vessels over 100 gross tons and under 500 gross tons shall have at least 1 electrical or independently driven pump connected at all times to the fire mains, and the pumps shall be capable of delivering a jet of water from the highest outlet of the fire mains at a gauged pressure of 50 pounds per square inch through a nozzle of not less than 5/8 inch diameter where the hose diameter does not exceed 1-1/2 inches. Outlet of the fire mains shall be of sufficient number and so arranged that any part of the living quarters, whether decks and cargo decks accessible to crew and passengers, may be reached with a single 50 foot length of hoses
- (b) (1) CO2 extinguishers are to be weighed every 6 months and, if found to be more than 10% under the required contents, recharged.

- (2) portable CO2 extinguishers or equivalent shall be carried as in the following table, being minimal requirements:

Vessel Length Number and Size of Extinguishers

Vessel Length	Number and Size of Extinguishers
(A) Under 70 feet	4-15 lbs
(B) Over 70 feet and under 110 feet	6-15 lbs
(C) Over 110 feet and under 150 feet	9-15 lbs

(3) Extinguishers shall be in general distributed throughout the vessel follows:

- (A) Paint locker - 1
- (B) Generator room -1
- (C) Radio room - 1
- (D) Galley - 1
- (E) Engineroom - 2
- (F) Crew compartment – 1 for each
- (G) Pilothouse - 1
- (H) Lazarette or afterpeak - 1

(c) CO₂ , systems for engineroom space: When at the discretion of the board a CO₂ smothering system is installed, the quantity of CO₂ shall be sufficient to give a gas salutation of 25% of the gross volume of the engineroom. The quantity of CO₂ required may be determined approximately by the following formula:

$$W L \times II \times D \ 22$$

Where W= Weight of CO₂ required in pounds;

L = Length of engineroom in feet;

B= Breadth of engineroom in feet;

D= Distance in feet from floor plates to underaids of deck immediately above engineroom.

The system shall be capable of being operated from a convenient and accessible place outside of the space protected.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.23.

20.0223 Sanitation.

It shall be the duty of the master and chief engineer of any vessel to see that such vessel and passenger and crew quarters are kept in a clean and sanitary condition.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.24.

20.0224 Medical supplies-Water containers.

Every vessel licensed to operate under the provisions of this section shall be suitably equipped with an emergency medical kit containing such medical supplies as the board directs. Such medical kit shall be under the responsibility of the master. The vessel shall be subject to frequent inspections of the medical supplies in order to ensure their satisfactory condition and that the types and quantities of supplies are

maintained. The master of the vessel is required to keep a treatment book and in it enter all treatments and supplies used as justification for replenishing such supplies. All water containers, excepting closed water tanks, whether filled with fresh water or saltwater, shall be emptied once a week so as to destroy any mosquito larvae which they may contain.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 4.25.

20.0225 Logbook contents-Loading.

(a) Every vessel shall have an official logbook wherein will be entered the following: draft marks prior to departure, radio calls, records of compliance for repairs, replacement and general maintenance and other matters covered by the rules set forth in this chapter and elsewhere in this title.

(b) It is unlawful for any vessel subject to the rules established by the board to be so loaded as to submerge in seawater the load line or lines marked upon the vessel. Any master who permits the load line or lines to be submerged may be liable to suspension or revocation of his license, as the board may direct. The official responsible for clearing the vessel shall require the vessel to off-load either passengers, cargo, or both, sufficient so as not to submerge the load line as established by the board. The permanent ballast of the vessel shall not be removed in order to correct an overload.

(c) Detention of overloaded vessel: If the board has reason to believe, on complaint or otherwise, that a vessel subject to this chapter is about to proceed to sea when loaded in violation of this section, it may detain her provisionally for the purpose of being surveyed. Such vessel may then be examined by the board and be released or required to reload in whole or in part in order to conform to the rules.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.01.

