

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

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APR 30 2007

Mr. John Simmons  
Director, Bureau of Boating and Education  
Pennsylvania Fish & Boat Commission  
PO Box 67000  
Harrisburg, PA 17106

Dear Mr. Simmons:

Thank you for your inquiry as to whether or not an "Argo Amphibious ATV" is considered by the U.S. Coast Guard to be a vessel.

In response to your request, my office has researched the criteria used and guidance provided in previous legal opinions regarding whether or not a specified device is a vessel under 1 U.S.C. § 3.

Based on the information available, the U.S. Coast Guard has determined that, while on the water, the device known as the Argo Amphibious ATV is a vessel under 46 U.S.C. § 2101, and therefore subject to applicable regulations administered by the U.S. Coast Guard and its Office of Boating Safety, unless specifically exempted.

Thank you again for bringing this matter to our attention. If there is any additional information or clarification that I can provide, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey N. Hoedt".  
JEFFREY N. HOEDT  
Chief, Office of Boating Safety  
U.S. Coast Guard

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Homeland Security

United States  
Coast Guard



Commandant (CG-3PCB)  
United States Coast Guard

2100 Second Street, S.W.  
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## MEMORANDUM

From: CHIEF, OFFICE OF BOATING SAFETY

Reply to CG-3PCB-1  
Attn of: JEFF LUDWIG  
(202) 372-1061

To: FILE

Subj: LEGAL DETERMINATION ON VESSEL STATUS OF ARGO AMPHIBIOUS ATV

1. The Director of the Bureau of Boating and Education, Pennsylvania Fish and Boat Commission, has asked whether the Coast Guard considers the ARGO Amphibious ATV to be a vessel for purposes of accident reporting, vessel registration, safety equipment carriage, Navigation Rules, lighting, and manufacturer requirements (Enclosure 1).
2. In response to the request, we have researched the criteria used and guidance provided in previous Chief Counsel Opinions regarding whether or not a specified device was a vessel under 1 U.S.C. 3 and used the typical criteria for preparing an analysis of this device (Enclosure 2).
3. Based on the information available, the Coast Guard has determined that, while on the water, the device known as the Argo Amphibious ATV is a vessel under 46 U.S.C. 2101, and subject to regulations administered by the U.S. Coast Guard and its Office of Boating Safety, unless specifically exempted.

#

Enclosures: (1) E-mail from the Director of the Bureau of Boating and Education,  
Pennsylvania Fish and Boat Commission  
(2) Parameters for determining whether the Argo Amphibious ATV is a vessel

Copy: CG-0941; CG-3PWN; CG-3PCV

# **PARAMETERS FOR DETERMINING WHETHER ARGO AMPHIBIOUS ATV IS A VESSEL**

Criteria adopted by the Coast Guard legal office, utilizing case law and other references, to be used to determine if a device is a vessel are shown in bold face.

## **(1) Whether the watercraft is “practically capable” of carrying persons or property beyond the narrow limits of a swimming, surfing, or bathing area:**

The Argo Amphibious ATV is “practically capable” of and intended to transport one to eight persons across land, marshy areas and small bodies of water beyond the narrow limits of a swimming, surfing, or bathing area, and for transporting various gear, as well. The Argo Amphibious ATV is equipped with 6x6 or 8x8 wheel drives capable of land speeds up to 22 mph and floating on water with speeds up to 2.5 mph, using the tire treads to propel through the water; some models also may be equipped with an outboard motor. The Argo models have 5-7.7 gallon gas tanks, providing up to 8 hours of operation.

Argo Amphibious ATV manufacturers depict the device as transporting persons and gear across all terrains, primarily land, but crossing streams and wet marsh areas and small bodies of water. Argo Amphibious ATVs are capable of floating on the water and using the wheel treads to propel the vehicle along the surface of a waterbody; some depictions show riders wearing PFDs.

## **(2) Whether the useful operating range of the device is limited by the physical endurance of its operator:**

Argo Amphibious ATVs float on water with speeds up to 2.5 mph, using the tire treads to propel through the water. The Argo models have 5-7.7 gallon gas tanks, providing up to 8 hours of operation beyond the narrow limits of a swimming, surfing, or bathing area.

## **(3) Whether the device presents a substantial hazard to navigation or safety not already present:**

Any Argo Amphibious ATV maneuvered across a waterway to locations where other larger and faster craft travel will present a hazard, as the Argo Amphibious ATVs are not as powerful or maneuverable as the larger craft.

## **(4) Whether the normal objectives sought to be accomplished by the regulation of a device as a “vessel” are present:**

As a potential hazard to navigation or safety, regulation of Argo Amphibious ATVs would meet the normal objectives sought to be accomplished by the National Recreational Boating Safety Program.

## **PARAMETERS FOR DETERMINING WHETHER ARGO AMPHIBIOUS ATV IS A VESSEL**

**(5) Whether the operator and/or cargo would no longer be safe in the water if the device became disabled:**

Argo Amphibious ATVs provide a minimal level of safety to operators if they became disabled, based on the amount of inherent flotation material content, similar to a similar-sized motorboat with the same disablement. Thus, the occupants could be safe in the water if the device became disabled.

### **Conclusion.**

1 U.S.C. 3 states that "The word 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water." Given the answers to the questions above and the definition of the word "vessel" in the US Code, when utilized on the water, the Argo Amphibious ATV, although primarily a land vehicle, is a vessel while on the water and is subject to regulations administered by the U.S. Coast Guard and its Office of Boating Safety.