

is covered under a State workers' compensation law, and the individual is employed to:

- (i) Build any recreational vessel under sixty-five feet in length; or
- (ii) Repair any recreational vessel; or
- (iii) Dismantle any recreational vessel to repair it.

(b) In applying paragraph (a) of this section, the following principles apply:

(1) "Length" means a straight line measurement of the overall length from the foremost part of the vessel to the aftmost part of the vessel, measured parallel to the center line. The measurement must be from end to end over the deck, excluding sheer. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

(2) "Repair" means any repair of a vessel including installations, painting and maintenance work. Repair does not include alterations or conversions that render the vessel a non-recreational vessel under § 701.501. For example, a worker who installs equipment on a private yacht to convert it to a passenger-carrying whale-watching vessel is not employed to "repair" a recreational vessel. Repair also does not include alterations or conversions that render a non-recreational vessel recreational under § 701.501.

(3) "Dismantle" means dismantling any part of a vessel to complete a repair but does not include dismantling any part of a vessel to complete alterations or conversions that render the vessel a non-recreational vessel under § 701.501, or render the vessel recreational under § 701.501, or, if the date of injury is on or after February 17, 2009, to scrap or dispose of the vessel at the end of the vessel's life.

[76 FR 82128, Dec. 30, 2011]

**§ 701.503 Did the American Recovery and Reinvestment Act of 2009 amend the recreational vessel exclusion?**

Yes. The amended exclusion was effective February 17, 2009, the effective date of the American Recovery and Reinvestment Act of 2009.

[76 FR 82128, Dec. 30, 2011]

**§ 701.504 When does the recreational vessel exclusion in the American Recovery and Reinvestment Act of 2009 apply?**

(a) *Date of injury.* Whether the amended version applies depends on the date of the injury for which compensation is claimed. The following rules apply to determining the date of injury:

(1) *Traumatic injury.* If the individual claims compensation for a traumatic injury, the date of injury is the date the employee suffered harm. For example, if the individual injures an arm or leg in the course of his or her employment, the date of injury is the date on which the individual was hurt.

(2) *Occupational disease or infection.* Occupational illnesses and infections generally involve delayed onset of symptoms following exposure to a harmful workplace substance or condition. If the individual claims compensation for an occupational illness or infection, the date of injury is the date the individual was exposed to the substance or condition.

(3) *Hearing loss.* If the individual claims compensation for hearing loss, the date of injury is the date the individual was exposed to harmful workplace noise or other stimulus that is capable of causing hearing loss.

(4) *Death-benefit claims.* If the individual claims compensation for an employee's death, the date of injury is the date of the workplace event or incident that caused, hastened, or contributed to the death.

(5) *Cumulative trauma.* If the individual claims compensation for cumulative trauma, in which multiple traumas contribute to an overall medical condition, such as a neck condition resulting from repetitive motion, the date of injury is any date on which a workplace trauma worsened the individual's condition. A workplace event will not be deemed a contributing trauma if a corresponding worsening of the condition is due solely to its natural progression, rather than the workplace event.

(b) If the date of injury is before February 17, 2009, the individual's entitlement is governed by section 2(3)(F) as it existed prior to the 2009 amendment.

## § 701.505

(c) If the date of injury is on or after February 17, 2009, the individual's entitlement is governed by the 2009 amendment to section 2(3)(F').

[76 FR 82128, Dec. 30, 2011]

### **§ 701.505 May an employer stop paying benefits awarded before February 17, 2009 if the employee would now fall within the exclusion?**

No. If an individual was awarded compensation for an injury occurring before February 17, 2009, the employer must still pay all benefits awarded, including disability compensation and medical benefits, even if the employee would be excluded from coverage under the amended exclusion.

[76 FR 82129, Dec. 30, 2011]

## **PART 702—ADMINISTRATION AND PROCEDURE**

### **Subpart A—General Provisions**

#### ADMINISTRATION

Sec.

702.101 [Reserved]

702.102 Establishment and modification of compensation districts, establishment of suboffices and jurisdictional areas.

702.103 Effect of establishment of suboffices and jurisdictional areas.

702.104 Transfer of individual case file.

702.105 Use of the title District Director in place of Deputy Commissioner.

#### RECORDS

702.111 Employer's records.

702.112 Records of the OWCP.

702.113 Inspection of records of the OWCP.

702.114 Copying of records of OWCP.

#### FORMS

702.121 Forms.

#### REPRESENTATION

702.131 Representation of parties in interest.

702.132 Fees for services.

702.133 Unapproved fees; solicitation of claimants; penalties.

702.134 Payment of claimant's attorney's fees in disputed claims.

702.135 Payment of claimant's witness fees and mileage in disputed claims.

#### INFORMATION AND ASSISTANCE FOR CLAIMANTS

702.136 Requests for information and assistance.

## **20 CFR Ch. VI (4–1–14 Edition)**

### COMMUTATION OF PAYMENTS AND SPECIAL FUND

702.142 Commutation of payments; aliens not residents or about to become non-residents.

702.143 Establishment of special fund.

702.144 Purpose of the special fund.

702.145 Use of the special fund.

702.146 Source of the special fund.

702.147 Enforcement of special fund provisions.

702.148 Insurance carriers' and self-insured employers' responsibility.

### LIENS ON COMPENSATION

702.161 Liens against assets of insurance carriers and employers.

702.162 Liens on compensation authorized under special circumstances.

### CERTIFICATION OF EXEMPTION

702.171 Certification of exemption, general.

702.172 Certification; definitions.

702.173 Exemptions; requirements, limitations.

702.174 Exemptions; necessary information.

702.175 Effect of work on excluded vessels; reinstatement of certification.

### **Subpart B—Claims Procedures**

#### EMPLOYER'S REPORTS

702.201 Reports from employers of employee's injury or death.

702.202 Employer's report; form and contents.

702.203 Employer's report; how given.

702.204 Employer's report; penalty for failure to furnish and or falsifying.

702.205 Employer's report; effect of failure to report upon time limitations.

#### NOTICE

702.211 Notice of employee's injury or death; designation of responsible official.

702.212 Notice; when given; when given for certain occupational diseases.

702.213 Notice; by whom given.

702.214 Notice; form and content.

702.215 Notice; how given.

702.216 Effect of failure to give notice.

702.217 Penalty for false statement, misrepresentation.

#### CLAIMS

702.221 Claims for compensation; time limitations.

702.222 Claims; exceptions to time limitations.

702.223 Claims; time limitations; time to object.

702.224 Claims, notification of employer of filing by employee.

702.225 Withdrawal of a claim.