

tion under conditions and in a manner and form prescribed by the Secretary.

(c) The Secretary shall—

(1) retain information on a vessel with a preferred mortgage under section 31322(d) of this title that is no longer titled in a State making information available to the Secretary under this chapter until the mortgage is discharged or the vessel is sold; and

(2) accept information under section 31321(h) of this title only if that information cannot be provided to a State.

(Added Pub. L. 100-710, title I, §101(a), Nov. 23, 1988, 102 Stat. 4736; amended Pub. L. 101-225, title III, §302(2), Dec. 12, 1989, 103 Stat. 1922; Pub. L. 101-595, title VI, §603(10), Nov. 16, 1990, 104 Stat. 2993; Pub. L. 109-304, §15(24), Oct. 6, 2006, 120 Stat. 1704.)

#### HISTORICAL AND REVISION NOTES

##### *Revised section 12503*

Subsection (a) of section 12503 allows a State or approved State delegee to make vessel identification information available to the Secretary. Participation in the system is voluntary on the part of a State. A benefit to boat purchasers and financiers in States with approved titling systems participating in this system is that vessel mortgages or financing instruments made in those States are deemed to be preferred mortgages under chapter 313 of title 46, United States Code (as codified and enacted by this Act).

Under subsection (a), the Secretary may prescribe the manner and form in which the information is made available by the States. In this regard, the Committee intends that the Secretary employ the most efficient, up-to-date computer technology in maintaining information made available from the States to avoid duplication of effort in maintaining information and to reduce the costs of the system. In addition to the vessel identification information made available by States under paragraphs (1)–(6), the Secretary and a State may agree that the State make available other information. For example, the purpose for which a vessel is routinely used would be valuable information for the system.

The Committee intends that most of the information in the system will become available directly and exclusively from the States to the greatest extent possible. However, under subsection (b), the Secretary may accept information from others under conditions and in a manner and form prescribed by the Secretary. Thus, if the Secretary discovers a valuable and reliable source of data that can be conveniently made available to the system, the Secretary can approve it.

Under paragraph (c)(1), the Secretary must maintain information on a State-titled vessel with a preferred mortgage that moves to a nonparticipating, nontitle State, until the mortgage is discharged or the vessel is sold. Under paragraph (c)(2), the Secretary must accept information submitted under section 31321 of title 46 (as enacted by this Act) concerning a discharge of a preferred mortgage on a vessel title under State law. This would be necessary if the vessel moves to a nonparticipating State, and information on that vessel would not be provided to the system by that State. This subsection will allow the Secretary to keep the vessel information system current on these matters and purge files no longer required to be maintained.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-304 substituted “delegated” for “delegee” in introductory provisions.

1990—Subsec. (a)(2)(A). Pub. L. 101-595 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “the owner’s social security number; or”.

1989—Subsec. (a)(2). Pub. L. 101-225 amended par. (2) generally, adding subpars. (A) and (B).

#### § 12504. Information available from the system

For law enforcement or other purposes and under conditions prescribed by the Secretary of Transportation, the Secretary—

(1) shall make available information in the vessel identification system to a State making information available under section 12503(a) of this title; and

(2) may make available information in the vessel identification system to others.

(Added Pub. L. 100-710, title I, §101(a), Nov. 23, 1988, 102 Stat. 4736; amended Pub. L. 101-225, title III, §302(3), Dec. 12, 1989, 103 Stat. 1923.)

#### HISTORICAL AND REVISION NOTES

##### *Revised section 12504*

This section requires that the Secretary make available information maintained in the vessel identification system to a State participating in the system for law enforcement or other purposes. The Secretary may make available information in the system to others, under conditions the Secretary may prescribe. At first, the Secretary may elect to deal only with the States. However, the Committee firmly expects that information will be made available through computer terminals in satellite offices or direct computer access by modem. In this manner, boating organizations or financial or documentation services could retrieve data without paper transactions for a fee.

#### AMENDMENTS

1989—Pub. L. 101-225 substituted “Secretary of Transportation, the Secretary” for “Secretary, the Secretary of Transportation”.

#### § 12505. Fees

(a) The Secretary of Transportation may charge a fee under section 9701 of title 31 for providing information to or requesting information from the vessel identification system, except to—

(1) an agency; or

(2) a State making information available to the Secretary under section 12503(a) of this title.

(b) The Secretary shall deposit amounts transferred or collected under this section in the general fund of the Treasury as proprietary receipts of the Secretary and ascribed to the vessel identification system.

(Added Pub. L. 100-710, title I, §101(a), Nov. 23, 1988, 102 Stat. 4737; amended Pub. L. 101-595, title VI, §603(11), Nov. 16, 1990, 104 Stat. 2993.)

#### HISTORICAL AND REVISION NOTES

##### *Revised section 12505*

This section contains the authority for the Secretary to charge a fee under the user charge law, 31 U.S.C. 9701, for providing information to or requesting information from the vessel identification system. Fees may not be charged under this subsection to an agency or a State that is participating in the vessel identification system maintained by the Secretary.

Under subsection (b) of this section, the Secretary may collect an annual fee of not more than \$1.00 from the owner of a vessel of the United States under 31 U.S.C. 9701 for the vessel identification system. Since vessel owners will benefit from the vessel identification system, such as from documentation of ownership data