20.0226 Deck cargo.

No deck cargo shall be carried unless written authorization has been granted by the port director in each individual case. A reduction in the number of passengers may be made at the discretion of the port director where a vessel is carrying a deck load. The decision of the port director will be final. No cargo shall be carried in areas so designated on the vessel's certificate.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, 5.02.

20.0227 Passenger limit.

- (a) The maximum number of passengers permitted to be carried on a vessel shall be as determined by the board, and shall be stated on the vessel’s certificate of inspection.
- (b) The maximum number of passengers permitted on any vessel of acceptable design and proportions may be determined by a length of rail criterion, deck area criterion, or fixed seating criterion, whichever permits the greatest number. Where seats are provided in one passenger space and are not provided in other passenger spaces, the number of passengers permitted may be the sum of the number permitted by the seating criterion for the space having seats and the number permitted by the area criterion for the space having no seats. For vessels operating on short runs on protected waters such as ferry vessels, the board, may give special consideration to increases in passenger allowances.
 - (1) Length-of-rail criterion: One passenger may be permitted for each 30 inches of rail space available to the passengers at the vessel’s sides and across the transom.
 - (2) Deck-area criterion: One passenger may be permitted for each 10 square feet of deck space available for the passenger’s use. In computing such deck area, the areas occupied by the following shall be excluded:
 - (A) Concession stands;
 - (B) Toilets and washrooms;
 - (C) Companionways, stairways, etc.;
 - (D) Spaces occupied by and necessary for handling lifesaving equipment;
 - (E) Spaces below deck which are unsuitable for passengers and which would not normally be used by passengers;
 - (F) Interior passageways less than 30 inches wide and passageways on the open deck less than 18 inches wide.
 - (3) Fixed-seating criterion: One passenger may be permitted for each 18 inches of width of fixed seating provided. Rules covering the

installation of fixed seating are contained in subsection (d) of this section.

- (c) Notwithstanding the number of passengers permitted by any of the criteria described in subsection (b) of this section, the maximum number may be further limited by stability or subdivision consideration.
- (d) In computing the maximum number of passengers, a vessel may carry children under the age of 1 year who shall not be included. Two children over the age of 1 and under 8 shall be computed as 1 person. Where a vessel is carrying the maximum number of passengers allowed by this section, it is unlawful to carry additional passengers on the crew list, when the sole reason for this is to give transportation to such person from one port to another. The master, owner, or agent of any vessel duly subject to rules in American Samoa shall be liable to a fine of \$25.00 for each and every passenger such vessel is overloaded in addition to suspension or revocation of the master’s license, as the board directs.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.03.

20.0228 Officers and crew-Crew list.

No vessel operated in American Samoa shall depart from any port, harbor, or island unless she has in her service and oil board such complement of licensed officers and crew as is required by her certificate of inspection. The number of licensed officers and crew as is specified by her certificate and shown on the certificate of inspection shall not be increased or decreased without the written approval of the board nor shall any person be added to the crew list unless such person is connected with her ownership and/or navigation. The total number on board shall not exceed the total as entered on the certificate.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.04.

20.0229 Arrival and departures reporting.

The master of any vessel licensed to operate in tile inter-island traffic shall communicate by radio all arrival at and departures of his vessel from ports outside of the harbor limits of American Samoa.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 505.

20.0230 Explosives-Inflammables-Dangerous articles.

No comphene, nitroglycelin, naphtha benzine, benzol, kerosene, crude petroleum, compressed gases, both industrial and domestic types, other than in fire extinguishers or CO2 in other containers, or other, like explosive-burning fluids or gases or other, like dangerous articles shall be carried as freight on any vessels carrying passengers, nor shall gunpowder be carried on any such vessel without specific authority of the board. Nor shall fire extinguisher, CO2 in other containers, oil, vitriol, nitric or other chemical acids be carried on such vessels except on the decks thereof or in such safe part of the vessel as is prescribed by the board. Ship's stores such as paints, turpentine, oils, and other products subject to spontaneous combustion or of an explosive nature may be carried; however, in all instances, these stores shall be kept in lockers, tanks, or containers as prescribed by the board. Nothing in the provisions of this section shall prohibit the use by vessels of gasoline or any other petroleum product when used as a source of motive power of such vessel or for the operation of motor boats, lighting plants, or emergency fire pump, provided the storage and equipment meets the approval of the board. When such products are to be carried, a written request to the board shall be made and approval or disapproval made subject to the existing circumstances.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.06; and Rule 9-75, eff 29 Dec 75, § 1.

