

Supreme Court Rules Floating Non-motorized Home Not a 'Vessel'



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In a 7-2 case decided on January 15, 2013, the United States Supreme Court held in *Lozman v. Riviera Beach* that a floating non-motorized home docked in a marina was not a “vessel.” The case has ramifications in other contexts where the presence of a “vessel” affects employment, safety and other issues.

The case arose because the home’s owner (Lozman) failed to pay dockage fees to the City (Riviera Beach). The City filed an action against Lozman’s home under federal court admiralty jurisdiction and used admiralty procedures to arrest the home. By the time the case got to the Supreme Court, the issue was whether Lozman’s home was a “vessel” for purposes of admiralty jurisdiction.

A “vessel” under maritime law “includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.” Lozman’s home was a non-motorized 60-foot by 12-foot plywood structure that used an empty bilge space underneath the main floor to keep it afloat. Although Lozman had previously towed his floating home to and from different marinas in Florida, the structure had no other history of waterborne transportation. In applying the definition to the facts, the Court reasoned that “a structure does not fall within the scope of this [definition] unless a reasonable observer, looking to the home’s physical characteristics and activities, would consider it designed to a practical degree for carrying people or things over water.” Accordingly, the Lozman home was not a “vessel,” according to the Court, because nothing about the home suggested that it was designed to carry people or things over water.

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