

“(2) exempt the oceanographic research vessel from that provision under conditions the Secretary may specify.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3306 of this title.

**CHAPTER 23—OPERATION OF VESSELS
GENERALLY**

§ 2302. Penalties for negligent operations

[See main edition for text of (a)]

(b) A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person commits a class A misdemeanor.

(c) An individual who is under the influence of alcohol, or a dangerous drug in violation of a law of the United States when operating a vessel, as determined under standards prescribed by the Secretary by regulation—

(1) is liable to the United States Government for a civil penalty of not more than \$1,000 for a first violation and not more than \$5,000 for a subsequent violation; or

(2) commits a class A misdemeanor.

[See main edition for text of (d)]

(As amended Pub. L. 101-380, title IV, §§ 4105(b)(2), 4302(a), Aug. 18, 1990, 104 Stat. 513, 537; Pub. L. 102-587, title V, § 5102, Nov. 4, 1992, 106 Stat. 5071.)

AMENDMENTS

1992—Subsec. (c)(1). Pub. L. 102-587 substituted “\$1,000 for a first violation and not more than \$5,000 for a subsequent violation” for “\$1,000”.

1990—Subsec. (b). Pub. L. 101-380, § 4302(a)(1), substituted “commits a class A misdemeanor” for “shall be fined not more than \$5,000, imprisoned for not more than one year, or both”.

Subsec. (c). Pub. L. 101-380, §§ 4105(b)(2), 4302(a)(2)(A), substituted “under the influence of alcohol, or a dangerous drug in violation of a law of the United States” for “intoxicated” and struck out “, shall be” after “by the Secretary by regulation”.

Subsec. (c)(1). Pub. L. 101-380, § 4302(a)(2)(B), substituted “is liable” for “liable”.

Subsec. (c)(2). Pub. L. 101-380, § 4302(a)(2)(C), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “fined not more than \$5,000, imprisoned for not more than one year, or both.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 2304. Duty to provide assistance at sea

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3304 of this title; section 731 of Appendix to this title.

**PART B—INSPECTION AND REGULATION OF
VESSELS**

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2110, 2113, 7111, 7113, 8101, 8104, 8303, 8501, 8502, 14305 of this title; title 49 section 10542; title 50 App. section 1744.

CHAPTER 33—INSPECTION GENERALLY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2102, 8101, 8301 of this title; title 40 section 484d.

§ 3301. Vessels subject to inspection

The following categories of vessels are subject to inspection under this part:

[See main edition for text of (1) to (12)]

(13) Great Lakes barges.

(As amended Pub. L. 102-587, title V, § 5208(b), Nov. 4, 1992, 106 Stat. 5076.)

AMENDMENTS

1992—Par. (13). Pub. L. 102-587 added par. (13).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-587 effective Nov. 4, 1992, for Great Lakes barges placed in operation after Nov. 4, 1992, and effective one year after Nov. 4, 1992, for Great Lakes barges in operation on Nov. 4, 1992, with provision for interim safety requirements, see section 5208(c), (d) of Pub. L. 102-587, set out as a note under section 2101 of this title.

§ 3302. Exemptions

[See main edition for text of (a) and (b)]

(c) [See main edition for text of (1) and (2)]

(3) A fishing, fish processing, or fish tender vessel of not more than 500 gross tons is exempt from section 3301(1), (6), and (7) of this title if—

(A) when transporting cargo to or from a place in Alaska—

(i) that place does not receive weekly common carrier service by water from a place in the United States; or

(ii) the cargo is of a type not accepted by that common carrier service; or

(B) in the case of a fish tender vessel, the vessel is not engaged in the Aleutian trade.

(4) A fish tender vessel is exempt from section 3301(1), (6), and (7) of this title when engaged in the Aleutian trade if the vessel—

(A) is not more than 500 gross tons;

(B) has an incline test performed by a marine surveyor; and

(C) has written stability instructions posted on board the vessel.

[See main edition for text of (d) to (i)]

(j) Notwithstanding another provision of this chapter, the Secretary is not required to inspect or prescribe regulations for a nautical school vessel of not more than 15 gross tons—

[See main edition for text of (1)]

(2) operated by—

(A) the United States Merchant Marine Academy; or

(B) a State maritime academy assisted under section 1304 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c).