20.0231 Lookout-Anchor watch.

Every vessel, when underway during nighttime and periods of poor visibility, shall have a lookout at the forward part of the vessel. A vessel lying at anchor shall keep a proper anchor watch. A watch tender while underway during nighttime shall make an hourly round of the vessel to guard against fire and other dangers. In no instance shall the helmsman be considered as a lookout. Nothing ill this section shall exonerate the master or officer in command from the consequence of any neglect to keep a proper lookout or the neglect of any precaution which may be required by the ordinary practice of seamen or by any special circumstances of the case.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.07.

20.0232 Unnecessary whistling.

Unnecessary sounding of a vessel's whistle is prohibited within the harbor limits of American Samoa.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.08.

20.0233 Interfering, unauthorized lights.

It is prohibited to carry or show any lights not required by international rules that will in any way interfere with distinguishing signals or navigation lights.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.09.

20.0234 Searchlight use.

Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel underway is prohibited.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.10.

20.0235 Rules of the road.

The masters of all vessels shall be required to be familiar with the international rules of the road and to early out the provisions contained in those rules at all times. A copy of the International Rules for the Prevention of Collision at Sea shall be on board at all times.

History: Bd. Of Mar. Insp. Regs., eff 16 Oct 72, § 5.11.

20.0236 Casualty reporting-Unsafe conditions.

It shall be the duty of all masters, owners, agents, and engineers when a casualty occurs to the vessel's structures or machinery, affecting the seaworthiness of the vessel to report same to the board immediately upon arrival or after the discovery of such unsafe condition.

History: Bd. of Mar. Insp. Regs., eff .16 Oct 72. § 5.12.

20.0237 Departure clearance.

In addition to the report required in 20.0229, each commercial vessel conveying passengers and cargo departing Pago Pago Harbor shall first obtain clearance from the port director. Such clearance shall be obtained during regular hours of the port director and shall be surrendered to the port director if departure of the vessel is during the regular office hours or to a member of the harbor patrol, if departure is after regular office hours. Such clearance shall be dependent upon the prior submission of a predeparture report and copy of the ship's cargo manifest and a list of the names of the passengers.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 5.13.

II. SMALL VESSELS

20.0240 Applicability-Purpose.

The purpose of this article is to regulate motor vessels 40 feet in length and under, but not less than 16 feet, which, are or will be engaged in fishing and other like

activities for which remuneration may be received. The purpose of this article is to apply rules which will, in effect, minimize the need for extensive air/sea rescue as has been the practice in the past, of the local fishing fleet in American Samoa.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, Ch. 9 (part); and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0241 Length defined.

“Length” is measured from end to end over the deck excluding sheer, and means a straight line measurement of the overall length from foremost part of the vessel to the outmost part of the vessel, and shall be measured parallel to the central line. Bowsprits, bumpkins, rudders, and outboard motor racks and similar fittings attachments are not to be included in the measurements. Length shall be stated in feet and inches.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.01; and Rule 4.79 eff 14 Jul 76, § 1 (part).

20.0242 Operator license.

Every operator of any vessel 40 feet in length and under, but not less than 16 feet, shall have in his possession a license to operate vessels of this design and length, or a marine board license covering vessels of not more than 15 tons.

