

**§ 169.109**

**46 CFR Ch. I (10–1–14 Edition)**

(1) Waters within 37 kilometers (20 nautical miles) of a harbor of safe refuge, unless determined by the OCMI to be exposed waters; and

(2) Those portions of rivers, harbors, lakes, etc. which the OCMI determines not to be sheltered.

*Passenger* on a sailing school vessel means an individual carried on the vessel except—

(1) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(2) The master;

(3) A member of the crew engaged in the business of the vessel, who has not contributed consideration for carriage, and who is paid for onboard services;

(4) An employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(5) An employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

(6) A sailing school instructor or sailing school student.

*Protected Waters* means sheltered waters presenting no special hazards such as most rivers, harbors, lakes, etc.

*Qualified Organization* means an educational organization, State, or political subdivision of a State that owns or demise charters, and operates a sailing school vessel for the purpose of providing sailing instruction. The educational organization must satisfy the requirements of section 501(c)(3) of the Internal Revenue Code of 1954 and must be exempt from tax under section 501(a) of such Code, as now or hereafter amended.

*Recognized Classification Society* means the American Bureau of Shipping or other classification society recognized by the Commandant.

*Rules of the Road* means the statutory and regulatory rules governing navigation of vessels.

*Sailing instruction* means teaching, research, and practical experience in operating vessels propelled primarily by sail, and may include any subject related to that operation and the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and lit-

erature. In conjunction with any of those subjects, “sailing instruction” also includes instruction in mathematics and language arts skills to a sailing school student with a learning disability.

*Sailing School Student* means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.

*Sailing School Vessel* means a vessel of less than 500 gross tons, carrying six or more individuals who are sailing school students or sailing school instructors, principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion, and owned or demise chartered and operated by a qualified organization during such times as the vessel is operated exclusively for the purposes of sailing instruction.

*Ship’s Company* means the officers and crew of a sailing school vessel, sailing school students, and sailing school instructors.

*Watertight* means designed and constructed to withstand a static head of water without any leakage, except that *watertight equipment* means enclosed equipment constructed so that a stream of water from a hose (not less than 1 inch in diameter) under head of about 35 feet from a distance of about 10 feet, and for a period of 5 minutes, can be played on the apparatus without leakage.

*Weathertight* means that water will not penetrate into the unit in any sea condition, except that *weathertight equipment* means equipment constructed or protected so that exposure to a beating rain will not result in the entrance of water.

[CGD 83–005, 51 FR 897, Jan. 9, 1986; 51 FR 3785, Jan. 30, 1986, as amended by USCG–1999–4976, 65 FR 6507, Feb. 9, 2000; USCG–1999–5040, 67 FR 34799, May 15, 2002; USCG–2006–24371, 74 FR 11266, Mar. 16, 2009; USCG–2012–0832, 77 FR 59788, Oct. 1, 2012; USCG–2013–0671, 78 FR 60163, Sept. 30, 2013]

**§ 169.109 Equivalents.**

Substitutes for a fitting, appliance, apparatus, or equipment, may be accepted by the Commandant if the substituted item is as effective and consistent with the requirements and minimum safety standards specified in this subchapter.