

suffering, or psychological injury so long as the provision does not limit such liability when the emotional distress, mental suffering, or psychological injury is—

(A) the result of physical injury to the claimant caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator;

(B) the result of the claimant having been at actual risk of physical injury, and the risk was caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator; or

(C) intentionally inflicted by a crewmember or the owner, master, manager, agent, or operator.

(2) **SEXUAL OFFENSES.**—This subsection does not limit the liability of a crewmember or the owner, master, manager, agent, or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1514.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30509	46 App.:183c.	R.S. § 4283B, as added June 5, 1936, ch. 521, §2, 49 Stat. 1480; Oct. 19, 1996, Pub. L. 104-324, §1129(b), 110 Stat. 3984.

In subsection (a)(1), before subparagraph (A), the words “may not” are substituted for “It shall be unlawful” for consistency in the revised title and with other titles of the United States Code. The words “rule” and “agreement” are omitted as covered by “regulation” and “contract”, respectively. The words “a provision limiting” are substituted for “any provision or limitation (1) purporting . . . to relieve . . . , or (2) purporting . . . to lessen, weaken, or avoid” to eliminate unnecessary words. In subparagraph (A), the words “the owner’s employees or agents” are substituted for “his servants” for consistency in the revised title. In subparagraph (B), the words “on the question of liability for such loss or injury, or the measure of damages therefor” are omitted as unnecessary.

Subsection (b)(2) is substituted for 46 App. U.S.C. 183c (last sentence) for consistency and to eliminate unnecessary words.

§ 30510. Vicarious liability for medical malpractice with regard to crew

In a civil action by any person in which the owner or operator of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, the owner, operator, or employer is entitled to rely on any statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1515.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30510	46 App.:183(g).	R.S. §4283(g); Pub. L. 104-324, §1129(a), Oct. 19, 1996, 110 Stat. 3984.

The words “civil action” are substituted for “suit” for consistency in the revised title. The words “is entitled to rely on any statutory” are substituted for “shall be entitled to rely upon any and all statutory” to eliminate unnecessary words.

§ 30511. Action by owner for limitation

(a) **IN GENERAL.**—The owner of a vessel may bring a civil action in a district court of the United States for limitation of liability under this chapter. The action must be brought within 6 months after a claimant gives the owner written notice of a claim.

(b) **CREATION OF FUND.**—When the action is brought, the owner (at the owner’s option) shall—

(1) deposit with the court, for the benefit of claimants—

(A) an amount equal to the value of the owner’s interest in the vessel and pending freight, or approved security; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter; or

(2) transfer to a trustee appointed by the court, for the benefit of claimants—

(A) the owner’s interest in the vessel and pending freight; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter.

(c) **CESSATION OF OTHER ACTIONS.**—When an action has been brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question shall cease.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1515.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30511	46 App.:185.	R.S. §4285; June 5, 1936, ch. 521, §3, 49 Stat. 1480.

In subsection (a), the words “bring a civil action . . . in a district court of the United States” are substituted for “petition a district court of the United States” for consistency in the revised title and with other titles of the United States Code. See rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “of competent jurisdiction” are omitted as unnecessary.

In subsection (b), the word “pending” before “freight” is added for consistency in the chapter. The words “to carry out this chapter” are substituted for “to carry out the provisions of section 183 of this Appendix” because of the reorganization of the source provisions.

§ 30512. Liability as master, officer, or seaman not affected

This chapter does not affect the liability of an individual as a master, officer, or seaman, even though the individual is also an owner of the vessel.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1516.)