

31030

AD30-1

Thomas Smith from McClellanville writes, "Dear Professor Cooper, how do courts determine legal responsibility for ship collisions?"

omitted
High

Thank you Thomas for the promotion. I hope it comes with a pay raise.

↑
Paine

High
↑

Under the admiralty law liability for collision is based upon fault. The standard of correct conduct in navigation of vessels, from the largest merchant ships down to the smallest pleasure boats, is supplied primarily by the federal statutory Rules of Navigation. There are four sets of these so called "Rules of the Road" in force, each of which applies to different waters. Every officer and every vessel operator is held by the law to strict adherence to the applicable Rules. The International Rules apply to navigation of vessels on the high seas. The Great Lakes Rules apply on those waters, the Western Rivers Rules apply primarily on the Mississippi and its tributaries, and the Inland Rules apply to regulate navigation on all other navigable waters in the United States. Any deviation from the required standard will likely result in a finding of fault.

Buck Simmons from Edisto comments, "Small boat collisions are one thing, but it is amazing to me that huge merchant ships find each other on the vastness of the oceans ~~of the world~~ and cannot avoid collisions. With all the crew members aboard these ships, it seems like someone could just watch where they were going."

fast
Hawk

Insightful comment, Buck, and you have underscored the most common cause of maritime collision . . . failure to comply with the

rule requiring a proper lookout. On the other hand, consider that ships steam night or day, in all weather, regularly in narrow channels or harbors and their momentum under way, slow response to steerage, and limited stopping capabilities require constant vigilance and proper and timely action to avoid collision.

This brings to mind the comment of the old mountaineer when he finally saw the Atlantic Ocean, "All my life I been hearing about the wide open sea . . . after all that talk . . . I thought she'd be a lot bigger than this."

Gomer Pyle

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.
