

RISK ALERT



Lasers, Legislation and Penalties



Written by
Ross Millar
Loss Prevention

One Hundred Sixteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Friday,
the third day of January, two thousand and twenty*

Incident

Recently, a vessel on passage towards Los Angeles spotted a high-speed craft approaching on a potential collision course. The vessel's master was concerned about this craft and instructed the Third Officer to aim a laser towards it to draw the attention of the occupants. Unbeknown to the vessel the approaching craft was a United States Coast Guard ("USCG") rescue vessel that had been dispatched to help a distressed yacht. Several days later USCG Officers boarded to investigate the use of the laser, and during this attendance the laser pointer was given to USCG staff.

Importance

The matter has been referred to the United States Department of Justice. **New legislation passed in January 2021** creates significant risk for both individual crew members and companies to face potential civil and criminal charges.

New Legislation

The National Defense Authorization Act makes it illegal to hit a vessel with a laser in navigable US jurisdiction waters, and fundamentally is a duplicate of aviation laws. Laser strikes have targeted USCG and Merchant Vessels under pilotage, and it is for these reasons the USCG had pushed for this law to purge this type of behaviour. Details can be found on [page 1322 of the Senate Bill](#) introduced on 3rd January 2020.

We understand violation could amount to civil penalties of up to **\$25,000** and allows for criminal prosecution with a **\$250,000 fine** and punishment of up to **25 years in prison**.

SEC. 8342. AIMING LASER POINTER AT VESSEL.

(a) IN GENERAL.—Subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

"§ 70014. Aiming laser pointer at vessel

"(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel operating on the navigable waters of the United States.

"(b) EXCEPTIONS.—This section shall not apply to a member or element of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

"(c) LASER POINTER DEFINED.—In this section the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object."

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

"70014. Aiming laser pointer at vessel."

Lessons

Recognition of this incident and new legislation is important for vessels operating in US waters and has not been widely communicated to the marine community. It is important to recognize the hazards of using laser pointers and this incident should serve as a reminder to not only report such behaviour but also to be mindful of the risks of injury, particularly damage to eyes, and to the financial and reputational penalties involved.

Should Masters and watchkeepers be concerned about the movements of approaching vessels, they must follow international rules, best practice, and use the proper light and sound signals prescribed in the IMO's Collision Regulations.

Further insights into this legislation will be available soon.