[See main edition for text of (k)]

(D)(1) The Secretary may issue a permit exempting the following vessels from the requirements of this part for passenger vessels so long as the vessels are owned by nonprofit organizations and operated as nonprofit memorials to merchant mariners:

(A) The steamship John W. Brown (United States official number 242209), owned by Project Liberty Ship Baltimore, Incorporated, located in Baltimore, Maryland.

(B) The steamship Lane Victory (United States official number 248094), owned by the United States Merchant Marine Veterans of World War II, located in San Pedro, California.

(C) The steamship Jeremiah O'Brien (United States official number 243622), owned by the United States Maritime Administration.

(2) The Secretary may issue a permit for a specific voyage or for not more than one year. The Secretary may impose specific requirements about the number of passengers to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters.

(3) A designated Coast Guard official who has reason to believe that a vessel operating under this subsection is in a condition or is operated in a manner that creates an immediate threat to life or the environment or is operated in a manner that is inconsistent with this section, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

(m) A seagoing barge is not subject to inspection under section 3301(6) of this title if the vessel is unmanned and does not carry—

- (1) a hazardous material as cargo; or
- (2) a flammable or combustible liquid, including oil, in bulk.

(As amended Pub. L. 101-595, title III, § 303(a), title VI, §§ 602(b), 603(2), Nov. 16, 1990, 104 Stat. 2983, 2990, 2993; Pub. L. 103-206, title III, § 311, Dec. 20, 1993, 107 Stat. 2426.)

AMENDMENTS

1993—Subsec. (m). Pub. L. 103-206 added subsec. (m).

1990—Subsec. (c)(3), (4). Pub. L. 101-595, § 602(b), added pars. (3) and (4).

Subsec. (j)(2)(B). Pub. L. 101-595, § 603(2), substituted “(46 App. U.S.C. 1295c)” for “(46 App. U.S.C. 1295(c))”.

Subsec. (l). Pub. L. 101-595, § 303(a), added subsec. (l).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 602(b) of Pub. L. 101-595 effective Nov. 16, 1990, except that requirements imposed by subsec. (c)(4)(B) and (C), effective six months after Nov. 16, 1990, see section 602(f) of Pub. L. 101-595, set out as a note under section 4502 of this title.

EXEMPTION OF CERTAIN FISHING AND FISH PROCESSING VESSELS

Section 403 of Pub. L. 98-364, as amended by Pub. L. 99-36, § 3, May 15, 1985, 99 Stat. 68; Pub. L. 101-225, title III, § 306, Dec. 12, 1989, 103 Stat. 1925, provided that:

“(a) Except as provided in chapter 37 of title 46, United States Code, and before January 1, 1991, a fishing, fish processing, or fish tender vessel, that is (1) not more than 500 gross tons and (2) in operation, or contracted for purchase to be used as a vessel of this type, before July 1, 1984, may transport cargo to or from a place in Alaska not receiving weekly transportation service from a port of the United States by an established water common carrier, except that the service limitation does not apply to transporting cargo of a type not accepted by that carrier.

[See main edition for text of (b) and (c)]

§ 3303. Reciprocity for foreign vessels

(a) Except as provided in chapter 37 of this title, a foreign vessel of a country having inspection laws and standards similar to those of the United States and that has an unexpired certificate of inspection issued by proper authority of its respective country, is subject to an inspection to ensure that the condition of the vessel is as stated in its current certificate of inspection. A foreign country is considered to have inspection laws and standards similar to those of the United States when it is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party. A foreign certificate of inspection may be accepted as evidence of lawful inspection only when presented by a vessel of a country that has by its laws accorded to vessels of the United States visiting that country the same privileges accorded to vessels of that country visiting the United States.

[See main edition for text of (b)]

(As amended Pub. L. 102-587, title V, § 5210(a), Nov. 4, 1992, 106 Stat. 5076.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-587, in first sentence, struck out “only” after “is subject” and substituted “the condition of the vessel is” for “the condition of the vessel’s propulsion equipment and lifesaving equipment are”.

