

TITLE 46, APPENDIX—SHIPPING

This Appendix consists of sections of former Title 46 that are not included in Title 46, Shipping, as enacted by Pub. L. 98-89, subtitle B of title V of Pub. L. 99-509, section 6 of Pub. L. 100-424, and Pub. L. 100-710, and certain laws related to shipping that were enacted after Pub. L. 98-89. Sections from former Title 46 retain the same section numbers in this Appendix. For disposition of all sections of former Title 46, see Table at beginning of Title 46, Shipping.

CHAPTER 2—DOCUMENTATION, RECORDING, AND MEASUREMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
41. Repealed.

SUBCHAPTER I—GENERAL PROVISIONS

§ 14. Wrecked vessels

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 sections 3703a, 12106, 12107, 12108.

§ 41. Repealed. Pub. L. 101-225, title III, § 307(1), Dec. 12, 1989, 103 Stat. 1925

Section, R.S. § 4172, related to forfeiture of a vessel of United States for failure to report sale of vessel to foreigners.

CHAPTER 3—CLEARANCE AND ENTRY

§ 91. Granting clearances

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 817d, 817e, 876, 1710a of this Appendix; title 18 sections 1826a, 4711; title 18 section 965; title 33 sections 1232, 1321, 1517, 1904, 1908, 2072, 2236, 2605, 2716; title 42 section 9608; title 46 sections 2110, 3718, 5113; title 50 App. section 13.

§ 100. Payment of fees on vessels outward bound

CROSS REFERENCES

Establishment and collection of fees for certain services to vessels, see section 2110 of Title 46, Shipping.

CHAPTER 4—TONNAGE DUTIES

§ 121. Amount of tonnage duties

[See main edition for text of first par.]

A tonnage duty of 9 cents per ton, not to exceed in the aggregate 45 cents per ton in any one year, for fiscal years 1991, 1992, 1993, 1994, and 1995, and 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, for each fiscal year thereafter is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean

Sea, or Newfoundland, and on all vessels (except vessels of the United States, recreational vessels, and barges, as those terms are defined in section 2101 of title 46) that depart a United States port or place and return to the same port or place without being entered in the United States from another port or place, and a duty of 27 cents per ton, not to exceed \$1.35 per ton per annum, for fiscal years 1991, 1992, 1993, 1994, and 1995, and 6 cents per ton, not to exceed 30 cents per ton per annum, for each fiscal year thereafter is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

[See main edition for text of last par.]

(As amended Nov. 5, 1990, Pub. L. 101-508, title X, § 10402(a), 104 Stat. 1388-398.)

AMENDMENTS

1990—Second par. Pub. L. 101-508 substituted "9 cents per ton, not to exceed in the aggregate 45 cents per ton in any one year, for fiscal years 1991, 1992, 1993, 1994, and 1995, and 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, for each fiscal year thereafter" for "two cents per ton, not to exceed in the aggregate ten cents per ton in any one year.", inserted "and on all vessels (except vessels of the United States, recreational vessels, and barges, as those terms are defined in section 2101 of title 46) that depart a United States port or place and return to the same port or place without being entered in the United States from another port or place," after "Newfoundland.", and substituted "27 cents per ton, not to exceed \$1.35 per ton per annum, for fiscal years 1991, 1992, 1993, 1994, and 1995, and 6 cents per ton, not to exceed 30 cents per ton per annum, for each fiscal year thereafter" for "six cents per ton, not to exceed thirty cents per ton per annum.". The amendments were executed to the second paragraph of this section which is the first paragraph of section 36 of the Act of Aug. 5, 1909, notwithstanding directory language that the amendments be made to the second paragraph of section 36 of the Act of Aug. 5, 1909, to reflect the probable intent of Congress.

OFFSETTING RECEIPTS

Section 10402(c) of Pub. L. 101-508 provided that: "Increased tonnage charges collected as a result of the amendments made by subsection (a) [amending this section] shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 132, 141 of this Appendix.

§ 132. Vessels not entering by sea

Vessels entering otherwise than by sea from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 9 cents per ton, not to exceed in the aggregate 45 cents per ton in any one year, for fiscal years 1991, 1992, 1993, 1994, and 1995, and 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, for each fiscal year thereafter, prescribed by section 121 of this Appendix.

(As amended Nov. 5, 1990, Pub. L. 101-508, title X, § 10402(b), 104 Stat. 1388-399.)

AMENDMENTS

1990—Pub. L. 101-508 substituted "9 cents per ton, not to exceed in the aggregate 45 cents per ton in any one year, for fiscal years 1991, 1992, 1993, 1994, and 1995, and 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, for each fiscal year thereafter" for "two cents per ton, not to exceed in the aggregate ten cents per ton in any one year".

CHAPTER 8—LIMITATION OF VESSEL OWNER'S LIABILITY**§ 181. Liability of masters as carriers****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 196, 1308 of this Appendix; title 16 section 1443.

§ 182. Loss by fire**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 187, 188, 196, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 183. Amount of liability**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 185, 187, 188, 196, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607; title 46 section 14305.

§ 183b. Stipulations limiting time for filing claims and commencing suit**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 183, 188, 1308 of this Appendix; title 16 section 1443.

§ 183c. Stipulations limiting liability for negligence invalid

It shall be unlawful for the manager, agent, master, or owner of any vessel transporting passengers between ports of the United States or between any such port and a foreign port to insert in any rule, regulation, contract, or agreement any provision or limitation (1) purporting, in the event of loss of life or bodily injury arising from the negligence or fault of such owner or his servants, to relieve such owner, master, or agent from liability, or from liability beyond any stipulated amount, for

such loss or injury, or (2) purporting in such event to lessen, weaken, or avoid the right of any claimant to a trial by any court of competent jurisdiction on the question of liability for such loss or injury, or the measure of damages therefor. All such provisions or limitations contained in any such rule, regulation, contract, or agreement are declared to be against public policy and shall be null and void and of no effect.

(As amended Nov. 4, 1992, Pub. L. 102-587, title III, § 3006, 106 Stat. 5068.)

AMENDMENTS

1992—Cl. (2). Pub. L. 102-587 inserted "any" before "court".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188, 1308 of this Appendix; title 16 section 1443.

§ 184. Apportionment of compensation**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 187, 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 185. Petition for limitation of liability; deposit of value of interest in court; transfer of interest to trustee**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 187, 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 186. Charterer may be deemed owner**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 187, 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 187. Remedies reserved**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 188, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 188. Limitation of liability of owners applied to all vessels**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 183, 1308 of this Appendix; title 16 section 1443; title 33 section 2718; title 42 section 9607.

§ 192. Limitation of liability for errors of navigation, dangers of sea and acts of God**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 194, 196, 1311 of this Appendix; title 16 section 1443.