

	(A) Vessel ca- pacity [TEUs or other units]	(B) Utilization [percent]
Carrier A [Name]:		
Liner Service 1 [Name]	XX,XXX	XX
Liner Service 2	XX,XXX	XX
Liner Service 3	XX,XXX	XX
Etc. . . .		
Carrier B:		
Liner Service 1	XX,XXX	XX
Liner Service 2	XX,XXX	XX
Liner Service 3	XX,XXX	XX
Etc. . . .		
Etc. . . .		

(C) Narrative statement on significant changes in vessel capacity that occurred during the calendar quarter: _____

Part 6 Vessel Calls

Narrative statement on significant changes in vessel calls that occurred during the calendar quarter: _____

SECTION III

Part 1 Contact Person and Certification

(A) Person(s) To Contact Regarding Monitoring Report.

- (1) Name _____
- (2) Title _____
- (3) Firm Name and Business _____
- (4) Business Telephone Number _____
- (5) Fax Number _____
- (6) E-Mail Address _____

(B) Certification.

This Monitoring Report, together with any and all appendices and attachments thereto, was prepared and assembled in accordance with instructions issued by the Federal Maritime Commission. The information is, to the best of my knowledge, true, correct, and complete.

Name (please print or type) _____
 Title _____
 Relationship with parties to agreement _____
 Signature _____
 Date _____

PART 540—PASSENGER VESSEL FINANCIAL RESPONSIBILITY

Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

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- 540.2 Definitions.
- 540.3 Proof of financial responsibility, when required.
- 540.4 Procedure for establishing financial responsibility.
- 540.5 Insurance, guaranties, and escrow accounts.
- 540.6 Surety bonds.
- 540.7 Evidence of financial responsibility.
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- 540.9 Miscellaneous.
- FORM FMC-131 TO SUBPART A
- FORM FMC-132A TO SUBPART A
- FORM FMC-133A TO SUBPART A
- APPENDIX A TO SUBPART A—EXAMPLE OF ESCROW AGREEMENT FOR USE UNDER 46 CFR 540.5(B)

Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages

- 540.20 Scope.
- 540.21 Definitions.
- 540.22 Proof of financial responsibility, when required.
- 540.23 Procedure for establishing financial responsibility.
- 540.24 Insurance, surety bonds, self-insurance, guaranties, and escrow accounts.
- 540.25 Evidence of financial responsibility.
- 540.26 Denial, revocation, suspension, or modification.
- 540.27 Miscellaneous.

§ 540.1

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FORM FMC–132B TO SUBPART B
FORM FMC–133B TO SUBPART B

Subpart C—General

540.91 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: 5 U.S.C. 552, 553; 31 U.S.C. 9701; secs. 2 and 3, Pub. L. 89–777, 80 Stat. 1356–1358, 46 U.S.C. app. 817e, 817d; 46 U.S.C. 1716.

SOURCE: 49 FR 36313, Sept. 14, 1984, unless otherwise noted.

Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

§ 540.1 Scope.

(a) The regulations contained in this subpart set forth the procedures whereby persons in the United States who arrange, offer, advertise or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports shall establish their financial responsibility or, in lieu thereof, file a bond or other security for obligations under the terms of ticket contracts to indemnify passengers for nonperformance of transportation to which they would be entitled. Included also are the qualifications required by the Commission for issuance of a Certificate (Performance) and the basis for the denial, revocation, modification, or suspension of such Certificates.

(b) Failure to comply with this part may result in denial of an application for a certificate. Vessels operating without the proper certificate may be denied clearance and their owners may also be subject to a civil penalty of not more than \$5,000 in addition to a civil penalty of \$200 for each passage sold, such penalties to be assessed by the Federal Maritime Commission (46 U.S.C. app. 91, 817d and 817e).

§ 540.2 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) *Person* includes individuals, corporations, partnerships, associations, and other legal entities existing under

or authorized by the laws of the United States or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States, or the laws of any foreign country.

(b) *Vessel* means any commercial vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports.

(c) *Commission* means the Federal Maritime Commission.

(d) *United States* includes the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States.

(e) *Berth or stateroom accommodation or passenger accommodations* includes all temporary and all permanent passenger sleeping facilities.

(f) *Certificate (Performance)* means a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation issued pursuant to this subpart.

(g) *Passenger* means any person who is to embark on a vessel at any U.S. port and who has paid any amount for a ticket contract entitling him to water transportation.

(h) *Passenger revenue* means those monies wherever paid by passengers who are to embark at any U.S. port for water transportation and all other accommodations, services and facilities relating thereto.

(i) *Unearned passenger revenue* means that passenger revenue received for water transportation and all other accommodations, services, and facilities relating thereto not yet performed.

(j) *Insurer* means any insurance company, underwriter, corporation, or association or underwriters, ship owners' protection and indemnity association, or other insurer acceptable to the Commission.

(k) *Evidence of insurance* means a policy, certificate of insurance, cover note, or other evidence of coverage acceptable to the Commission.

(l) *Whole-ship charter* means an arrangement between a passenger vessel operator and a corporate or institutional entity:

(1) Which provides for the purchase of all the passenger accommodations on a