- (a) The operator shall have the knowledge as required for the operation of vessels and shall take an examination prepared by the board. A license to operate this type vessel shall be issued upon passing of the examination.
- (b) The operator must have a rudimentary knowledge of engine and other boat hull repairs.
- (c) The operator shall have an operating license in ‘us possession, which shall be available for immediate production to boarding officers at any time during which he operates the vessel.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72., § 9.02 (c); and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0243 Fuel tanks.

Each vessel shall have fuel tanks constructed to the requirements of the board. All fuel tanks shall be suitably vented.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.03; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0244 Navigational lights.

Each vessel shall be equipped with navigational lights in accordance with the international rules of the road.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.04; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0245 Fire extinguishers.

Each vessel shall have on board fire extinguishers, not to be less than two 5-lb. chemical or CO₂ extinguishers.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.05; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0246 Distress signals.

Each vessel shall have pyrotechnic day and night signals as contained in the rules of the board covering such articles.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.06; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0247 Anchor.

Each vessel shall have on board a 5/8-inch-diameter nylon anchor line of not less than 50 fathoms in length, attached, to a suitable chain of not less than 4 fathoms, attached to an anchor of not less than 20 lbs., a Danforth or like anchor.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.07; and Rule 4.76, eff 14 Jul 76, § 1 (part).

20.0248 Tow line.

Each vessel will have on board at all times 150 feet of 3/4-inch-diameter nylon or like rope tow lines with suitable eyes at each end.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.08; and Rule. 4-76, eff 14 Jul 76, § 1 (part).

20.0249 Liferings.

Each vessel shall have at least 1 lifering attached to 65 feet of 1/4-inch-diameter line.

History: Bd. of Mar. Insp., eff 16 Oct 72, § 9.09; and Rule 4.76, eff 14 Jul 76, § 1 (part).

20.0250 Compass.

Each vessel shall have at all times a compass which has been adjusted and the vessel swung at least once every 2 years.

History: Bd. of Mar. Insp., eff 16 Oct 72, § 9-10; and Rule 4-76, eff 7-14.76, § 1 (part).

20.0251 Sweeps.

Each vessel shall have two 16-foot sweeps to be used in the event of power failure.

History: Bd. of Mar. Insp., eff 16 Oct 72, § 9.11; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0252 Radar reflector.

Each vessel shall have a metallic radar reflector, of fixed or collapsible design of not more than 30 inches in diameter and not less than 12 inches in diameter, with a suitable extension mast of not less than 6 feet high.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.12; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0253 Radio transceiver-Status and Position reports-Radio operation.

Each vessel shall have a suitable radio transceiver aboard which shall be kept in operating condition at all times. Status and position reports shall be made to Pago Pago radio every 4 hours, starting from prior to leaving the port, and are to continue every 4 hours thereafter or until the vessel is berthed: A suitable log shall be kept for all voice transmission and answers received. Radio batteries shall be separated from engine starting batteries. Minimum frequencies required are 2182, 2638 single side band or VHF channel 16.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.13; and Rule 4.76 eff 14 Jul 76, § 1 (part).

20.0254 Watertight bulkheads.

Each vessel shall have at least 2 watertight bulkheads, and either compartment shall be capable of sustaining the flotation of the vessel.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.14; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0255 Emergency rations-Water stores.

Each vessel shall carry at all times sufficient emergency rations for 6 people for a period of 5 days. This may be in the form of biscuits and canned beef or other like substances. Each vessel shall also carry aboard a minimum of 2 pints water per person per day-for a period of 5 days.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.15; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0256 Inspection.

Each vessel shall be inspected as the board deems fit and each vessel shall have an overhaul or drydocking inspection on shore at least once every 2 years.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.16; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0257 Life preservers.

Each vessel shall carry aboard sufficient U.S. Coast Guard-approved lifejackets for all personnel plus

10% or 2 extra. All lifesaving equipment required by this article must be legibly marked as specified by the board rules set out in this title.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.17; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0258 Flame arrestor-Backfire flare control.