§ 3306. Regulations

[See main edition for text of (a) to (g)]

(h) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 gross tons carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(4) of this title.

(i) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for former public vessels of the United States of at least 100 gross tons but less than 500 gross tons carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(5) of this title.

(As amended Pub. L. 103-206, title V, § 512(a), Dec. 20, 1993, 107 Stat. 2442.)

AMENDMENTS

1993—Subsecs. (h), (i). Pub. L. 103-206 added subsecs. (h) and (i).

REGULATIONS

Section 512(b), (c) of Pub. L. 103-206 provided that:

“(b) The Secretary of Transportation shall, within twenty-four months of the date of enactment of this Act [Dec. 20, 1993], prescribe regulations establishing the structural fire protection, manning, operating, and equipment requirements for vessels which meet the requirements of subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act.

“(c) Before the Secretary of Transportation prescribes regulations under subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act, the Secretary may prescribe the route, service, manning, and equipment for those vessels based on existing passenger vessel and small passenger vessel regulations.”

§ 3317. Fees

[See main edition for text of (a)]

(b) When an inspection or examination under this part of a documented vessel or a foreign vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

(As amended Pub. L. 102-587, title V, § 5211, Nov. 4, 1992, 106 Stat. 5076.)

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-587 substituted “under this part of a documented vessel or a foreign vessel” for “under this chapter of a documented vessel”.

§ 3318. Penalties

[See main edition for text of (a)]

(b) A person that knowingly manufactures, sells, offers for sale, or possesses with intent to sell, any equipment subject to this part, and the equipment is so defective as to be insufficient to accomplish the purpose for which it is intended, commits a class D felony.

(c) A person that employs a means or device whereby a boiler may be subjected to a pressure greater than allowed by the terms of the vessel's certificate of inspection commits a class D felony.

(d) A person that deranges or hinders the operation of any machinery or device employed on a vessel to denote the state of steam or water in any boiler or to give warning of approaching danger, or permits the water level of any boiler when in operation of a vessel to fall below its prescribed low-water line, commits a class D felony.

(e) A person that alters, defaces, obliterates, removes, or destroys any plans or specifications required by and approved under a regulation prescribed under section 3306 of this title, with intent to deceive or impede any official of the United States in carrying out that official's duties, commits a class A misdemeanor.

(f) A person commits a class D felony.¹ if the person—

[See main edition for text of (1) to (4); (g) to (l)]

(As amended Pub. L. 101-380, title IV, § 4302(b), Aug. 18, 1990, 104 Stat. 538.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-380, § 4302(b)(1), substituted “commits a class D felony” for “shall be fined not more than \$10,000, imprisoned for not more than 5 years, or both”.

Subsec. (c). Pub. L. 101-380, § 4302(b)(2), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (d). Pub. L. 101-380, § 4302(b)(3), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (e). Pub. L. 101-380, § 4302(b)(4), substituted “commits a class A misdemeanor” for “shall be fined not more than \$10,000, imprisoned for not more than 2 years, or both”.

Subsec. (f). Pub. L. 101-380, § 4302(b)(5), substituted “commits a class D felony.” for “shall be fined not less than \$1,000 but not more than \$10,000, and imprisoned for not less than 2 years but not more than 5 years.”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 35—CARRIAGE OF PASSENGERS

§ 3503. Fire-retardant materials

(a) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if the vessel is constructed of fire-retardant materials. Before November 1, 1998, this section does not apply to a vessel in operation before January 1, 1968, and operating only on the inland rivers.

(b)(1) When a vessel is exempted from the fire-retardant standards of this section—

[See main edition for text of (A)]

(B) the owner or managing operator of the vessel may not disclaim liability to a passenger for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator;

(C) the penalties provided in section 3504(c) of this title apply to a violation of this subsection; and

(D) the owner or managing operator of the vessel shall notify the Coast Guard of structural alterations to the vessel, and with regard to those alterations comply with any noncombustible material requirements that the Coast Guard prescribes for nonpublic spaces. Coast Guard requirements shall be consistent with preservation of the historic integrity of the vessel in areas carrying or ac-

¹ So in original. The period probably should be a comma.