

40709 3 2 1 Delores writes from Georgetown. "Dear Mr. Cooper, We seem to have more and more jet skis skipping across the water everywhere. We've just been covered up with 'em over the last few years. Are jet skis considered vessels, required to obey the rules of the road and under the same laws that govern ships and tugboats?"

Good questions, Delores! Under U. S. maritime law, jet skis qualify as vessels because they are capable of being used as a means of transportation, so any jet ski operated on navigable waters is required to comply with the rules of the road. Jet skis are subject to the same law which governs ships and tugboats; if the requirements for admiralty jurisdiction exist, then the matter will be governed by substantive admiralty law, eventhough the only vessel involved may be a lone jet ski.

However, it is interesting to note the contrary result reached by Justice Sheen in the leading English Admiralty Court case, Steedman v. Scofield. In what appears to be the first jet ski case reported from the Queen's Bench Admiralty Court, Justice Sheen concludes that a jet ski cannot be a "vessel" under English maritime law. So a rose is a rose is a rose . . . but a jet ski is not always a vessel.

Delores inquires further, "Can the owners of jet skis limit their liability for damages caused in a boat wreck under the same law which allows shipowners to limit their liability?"

Yes, Delores, they can. Under the Limitation of Liability Act, 46 United States Code §§ 181 - 195, the owner of a jet ski is entitled to limit his liability to the value of the jet ski after

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the casualty, if the owner is without privity or knowledge connecting him with the cause of the casualty. Although the primary reasons for the law were to encourage investment in ships and shipping, the courts have found that Congress intended to extend the benefits of the law to the owners of all vessels, regardless of size. In a recent jet ski death case, the parents of the deceased child were limited to recovery from the owners of a few hundred dollars . . . the value of the jet ski . . . after the casualty. Truly, a case of sadness upon tragedy.

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.

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