

# Recognizing Illegal Passenger Charters

**Know what to ask. Know when to walk away.**

A practical pre-boarding guide from Monty's Ark Adventures, informed by current U.S. Coast Guard passenger-vessel safety guidance.



## What is an Illegal Charter?

Illegal charters are vessels whose operations subvert regulations intended to keep passengers and the maritime public safe.

| Legal                                                                                                                                          | Illegal                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
|  Licensed Captain                                           |  Captain doesn't have license  |
|  Required safety equipment aboard                           |  Insufficient safety equipment |
|  Conducts safety briefing                                   |  No safety briefing            |
|  Has Certificate of Inspection (if more than 6+ passengers) |  Vessel is overcrowded         |

Report illegal charter operations to the Coast Guard Investigative Service at [USCG.mil/CGIS](https://uscg.mil/CGIS)

 [uscgauxci](https://www.facebook.com/uscgauxci) |  [uscgaux\\_cityisland](https://www.instagram.com/uscgaux_cityisland)

### THE SIMPLE RULE

If an operator cannot show the appropriate captain and vessel credentials, do not board.

Placard provided by the user and credited to U.S. Coast Guard Auxiliary Flotilla 014-05-04 City Island.

# Your 60-second pre-boarding check

- 1 Ask to see the captain's Merchant Mariner Credential.**  
A valid Coast Guard credential is required when a mariner carries even one passenger for hire. A legitimate professional should be ready to show it.
- 2 Confirm the passenger limit.**  
An uninspected passenger vessel generally may carry no more than six passengers for hire. A vessel carrying more than six must have a valid Coast Guard Certificate of Inspection (COI); ask to see it.
- 3 Listen for a real safety briefing.**  
Before departure, you should know where life jackets are located, how to use them, what to do in an emergency, and where fire extinguishers and distress equipment are kept.
- 4 Look for enough serviceable safety gear.**  
Red flags include missing or inadequate life jackets, non-working fire extinguishers, missing flares, poor vessel condition, or a crew that avoids safety questions.
- 5 Read the arrangement, especially for a bareboat charter.**  
A true bareboat charter gives the charterer control of the vessel and the right to select the captain and crew. The owner cannot merely label an ordinary captained trip a 'bareboat charter' to evade passenger-vessel rules.
- 6 Trust the walk-away test.**  
No credential, no required COI, overcrowding, no briefing, pressure to pay quickly, or a price far below comparable trips are reasons to stop and verify before boarding.

## What counts as 'for hire'?

Payment is broader than a ticket price. Required money, fuel, food, beverages, supplies, or another economic benefit can make someone a passenger for hire.

## Why credentials matter

Credentialed operators are evaluated for professional knowledge and emergency responsibilities. Vessel rules add safety equipment, inspection, documentation, and drug-testing safeguards.

Passenger rules can depend on vessel type and charter structure. This guide is educational, not legal advice; verify questions with the Coast Guard.

# Bareboat or captained charter?

The key question is who has possession, command, and control of the vessel during the trip. A true bareboat (or demise) charter temporarily places the charterer in the position of the owner. An ordinary captained charter leaves operational control with the vessel owner or charter company.

| CAPTAINED PASSENGER-FOR-HIRE CHARTER                                                                                                                                                                            | TRUE BAREBOAT / DEMISE CHARTER                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Control:</b> The vessel owner or charter company retains possession and operational control and provides the transportation service.                                                                         | <b>Control:</b> The owner completely relinquishes possession, command, and navigation to the charterer for the charter period.                                                                                                                      |
| <b>Captain and crew:</b> The company supplies or employs them. The captain must hold the appropriate Coast Guard credential, and required crew are subject to drug-and-alcohol testing rules.                   | <b>Captain and crew:</b> The charterer has a genuine choice. The owner may offer suggestions, but cannot force a captain or crew. The charterer hires and pays them separately and can discharge them for cause.                                    |
| <b>Passenger threshold:</b> An uninspected passenger vessel generally carries no more than six passengers for hire. More than six requires an inspected passenger vessel and a valid Certificate of Inspection. | <b>Guest threshold:</b> Coast Guard guidance allows the charterer plus up to 12 guests, excluding properly engaged crew. A vessel carrying more than 12 passengers under a bareboat charter is subject to passenger-vessel inspection requirements. |
| <b>Responsibility:</b> The owner/operator remains responsible for legal commercial operation, the qualified captain, required documentation, safety equipment, and applicable inspections.                      | <b>Responsibility:</b> The charterer assumes owner-like responsibility for the vessel during the charter, including lawful operation, safety, crew selection, and the charter arrangement's compliance.                                             |
| <b>Payment:</b> The customer usually pays the charter company for the vessel, captain, crew, and service as one captained experience.                                                                           | <b>Payment:</b> The vessel rental and crew arrangements should be genuinely separate. The captain and crew are paid by the charterer, not assigned or paid through the vessel owner's rental agreement.                                             |

## RED FLAGS FOR A 'SHAM' BAREBOAT CHARTER

The company requires a particular captain; captain and vessel appear as one bundled package; the charterer cannot reject or replace the crew; the owner or direct representative stays aboard; the charterer has no meaningful control; or guests are charged individually to board. A contract titled 'bareboat' does not cure an arrangement that operates like a captained passenger service.

