

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
502	46 App.:326.	R.S. §4378.

§ 503. Notice of seizure

When a forfeiture of a vessel or cargo accrues, the official of the United States Government required to give notice of the seizure of the vessel or cargo shall include in the notice, if they are known to that official, the name and the place of residence of the owner or consignee at the time of the seizure.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1490.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
503	46 App.:327.	R.S. §4379.

§ 504. Remission of fees and penalties

Any part of a fee, tax, or penalty paid or a forfeiture incurred under a law or regulation relating to vessels or seamen may be remitted if—

(1) application for the remission is made within one year after the date of the payment or forfeiture; and

(2) it is found that the fee, tax, penalty, or forfeiture was improperly or excessively imposed.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1491.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
504	46:2108.	

This section replaces 46 U.S.C. 2108, which was enacted as part of the codification of subtitle II of title 46 in 1983. That provision was based on section 26 of the Act of June 26, 1884, ch. 121, 23 Stat. 59, which prior to the subtitle II codification appeared at 46 U.S.C. 8 (1982 ed.). In the enactment of 46 U.S.C. 2108, the scope of the 1884 provision was narrowed, presumably inadvertently. This section restores the remissions authority to its prior scope. Note that 19 C.F.R. §4.24 (2003) still refers to “the authority to make refunds in accordance with section 26 of the Act of June 26, 1884 (46 U.S.C. 8)” as if that provision had not been replaced by 46 U.S.C. 2108 in 1983.

§ 505. Penalty for violating regulation or order

A person convicted of knowingly and willfully violating a regulation or order of the Federal Maritime Commission or the Secretary of Transportation under subtitle IV or V of this title, for which no penalty is expressly provided, shall be fined not more than \$500. Each day of a continuing violation is a separate offense.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1491.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
505	46 App.:1228 (last par.).	June 29, 1936, ch. 858, title VIII, §806(d); as added Aug. 4, 1939, ch. 417, §13, 53 Stat. 1187; Pub. L. 97-31, §12(125), Aug. 6, 1981, 95 Stat. 164.

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AMENDMENTS

2006—Pub. L. 109-304, §15(1), Oct. 6, 2006, 120 Stat. 1702, in each chapter item, capitalized first letter of each

word containing 4 or more letters, struck out item for chapter 39 “Carriage of animals”, and substituted “Uninspected Commercial Fishing Industry Vessels” for “Fish processing vessels” in item 45.

2000—Pub. L. 106-398, §1 [(div. A)], title X, §1087(g)(6), Oct. 30, 2000, 114 Stat. 1654, 1654A-294, substituted “mariner benefits” for “Mariner Benefits” in item 112.

1998—Pub. L. 105-368, title IV, §402(b), Nov. 11, 1998, 112 Stat. 3337, added item 112.

1996—Pub. L. 104-324, title VI, §602(b), Oct. 19, 1996, 110 Stat. 3930, added item 32.

1992—Pub. L. 102-587, title V, §5304, Nov. 4, 1992, 106 Stat. 5083, added item 47.

1988—Pub. L. 100-710, title I, §101(b), Nov. 23, 1988, 102 Stat. 4738, added item 125.

Pub. L. 100-424, §6(b), Sept. 9, 1988, 102 Stat. 1592, added item 106.

1986—Pub. L. 99-509, title V, §5101(1), Oct. 21, 1986, 100 Stat. 1913, inserted items for parts C and J.

1985—Pub. L. 99-36, §1(a)(9)(A), May 15, 1985, 99 Stat. 67, substituted “Merchant Seamen Licenses, Certifications, and” for “Licenses, Certificates, and Merchant Mariners” in heading for part E.

1984—Pub. L. 98-364, title IV, §402(7)(A), July 17, 1984, 98 Stat. 446, inserted “generally” in item 41, reenacted item 43 without change, and added item 45.

PART A—GENERAL PROVISIONS

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Part A contains general provisions that apply throughout the subtitle and provisions that apply generally to the operation of all vessels.

CHAPTER 21—GENERAL

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Chapter 21 contains definitions that are general in nature and applicable to all references within Subtitle II—Vessels and Seamen. The chapter provides the basic authority and responsibility for the enforcement and administration of this subtitle with appropriate delegation and reporting requirements.

AMENDMENTS

2010—Pub. L. 111-281, title V, §522(b), title VI, §608(b), Oct. 15, 2010, 124 Stat. 2957, 2968, added items 2116 to 2118.

2008—Pub. L. 110-181, div. C, title XXXV, §3529(a)(1), Jan. 28, 2008, 122 Stat. 603, struck out item 2108 “Refund of penalties”.

1996—Pub. L. 104-324, title III, §303(b), Oct. 19, 1996, 110 Stat. 3917, added item 2115.

1990—Pub. L. 101-508, title X, §10401(b), Nov. 5, 1990, 104 Stat. 1388-398, substituted “Fees” for “Fees prohibited” in item 2110.

1984—Pub. L. 98-557, §13(b), Oct. 30, 1984, 98 Stat. 2864, added item 2114.

§ 2101. General definitions

In this subtitle—

(1) “associated equipment”—

(A) means—

- (i) a system, accessory, component, or appurtenance of a recreational vessel; or
- (ii) a marine safety article intended for use on board a recreational vessel; but

(B) with the exception of emergency locator beacons for recreational vessels operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes, does not include radio equipment.

[(2) to (3a) Repealed. Pub. L. 109-304, §15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(4) “Coast Guard” means the organization established and continued under section 1 of title 14.

(5) “commercial service” includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(5a) “consideration” means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

[(6) Repealed. Pub. L. 109-304, §15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(7) “crude oil” means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(8) “crude oil tanker” means a tanker engaged in the trade of carrying crude oil.

(8a) “dangerous drug” means a narcotic drug, a controlled substance, or a controlled substance analog (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(9) “discharge”, when referring to a substance discharged from a vessel, includes spilling, leaking, pumping, pouring, emitting, emptying, or dumping, however caused.

[(10), (10a) Repealed. Pub. L. 109-304, §15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(10b) “ferry” means a vessel that is used on a regular schedule—

(A) to provide transportation only between places that are not more than 300 miles apart; and

(B) to transport only—

- (i) passengers; or
- (ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.

(11) “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

(11a) “fishing vessel” means a vessel that commercially engages in the catching, taking,