All gasoline-engined vessels shall be equipped with acceptable means of backfire flame control. The flame arrestor shall be suitably secured to the air intake with flare-type connections.

History: Bd. of Mar. Insp., Regs., eff 16 Oct 72, § 9.18; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0259 Operation in noncompliance prohibited.

No person shall operate a vessel to which this article applies unless it meets the requirements of this article.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.19 and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0260 Permitting operation in noncompliance.

The owner shall not allow any person to operate a vessel to which this article applies unless it meets the requirements of the article.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.19; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0261 Bilge pump for emergencies.

All vessels shall be equipped with a suitable emergency bilge pump. Such pumps shall be manual, mechanical, or electrical, and of suitable size as determined by having a capability of not less than 15 gallons per minute.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.20; and Rule 4-76, eff 14 Jul 76, § 1 (part).

20.0262 Violation-Penalty.

Persons who violate any provision of this article or the rules issued hereunder shall be fined pursuant to 20.0242 A.S.C.A.

History: Bd. of Mar. Insp. Regs., eff 16 Oct 72, § 9.21; and Rule 4-76, eff 14 Jul 76, § 1 (part).

[End Of Title 20 – Chapter 2]

TITLE 20 – CHAPTER 03 – MOORING AND UNMOORING

Sections:

- 20.0301 Authority.
- 20.0302 Purpose.
- 20.0303 Fees for anchorage or buoy moorage-Customs clearance and visiting approval.
- 20.0304 Water-Visitor permits- Assignments-Private buoys.

20.0301 Authority.

The rule codified in this chapter is established under the provisions of 4.1002, 4.1004, 20.1503(b), and 20.1602 A.S.C.A.

History: Rule 1-75, eff 2 Mar 78, § 1.

20.0302 Purpose.

It is the purpose of this chapter to establish harbor mooring and anchorage fees for pleasure craft and other commercial craft within harbors of American Samoa as indicated in 20.0303. This chapter does not apply to fishing and other vessels which are berthed at facilities owned or leased by commercial canneries, nor to any vessels at Marine Railway piers and docks.

History: Rule 1-78, eff 2 Mar 78, § 2.

20.0303 Fees for anchorage or buoy moorage-Customs clearance and visiting approval.

(a) The following mooring, anchorage, and buoy fees are in effect and applicable as follows:

- (1) Transient pleasure craft, first 7 days: 7 days anchorage privileges without charges;
- (2) Transient pleasure craft, first 3 months after first 7 days: Mooring and anchorage in excess of 7 days will be subject to following rates:

Rates per Month or Fraction Thereof

Length of Vessel	Anchorage Privileges	Buoy Privileges
Under 20 feet	\$7.50	\$8.50
20 feet but less than 30	8.50	12.50
30 feet but less than 40	12.50	15.00
40 feet but less than 50	15.00	17.50
50 feet but less than 60	17.50	22.50
60 feet and over	22.50	27.50

(3) Transient pleasure craft, after 3 months of chargeable time:

Rates per Month or Fraction Thereof

Length of Vessel	Anchorage Privileges	Buoy Privileges
Under 20 feet	\$15.00	\$17.00

20 feet but less than 30	17.00	25.00
30 feet but less than 40	25.00	30.00
40 feet but less than 50	30.00	35.00
50 feet but less than 60	35.00	45.00
60 feet and over	45.00	55.00

The foregoing schedule may be waived with the written approval of the Governor;

- (4) Commercial vessels: Commercial vessels, other fishing or other vessels serving commercial canneries, at anchor or moored at buoys shall be charged mooring fees at the rate of 1/2 the dockage rate as provided in 20.1602 (a) (2) (C), A.S.C.A., whether or not a launch or other craft is used between vessel and shore.
- (b) Transient pleasure craft subject to the fees set out in this section after 7 days will continue to be charged while in Samoa waters, even though visiting other areas. Overseas owners are advised that they must clear through customs and will need approval in writing from the village pulenu'u to visit other areas in American Samoa.
- (e) For purpose of this chapter, “transient pleasure craft” includes the vessels of persons who are residing in American Samoa only because of employment by the ASG.

