

113TH CONGRESS
1ST SESSION

H. R. 3475

To amend title 46, United States Code, to provide protections for cruise vessel passengers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2013

Mr. GARAMENDI (for himself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 46, United States Code, to provide protections for cruise vessel passengers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cruise Vessel Con-
5 sumer Confidence Act of 2013”.

6 **SEC. 2. CRUISE VESSEL PASSENGER PROTECTIONS.**

7 (a) IN GENERAL.—Subtitle VIII of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“CHAPTER 807—CRUISE VESSEL**
2 **PASSENGER PROTECTIONS**

“Sec.

“80701. Unfair or deceptive practices and unfair methods of competition.

“80702. Reimbursement for delays.

“80703. Customer service plans.

“80704. Passenger complaints.

“80705. Report.

“80706. Authorization of fees.

“80707. Definitions.

3 **“§ 80701. Unfair or deceptive practices and unfair**
4 **methods of competition**

5 “(a) IN GENERAL.—The Federal Maritime Commis-
6 sion may investigate an action by an owner of a cruise
7 vessel relating to the sale of a ticket for passenger travel
8 on a cruise vessel to determine if such action is—

9 “(1) an unfair or deceptive practice; or

10 “(2) an unfair method of competition.

11 “(b) ORIGINATION OF INVESTIGATIONS.—The Com-
12 mission may conduct an investigation under subsection (a)
13 on the initiative of the Commission or upon receiving a
14 complaint submitted to the Commission.

15 “(c) ENFORCEMENT.—

16 “(1) IN GENERAL.—If the Commission deter-
17 mines that an action is an unfair or deceptive prac-
18 tice or an unfair method of competition under this
19 section, the Commission, after notice and an oppor-
20 tunity for a hearing—

1 “(A) shall order the owner of a cruise ves-
2 sel carrying out such action to cease such ac-
3 tion; and

4 “(B) if such owner violates the order under
5 subparagraph (A), may impose on such owner
6 a civil penalty of not more than \$25,000.

7 “(2) CONTINUING VIOLATIONS.—For purposes
8 of paragraph (1)(B), each day of a continuing viola-
9 tion shall be treated as a separate violation.

10 “(d) DISCLOSURE REQUIREMENTS.—

11 “(1) IN GENERAL.—It shall be an unfair or de-
12 ceptive practice for purposes of subsection (a) for
13 any owner of a cruise vessel offering to sell a ticket
14 for passenger travel on a cruise vessel to fail to dis-
15 close, in writing, prior to such offer—

16 “(A) the name of the cruise vessel on
17 which the travel will take place;

18 “(B) the casualty history of the cruise ves-
19 sel, including an identification of all man over-
20 board instances;

21 “(C) a list of all complaints of crimes com-
22 mitted on any voyage of the cruise vessel that
23 embarked or disembarked passengers in the
24 United States, including all incidents reported
25 to the Federal Bureau of Investigation without

1 regard to investigative status, which shall indi-
2 cate, for each complaint—

3 “(i) whether a crew member was in-
4 volved;

5 “(ii) whether a passenger was in-
6 volved; and

7 “(iii) whether a minor was involved;

8 “(D) the number of gastric illness out-
9 breaks on the cruise vessel for which the Cen-
10 ters for Disease Control and Prevention re-
11 quired—

12 “(i) reporting of an outbreak to the
13 Centers; or

14 “(ii) quarantining more than 10 pas-
15 sengers;

16 “(E) the number and length of delays of
17 the cruise vessel due to mechanical failures;

18 “(F) the country under the laws of which
19 the cruise vessel is documented;

20 “(G) where criminal and civil investiga-
21 tions and proceedings will be held for incidents
22 that occur outside of United States waters;

23 “(H) a statement of whether the ticket
24 price includes all applicable taxes and fees, in-
25 cluding taxes and fees relating to ports of call;

1 “(I) an estimate of all applicable taxes and
2 fees, including taxes and fees relating to ports
3 of call;

4 “(J) any other material condition of the
5 travel determined appropriate for disclosure by
6 the Commission; and

7 “(K) instructions to passengers on how to
8 file complaints with the Commission regarding
9 the cruise vessel and any violations of this
10 chapter.

11 “(2) INTERNET OFFERS.—In the case of an
12 offer to sell tickets for passenger travel on a cruise
13 vessel through an Internet Web site, disclosure of
14 the information required under paragraph (1) shall
15 be—

16 “(A) provided on the first display of the
17 Web site that follows a search of a requested
18 itinerary; and

19 “(B) in a format that is easily visible to a
20 viewer.

