

40604 (rerun of 40212) 3 2 1 Heyward writes from Mt. Pleasant, "Dear Mr. Cooper, I have a question. Does a paying passenger aboard a cruise ship have a claim if he is injured by an unseaworthy condition on the ship? I have heard that the owners must keep a ship in seaworthy condition at all times."

Good question, Heyward. A person who contracts to travel aboard a vessel in exchange for payment of a fare, is called a passenger. Ship owners are liable to injured passengers only for personal injuries caused by the negligence of the owners, the captain, or crew. Although a ship owner has a duty to keep his vessel seaworthy in all material respects, the cause of action for unseaworthiness is given only to seamen, not to passengers. However, an unseaworthy condition is often the natural result of negligence in operating, maintaining, or repairing the vessel. Negligence in such a case is the vessel owner's failure to exercise reasonable care for the safety of the passenger.

Heyward asks further, "Does a ship owner owe any duty to business invitees or personal guests who have not paid a fare, but who are injured aboard a cruise ship? How does this compare with the ship owner's duty to injured passengers?"

Other than passengers and seamen, a person aboard a vessel with the consent of her owner is called a visitor, whether aboard for business or pleasure. Vessel owners are required by the admiralty law to exercise reasonable care to protect from injury or death all non-crewmembers lawfully aboard a vessel, whether passengers or visitors. This means that passengers and visitors are entitled to safe means of boarding the vessel, safe facilities

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aboard the vessel, compliance with all applicable safety standards, and respect for common sense and good seamanship.

This brings us to the attack of the bed. An elderly lady was on a luxury cruise. She did not know that her bed folded into the wall. Upon entering her suite, she pushed what she thought was a call button to summon help, but the button released from the wall a king sized steel framed bed with mattresses which knocked her down and pinned her to the floor. Although the elderly passenger ultimately prevailed in her claim for negligence, she did comment during the case, "I just never heard of a lady sustaining so many bruises underneath a bed!"

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.