History: Rule 1-78, eff 2 Mar 75, 3 (c).

20.0304 Water-Visitor permits-Assignments-Private buoys.

- (a) Owners and operators of vessels are advised that water may be available provided prior arrangements have been made with the water utilities branch and the harbormaster has designated a place where water can be taken aboard. The current charge for water is \$0.25 per short ton (240 fluid gallons).
- (b) Arriving visitors will report to the immigration office to obtain a visitor’s permit. The initial permit will be for 30 days. Extended visits in excess of 30 days will require an additional permit and approval of the immigration office, and a copy of such permit must be presented to the harbormaster. There is no charge to obtain a permit. Should a permit to visit be denied by the immigration office, harbor privileges will be considered voided and the vessel concerned must prepare to depart American Samoa.
- (c) The director of port administration or his duly authorized representative has full authority to

assign vessels to berth or anchorage. No movements within the harbor, change of berth or anchorage will be permitted unless prior approval has been obtained from the port director or his duly authorized representative. When a conflict is apparent between the transients and residents in the marina vicinity, the director and supervisor of parks and recreation will mutually resolve the problem.

- (d) Sports fishermen and boaters are encouraged to utilize the marina complex facilities. The project was a joint undertaking of the ASG and the bureau of outdoor recreation to increase interest and encourage water-oriented activities.
- (e) No private buoys or other project will be placed in the waters of the harbor unless prior approval has been obtained from the director of port administration and, the Governor. Such buoys or other objects must be removed at the expense of the owner thereof, either upon direction of the port director or upon departure from American Samoa.

History: Rule 1-78, eff 2 Mar 78, § 4 (e).

[End Of Title 20 – Chapter 3]

TITLE 20 – CHAPTER 04 – DOCKAGE AND WHARFAGE

Sections:

- I. **TRANSSHIPMENT INCENTIVES**
- 20.0401 Authority.
- 20.0402 Purpose.
- 20.0403 Wharfage, tonnage, and storage charges.

- II. **GOVERNMENT FLOATING EQUIPMENT**

- 20.0410 Authority.
- 20.0411 Availability.
- 20.0412 Use charges-Equipment described.
- 20.0413 Applicability of charges.

For provisions on moorage fees within this code, see 20.03.

I. **TRANSSHIPMENT INCENTIVES**

20.0401 Authority.

The executive order embodied in Rule 13-80 and codified in this article is issued under the authority of Section 6 of Article IV of the Revised Constitution of American Samoa, and 20.1607(g) A.S.C.A.

History: Rule 13-80 (Ex. Ord. 4-1980), eff 1 Jul 80, § 1.

20.0402 Purpose.

This article modifies the wharfage charge, tonnage dues, and storage charges on cargo transhipped through the Port of Pago Pago to other Pacific island destinations outside of the territory in order to enhance the desirability and use of the port as a transshipment point in the South Pacific region.

History: Rule 13-80 (Ex. Ord. 4-1980), eff 1 Jul 80, § 2.

20.0403 Wharfage, tonnage, and storage charges.

(a) The following charges and dues on cargo transhipped through the Port of Pago Pago to other Pacific island destinations outside of the territory are waived:

- (1) Wharfage charge on cargo loaded imposed by 20.1607 (b) A.S.C.A.;
- (2) Tonnage dues on cargo out imposed by 20.1607 (c) (2) (B) A.S.C.A.; and
- (3) Storage charges imposed by 20.1607 (c) (3) A.S.C.A., and 20.1607 (c) (5) (A) A.S.C.A., for the first 30 days.

(b) Storage charges after 30 days shall be as follows:

- (1) Imposed by 20.1607 (c) (3) A.S.C.A.: \$ 1 per ton or fraction thereof; and
- (2) Imposed by 20.1607 (c) (5) (A) A.S.C.A.: \$0.53 per day.

