

Government for a civil penalty of not more than \$5,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 517; Pub. L. 98-498, title II, §211(c), Oct. 19, 1984, 98 Stat. 2304; Pub. L. 99-307, §1(6), May 19, 1986, 100 Stat. 445; Pub. L. 101-380, title IV, §4302(b), Aug. 18, 1990, 104 Stat. 538; Pub. L. 104-324, title III, §310, title VII, §713, Oct. 19, 1996, 110 Stat. 3919, 3936; Pub. L. 109-304, §15(13), Oct. 6, 2006, 120 Stat. 1703.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3318 .....	46:369(e) 46:390d 46:398 46:403 46:407 46:408 46:410 46:413 46:436 46:481(d) 46:1295f(d)(2), (3)

Section 3318 provides for a number of specific civil and criminal penalties.

AMENDMENTS

2006—Subsec. (f). Pub. L. 109-304 struck out period after “felony”.

1996—Subsec. (a). Pub. L. 104-324, §713(1), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons”.

Subsec. (b)(1). Pub. L. 104-324, §310, designated existing provisions as par. (1) and added par. (2).

Subsec. (j)(1). Pub. L. 104-324, §713(2), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “1,600 gross tons”.

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.”.

1986—Subsec. (f). Pub. L. 99-307 in provision preceding par. (1) substituted “than” for “then” in two places.

1984—Subsec. (a). Pub. L. 98-498, §211(c)(1), substituted “Except as otherwise provided in this part, the” for “The” and “not more than \$5,000” for “\$1,000, except that when the violation involves operation of a barge, the penalty is \$500”.

Subsec. (c). Pub. L. 98-498, §211(c)(2), substituted “\$5,000” for “\$2,000”.

Subsec. (d). Pub. L. 98-498, §211(c)(3), substituted “\$5,000” for “\$2,000”.

Subsec. (e). Pub. L. 98-498, §211(c)(4), substituted “\$10,000” for “\$2,000”.

Subsec. (f). Pub. L. 98-498, §211(c)(5), substituted “\$10,000” for “\$5,000”.

Subsec. (g). Pub. L. 98-498, §211(c)(6), substituted “is liable to the Government for a civil penalty of not more than \$5,000” for “shall be fined not more than \$10,000, imprisoned for not more than one year, or both”.

Subsec. (h). Pub. L. 98-498, §211(c)(7), substituted “Government for a civil penalty of not more than \$1,000.” for “United States Government for a civil penalty of not more than \$500.”

Subsecs. (i) to (l). Pub. L. 98-498, §211(c)(8), added subsecs. (i) to (l).

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

Sec.	
3501.	Number of passengers.
3502.	List or count of passengers.
3503.	Fire-retardant materials.
3504.	Notification to passengers.
3505.	Prevention of departure.
3506.	Copies of laws.
3507.	Passenger vessel security and safety requirements <sup>1</sup>
3508.	Crime scene preservation training for passenger vessel crewmembers <sup>1</sup>

HISTORICAL AND REVISION NOTES

Chapter 35 consolidates the laws that have specific application to the carriage of passengers. They provide special provisions for listing and counting the number of passengers on board a vessel, for notifying the general public of the safety standards that are applicable, and for related control measures.

AMENDMENTS

2010—Pub. L. 111-207, §3(b), July 27, 2010, 124 Stat. 2251, added items 3507 and 3508.

§ 3501. Number of passengers

(a) Each certificate of inspection issued to a vessel carrying passengers (except a ferry) shall include a statement on the number of passengers that the vessel is permitted to carry.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel is liable to a person suing them for carrying more passengers than the number of passengers permitted by the certificate of inspection in an amount equal to—

- (1) passage money; and
- (2) \$100 for each passenger in excess of the number of passengers permitted.

(c) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that knowingly carries more passengers than the number of passengers permitted by the certificate of inspection also shall be fined not more than \$100, imprisoned for not more than 30 days, or both.

(d) The vessel also is liable in rem for a penalty under this section.

(e) An offshore supply vessel may not carry passengers except in an emergency.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99-36, §1(a)(2), May 15, 1985, 99 Stat. 67.)

<sup>1</sup> So in original. Probably should be followed by a period.