21 “(e) ELECTRONIC TICKETS.—It shall be an unfair or
22 deceptive practice for purposes of subsection (a) for any
23 owner of a cruise vessel offering to sell a ticket for pas-
24 senger travel on a cruise vessel through an Internet Web
25 site to require that the ticket purchaser provide a printed

1 version of that ticket for such travel if the purchaser is
2 able to provide identification determined appropriate by
3 the Commission at the time of such travel.

4 **“§ 80702. Reimbursement for delays**

5 “(a) IN GENERAL.—The Federal Maritime Commis-
6 sion shall establish a process to ensure that, in any case
7 in which the initial departure or the final disembarking
8 of a cruise vessel for a cruise is delayed for a period of
9 more than 24 hours, a passenger with a ticket for the ves-
10 sel subject to such delay is reimbursed by an owner of
11 the vessel in an amount that—

12 “(1) if the delay is more than 24 hours but less
13 than 48 hours, is equal to the lesser of—

14 “(A) half the price of the ticket of the pas-
15 senger; or

16 “(B) \$500; or

17 “(2) if the delay is 48 hours or more, is equal
18 to the price of the ticket of the passenger.

19 “(b) EXCEPTIONS.—The Commission shall ensure
20 that the process under subsection (a) establishes appro-
21 priate exceptions for delays that are the result of an un-
22 foreseeable event and are not related to a mechanical fail-
23 ure, including—

24 “(1) inclement weather;

25 “(2) political unrest;

1 “(3) piracy; or

2 “(4) an action necessary to preserve the safety
3 of passengers.

4 “(c) ENFORCEMENT.—If the Commission determines
5 that an owner of a cruise vessel failed to reimburse a pas-
6 senger as required under this section, the Commission,
7 after notice and an opportunity for a hearing, may impose
8 on such person a civil penalty of not more than \$25,000.

9 **“§ 80703. Customer service plans**

10 “(a) IN GENERAL.—An owner of a cruise vessel shall
11 submit to the Federal Maritime Commission a plan with
12 respect to customer service that includes processes for—

13 “(1) appropriately notifying passengers of
14 delays and cancellations;

15 “(2) ensuring transparent cancellation policies;

16 “(3) issuing prompt ticket refunds after can-
17 cellations;

18 “(4) properly accommodating passengers with
19 disabilities or special needs;

20 “(5) ensuring responsiveness to passenger com-
21 plaints;

22 “(6) notifying passengers in a timely manner of
23 changes to planned itineraries or ports of call; and

1 “(7) meeting the essential needs of passengers
2 during lengthy delays, including by providing access
3 to—

4 “(A) adequate food and potable water;

5 “(B) adequate restroom facilities;

6 “(C) electrical power;

7 “(D) real-time updates with respect to the
8 delay;

9 “(E) cabin ventilation and comfortable
10 cabin temperatures; and

11 “(F) necessary medical treatment.

12 “(b) TICKET CONTRACTS.—

13 “(1) INCORPORATION.—An owner of a cruise
14 vessel shall incorporate the plan submitted under
15 subsection (a) into the ticket contract of that owner.

16 “(2) AVAILABILITY ON INTERNET.—An owner
17 of a cruise vessel shall make the ticket contract of
18 that owner, including the plan submitted under sub-
19 section (a), available on the Web site of that owner
20 in an easily accessible form.

21 “(c) REVIEW.—The Commission shall review each
22 plan submitted under subsection (a) to determine if such
23 plan is complete and may require modifications of that
24 plan for completeness as the Commission determines nec-
25 essary.

1 “(d) TIMING.—

2 “(1) INITIAL SUBMISSION OF PLANS.—An
3 owner of a cruise vessel shall submit a plan under
4 subsection (a) with respect to the vessel—

5 “(A) if the vessel is owned or operated by
6 the owner on the date of enactment of this sec-
7 tion, not later than 120 days after such date of
8 enactment; and

9 “(B) if ownership or operation of the ves-
10 sel is acquired by the owner after the date of
11 enactment of this section, not later than 120
12 days after the date of such acquisition.

13 “(2) REVIEW OF PLANS.—The Commission
14 shall determine the completeness of each plan sub-
15 mitted to the Commission under subsection (a) not
16 later than 120 days after receiving such plan.