History: Rule 13-80 (Ex. Ord. 4-1980), eff 1 Jul 80, § 3.

II. **GOVERNMENT FLOATING EQUIPMENT**

20.0410 Authority.

The rule codified in this article is adopted under tile authority of 20.1605 A.S.C.A.

History: Rule 1-76, eff 24 Feb 76, § 1.

20.0411 Availability.

Motor launches, tugs and other floating equipment owned by the ASG and described in this article may be used, at the established use charges, when available and at the convenience of the department of port administration.

History: Rule 1-76, eff 24 Feb 76, § 2.

20.0412 Use charges-Equipment described.

(a) Charges for use of the following floating equipment owned by the ASG shall be:

<u>Description of Equipment</u>	<u>Use Charges</u>
(1) Tug Tatoso	
Twin screws, twin rudders; length, 85 feet; 1530 horsepower; \$150 per hour speed, 10 knots; range, 5,000 miles.	\$150 per hour \$165 per hour outside normal working hours
Work equipment: firefighting and deep-sea towing capacity.	\$2,400 per day
Electronic equipment: Loran; radar, fathometer, automatic direction finder VHF voice radio (2182 kc etc.), single side band voice radio (5827.5 kh), VHF radio (156. mhz and 156.8 mHz).	\$200 minimum
(2) Tug Tava'e	
Twin-screw, twin-rudder general purpose rug; length, 55 feet; 280 horsepower; speed, 9 knots range, 600 miles.	\$100 per hour, \$110 per hour outside normal working hours,
(3) Tug Toloa	
Similar to Tug Tava'e, except 340 shaft horsepower.	\$100 per hour, \$110 per hour

AMERICAN SAMOA ADMINISTRATIVE CODE – 2024 EDITION

	outside normal working hours, \$1,600 per day, \$133 minimum.
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(4) Landing craft utility

Navy-design, steel-hulled utility landing-craft; length, 115 feet; width, 35 feet	\$100 per hour, \$110 per hour outside normal working hours,
3 engines, triple screws; speed, 5 to 6 knots; range, 250 miles.	\$2,000 per day,
Cargo capacity: approximately 200 tons.	\$200 minimum
Electronic equipment: automatic direction finder, VHF voice radio (2 182 ke), single side band voice radio (5827.5 ke).	

(5) Masimasi

Single-screw, ferro-concrete line boat and tender; length, 26 feet.	As line boat: \$50 per hour, \$55 per hour outside normal working hours \$67 minimum
	Other trips: \$530 per hour, \$33 per hour outside normal working hours, \$40 minimum

(6) Talitiga II

Single-screw line boat and tender, length, 28 feet.	As line boat: \$50 per hour, \$55 per hour outside normal working hours, \$67 minimum.
	Other trips: \$30 per hour, \$33 per hour outside normal working hours, \$40 minimum.

(7) Matu'u

Crane Barge No. 4; flat barge; length, 110 feet; width, 44 feet; molded depth, 12 feet.	\$600 plus \$60 per hour in excess of 8 hours outside harbor, daily rate only
Work equipment: diesel-electric, 25-ton, 100-foot-radiuscrane.	
Cargo capacity: 500 tons.	

(8) Canton Barge

Sea going barge, flat, steel, open; light draft; 110 feet by 32 feet by 2 feet; nonself-propelled.	\$20 per hour, \$100 Minimum
Cargo capacity 500 tons.	\$320 per day.

(b) Per purposes of this section, normal working hours shall be 8 a.m. to 5 p.m.

(c) Charges may be adjusted for long hauls or extended contracts.

History: Rule 1-76, eff 24 Feb 76, § 3(c).

20.0413 Applicability of charges.

The charges established by this article apply to both public agencies and private uses.

History: Rule 1-76, eff 24 Feb 76, § 4.

END OF TITLE 20 – HARBORS AND NAVIGATION