

7.6 Unseaworthiness—Defined

A vessel owner has a duty to provide and maintain a seaworthy vessel. [That duty cannot be delegated to anyone else.]

A vessel is seaworthy if the vessel and all of its parts and equipment are reasonably fit for their intended purpose [and it is operated by a crew reasonably adequate and competent for the work assigned].

A vessel is unseaworthy if the vessel, or any of its parts or equipment, is not reasonably fit for its intended purpose [or if its crew is not reasonably adequate or competent to perform the work assigned].

A vessel owner has a duty to provide adequate safety equipment for the vessel. However, the owner of the vessel is not required to furnish an accident-free ship. A vessel owner is not called on to have the best parts and equipment, or the finest of crews, but is required to have what is reasonably proper and suitable for its intended use, and a crew that is reasonably competent and adequate.

Comment

For a definition of a seaworthy vessel, see *Ribitzki v. Canmar Reading & Bates, Ltd.*

Partnership, 111 F.3d 658, 664 (9th Cir. 1997), and *Havens v. F/T Polar Mist*, 996 F.2d 215, 217-18 (9th Cir. 1993).

A shipowner has the duty to a seaman employed on the ship to furnish a vessel and appurtenances that are reasonably fit for their use. This includes maintaining a ship's equipment in proper operating condition. The failure of a piece of equipment under proper and expected use is sufficient to establish unseaworthiness. *Lee v. Pac. Far E. Line*, 566 F.2d 65, 67 (9th Cir. 1977); see also *Mitchell v. Trawler Racer, Inc.*, 362 U.S. 539, 550 (1960) (noting that a vessel owner has no obligation to furnish accident-free ship but rather “a duty to furnish a vessel and appurtenances reasonably fit for their intended use”).

A vessel may be unseaworthy because of “defective” crew members. *Pashby v.*

Universal Dredging Corp., 608 F.2d 1312, 1313-14 (9th Cir. 1979) (noting that violent or assaultive crew members may make vessel unseaworthy).

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