

AMENDMENTS

1988—Pub. L. 100-424 substituted “Immersion” for “Exposure” in section catchline, and “immersion” for “exposure” in subsecs. (a) and (b).

REPEAL OF DUPLICATE SECTION 3102; REFERENCES THERETO AND REGULATIONS AND ACTIONS THEREUNDER

Pub. L. 99-36, § 2, May 15, 1985, 99 Stat. 68, provided that: “Section 22 of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2871), and the amendments made by such section [enacting first identical section 3102 of this title and provisions set out as a note under this section and amending the analysis of chapter 31 of this title], are repealed as of November 8, 1984. Regulations prescribed and actions taken under, and references to, such section and the amendments made by such section are deemed to be regulations prescribed and actions taken under, and references to, section 701 of the Act of November 8, 1984 (Public Law 98-623; 98 Stat. 3413), and the amendments made by such section 701 [enacting second identical section 3102 of this title and provisions set out as a note under this section and amending the analysis of chapter 31 of this title].”

REGULATIONS

Pub. L. 98-623, title VII, § 701(b), (c), Nov. 8, 1984, 98 Stat. 3413, provided:

“(b) Section 3102 of title 46, United States Code (as added by subsection (a) of this section), does not limit the authority of the Secretary of the department in which the Coast Guard is operating to prescribe regulations requiring exposure suits on vessels not required by section 3102 to have exposure suits.

“(c) The regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section), shall be effective not later than 60 days after the date of enactment of this title [Nov. 8, 1984].” [Regulations effective Dec. 30, 1984, see 49 F.R. 50722, Dec. 31, 1984.]

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

Similar provisions were contained in section 22(b), (c) of Pub. L. 98-557, which was repealed by section 2 of Pub. L. 99-36, set out above as a Repeal of Duplicate Section note.

§ 3103. Use of reports, documents, and records

The Secretary may rely, as evidence of compliance with this subtitle, on—

- (1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and
- (2) other methods the Secretary has determined to be reliable.

(Added Pub. L. 104-324, title VI, § 603(a), Oct. 19, 1996, 110 Stat. 3930.)

§ 3104. Survival craft

(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than the date that is 30 months after the date on which the report described in subsection (c) is submitted, if—

- (1) it was approved by the Secretary before January 1, 2010; and
- (2) it is in serviceable condition.

(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water, which shall include—

- (1) the number of casualties, by vessel type and area of operation, as the result of immersion in water reported to the Coast Guard for each of fiscal years 1991 through 2011;
- (2) the effect the carriage of such survival craft has on—
 - (A) vessel safety, including stability and safe navigation; and
 - (B) survivability of individuals, including persons with disabilities, children, and the elderly;
- (3) the efficacy of alternative safety systems, devices, or measures;
- (4) the cost and cost effectiveness of requiring the carriage of such survival craft on vessels; and
- (5) the number of small businesses and non-profit entities that would be affected by requiring the carriage of such survival craft on vessels.

(Added Pub. L. 111-281, title VI, § 609(a), Oct. 15, 2010, 124 Stat. 2968; amended Pub. L. 112-213, title III, § 303, Dec. 20, 2012, 126 Stat. 1563.)

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (c), is the date of enactment of Pub. L. 112-213, which was approved Dec. 20, 2012.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-213, § 303(1), substituted “the date that is 30 months after the date on which the report described in subsection (c) is submitted” for “January 1, 2015” in introductory provisions.

Subsec. (c). Pub. L. 112-213, § 303(2), added subsec. (c).

CHAPTER 32—MANAGEMENT OF VESSELS

Sec.	
3201.	Definitions.
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3205.	Certification.

§ 3201. Definitions

In this chapter—

- (1) “International Safety Management Code” has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;
- (2) “responsible person” means—
 - (A) the owner of a vessel to which this chapter applies; or
 - (B) any other person that has—
 - (i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

(3) “vessel engaged on a foreign voyage” means a vessel to which this chapter applies—

(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

(B) making a voyage between places outside the United States; or

(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

(Added Pub. L. 104-324, title VI, § 602(a), Oct. 19, 1996, 110 Stat. 3928.)

SAFETY MANAGEMENT CODE REPORT AND POLICY

Pub. L. 105-383, title III, § 306, Nov. 13, 1998, 112 Stat. 3420, provided that:

“(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

“(1) The Secretary of Transportation (in this section referred to as the ‘Secretary’) shall conduct a study—

“(A) reporting on the status of implementation of the International Safety Management Code (hereafter referred to in this section as ‘Code’);

“(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

“(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

“(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

“(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candidness of such reporting and auditing.

These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

“(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

“(3) Not later than 18 months after the date of the enactment of this Act [Nov. 13, 1998], the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

“(b) POLICY.—

“(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

“(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

“(B) any other measures to achieve full compliance with and effective implementation of the Code; and

“(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

“(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

“(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal

Register and provide opportunity for public comment on the policy.”

VESSEL MANAGEMENT METHODS STUDY

Pub. L. 104-324, title VI, § 602(c), Oct. 19, 1996, 110 Stat. 3930, provided that:

“(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

“(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

“(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)[]); or

“(B) the date that is 1 year after the date of enactment of this Act [Oct. 19, 1996].”

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

§ 3202. Application

(a) FOREIGN VOYAGES AND FOREIGN VESSELS.—This chapter applies to a vessel that—

(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

(B) is of at least 500 gross tons as measured under section 14302 of this title and is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

(2)(A) is engaged on a foreign voyage; or

(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas.

(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

(1) a passenger vessel or small passenger vessel; and

(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.

(c) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

(d) EXCEPTION.—Except as provided in subsection (c) of this section, this chapter does not apply to—

(1) a barge;

(2) a recreational vessel not engaged in commercial service;

(3) a fishing vessel;

(4) a vessel operating on the Great Lakes or its tributary and connecting waters that is not described in subsection (b) of this section; or

(5) a public vessel.