Important nuance: a bareboat charterer may hire a professional captain, and the owner may set reasonable minimum qualifications. What matters is that the charterer retains a real, unrestricted choice and genuine control. Credential, inspection, and state requirements can depend on the vessel, route, use, and exact arrangement - verify before booking.

# A New York Harbor tragedy

## AUG 9, 2026 | U.S. COAST GUARD

The Coast Guard announced an active investigation after a vessel overturned near Liberty Island on the evening of August 8. All persons aboard entered the water. A mother and child died; the remaining survivors were reported stable. Coast Guard, FDNY, NYPD, an NYPD helicopter, and a Good Samaritan vessel participated in the response. The operator was arrested by NYPD for reckless endangerment, and investigators began determining whether the trip constituted an illegal charter.

[Read the official release](#)

## AUG 10, 2026 | U.S. ATTORNEY, SOUTHERN DISTRICT OF NEW YORK

Federal prosecutors charged the alleged operator with two counts of misconduct and neglect of a ship officer resulting in death. The charging release alleges that the paid New York Harbor tour carried 14 people on a vessel with a maximum allowable capacity of 10; lacked child- or infant-sized PFDs for a five-month-old passenger; was operated without a Merchant Mariner Credential; and lacked a valid Certificate of Inspection. Each charge carries a maximum potential sentence of 10 years. The allegations are accusations, and the defendant is presumed innocent unless proven guilty.

[Read the official release](#)

## What passengers should take from this

|                                   |                                                                                                                                                                                                           |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CAPACITY IS A SAFETY LIMIT</b> | Ask how many people the vessel is designed and legally permitted to carry. Overloading reduces stability and can make a small vessel more vulnerable to wake, waves, and shifting weight.                 |
| <b>THE RIGHT PFD MUST FIT</b>     | A life jacket is not interchangeable across ages and body sizes. Confirm that every adult and child - especially infants - has an appropriate, properly sized wearable PFD before departure.              |
| <b>VERIFY BEFORE PAYMENT</b>      | For a passenger-for-hire trip, ask to see the captain's Merchant Mariner Credential. If more than six passengers for hire will be carried, ask to see the vessel's Coast Guard Certificate of Inspection. |

### WHY THIS CASE MATTERS

This incident remains under investigation, and the federal allegations have not been proven. Even so, the reported circumstances show why credential, capacity, inspection, and properly fitted life-jacket checks belong at the dock - before a vessel gets underway.

# Choose a safety-forward operator

## MONTY'S ARK ADVENTURES

Private New York charters led by Capt. Steve, combining professional credentials, more than 50 years of boating experience, practical instruction, and attentive hospitality.

## What guests can verify

|                             |                                                                                                                                                                                            |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| USCG-LICENSED MASTER        | Capt. Stephen Marshall is identified by Monty's Ark as a USCG-licensed master (license no. 8449366).                                                                                       |
| AMERICAN BOATING INSTRUCTOR | Capt. Steve is a qualified American Boating instructor, bringing a teacher's approach to seamanship, boat handling, and sound decision-making on the water.                                |
| USCG AUXILIARY COXSWAIN     | Capt. Steve is a certified coxswain in the U.S. Coast Guard Auxiliary - a qualification centered on safely operating Auxiliary vessels and leading their crews during authorized missions. |
| SIX-GUEST MAXIMUM           | Monty's Ark states a maximum capacity of six passengers - a deliberately intimate charter format.                                                                                          |

## REPORT A SUSPECTED ILLEGAL CHARTER

Immediate danger: call 911 or hail the Coast Guard on VHF-FM Channel 16.  
Other reports: National Response Center 1-877-24WATCH (1-877-249-2824),  
or submit a CGIS tip.

LEARN MORE OR PLAN A PRIVATE CHARTER [montysarkadventures.com](https://montysarkadventures.com) | (516) 636-3094

## Sources and further reading

1. [U.S. Coast Guard, 'Conducting Investigation to Fatal Incident near Liberty Island,' Aug. 9, 2026.](#)
2. [U.S. Attorney's Office, SDNY, 'Unlicensed Tour Operator Charged,' Aug. 10, 2026.](#)
3. [U.S. Coast Guard, Passenger for Hire Vessel Operations brochure.](#)
4. [U.S. Coast Guard, NVIC 7-94, Guidance on the Passenger Vessel Safety Act of 1993.](#)
5. [U.S. Coast Guard, 'Terminates voyage of passenger vessel off New Jersey,' June 11, 2024.](#)
6. [Monty's Ark Adventures, About / FAQ.](#)

Prepared August 2026. Regulations, penalty amounts, and reporting channels can change; consult the U.S. Coast Guard for current requirements.