17 “(e) UPDATES.—The Commission may periodically
18 review plans submitted under subsection (a) for complete-
19 ness and require updates of such plans as the Commission
20 determines necessary.

21 “(f) GUIDANCE.—Not later than 90 days after the
22 date of enactment of this section, the Commission shall
23 issue guidance with respect to the plans required under
24 this section, which shall include information regarding—

1 “(1) plan elements and the requirements for
2 each of those elements; and

3 “(2) filing of the plans, including contact infor-
4 mation.

5 “(g) ENFORCEMENT.—

6 “(1) IN GENERAL.—The Commission may im-
7 pose, after notice and an opportunity for a hearing,
8 on any owner of a cruise vessel who violates this sec-
9 tion and any owner of a cruise vessel determined to
10 be operating in violation of a plan submitted under
11 this section, a civil penalty of not more than
12 \$25,000.

13 “(2) CONTINUING VIOLATIONS.—For purposes
14 of paragraph (1), each day of a continuing violation
15 shall be treated as a separate violation.

16 **“§ 80704. Passenger complaints**

17 “(a) IN GENERAL.—The Federal Maritime Commis-
18 sion shall establish a process for cruise vessel passengers
19 to report to the Commission complaints relating to sub-
20 jects addressed under this chapter, which shall include a
21 telephone number, an email address, and other appro-
22 priate electronic means for complaint submission.

23 “(b) NOTICE.—The Commission shall notify the pub-
24 lic and require cruise vessel owners to notify passengers
25 of the process established under subsection (a).

1 **“§ 80705. Report**

2 “Not later than 3 years after the date of enactment
3 of this section, and every 3 years thereafter, the Federal
4 Maritime Commission shall submit to Congress a report
5 on the implementation of this chapter by the Commission,
6 including any penalties imposed under this chapter.

7 **“§ 80706. Authorization of fees**

8 “(a) IN GENERAL.—The Federal Maritime Commis-
9 sion may establish, adjust, and collect fees in cruise vessel
10 ticket prices to fund the implementation of this chapter.

11 “(b) RELATIONSHIP TO COSTS.—The Federal Mari-
12 time Commission shall ensure that fees under subsection
13 (a) are reasonably related to the costs incurred by the
14 Commission in implementing this chapter.

15 “(c) LIMITATIONS ON JUDICIAL REVIEW.—The fol-
16 lowing shall not be subject to judicial review:

17 “(1) The establishment or adjustment of a fee
18 by the Commission under this section.

19 “(2) The validity of a determination by the
20 Commission for purposes of this section of the costs
21 to implement this chapter and the processes and
22 procedures applied by the Commission in reaching
23 such determination.

24 “(3) The allocation of costs by the Commission
25 to services it provides pursuant to this chapter and

1 the processes and procedures applied by the Com-
2 mission in establishing such allocation.

3 “(d) COSTS DEFINED.—In this section, the term
4 ‘costs’ includes operation and maintenance costs, leasing
5 costs, and overhead expenses associated with services pro-
6 vided by the Federal Maritime Commission under this
7 chapter and the facilities and equipment used in providing
8 such services.

9 **“§ 80707. Definitions**

10 “In this chapter, the following definitions apply:

11 “(1) CRUISE VESSEL.—The term ‘cruise vessel’
12 means a passenger vessel (as defined in section
13 2101(22)) that—

14 “(A) is authorized to carry at least 250
15 passengers;

16 “(B) has onboard sleeping facilities for
17 each passenger; and

18 “(C) is used for voyages that embark or
19 disembark passengers in the United States.

20 “(2) MECHANICAL FAILURE.—The term ‘me-
21 chanical failure’ means, with respect to a cruise ves-
22 sel, the failure of any machine or mechanical system
23 of that vessel to function within the parameters that
24 the manufacturer or engineer of that machine or
25 system has specified is normal.

1 “(3) OWNER.—The term ‘owner’ means, with
2 respect to a cruise vessel, the owner, charterer, man-
3 aging operator, master, or other individual in charge
4 of the vessel.”.

5 (b) CLERICAL AMENDMENT.—The analysis for sub-
6 title VIII of title 46, United States Code, is amended by
7 adding after the item relating to chapter 805 the fol-
8 lowing:

 “807. Cruise Vessel Passenger Protections 80701”.

9 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion, including any amendment made in this section, may
11 be construed to eliminate or replace authority provided to
12 a department or agency under other Federal or State law.

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