

“either upon his own initiative or upon the written recommendation of the head of any other Government agency, when he deems that such action is necessary” to eliminate unnecessary words.

AMENDMENTS

2013—Subsec. (b)(3)(A). Pub. L. 112-239 substituted “the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate” for “the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” in introductory provisions.

2012—Subsec. (b). Pub. L. 112-213 designated existing provisions as par. (1), inserted par. (1) heading, and added pars. (2) and (3).

2008—Subsec. (b). Pub. L. 110-417 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual may waive compliance with those laws to the extent, in the manner, and on the terms the individual prescribes.”

§ 502. Cargo exempt from forfeiture

Cargo on a vessel is exempt from forfeiture under this title if—

- (1) the cargo is owned in good faith by a person not the owner, master, or crewmember of the vessel; and
(2) the customs duties on the cargo have been paid or secured for payment as provided by law.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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.

Subtitle II—Vessels and Seamen

PART A—GENERAL PROVISIONS

Chapter 21. General ..... 2101
23. Operation of Vessels Generally ..... 2301

PART B—INSPECTION AND REGULATION OF VESSELS

31. General ..... 3101
32. Management of Vessels ..... 3201
33. Inspection Generally ..... 3301
35. Carriage of Passengers ..... 3501
37. Carriage of Liquid Bulk Dangerous Cargoes ..... 3701
[39. Repealed.] .....
41. Uninspected Vessels Generally ..... 4101
43. Recreational Vessels ..... 4301
45. Uninspected Commercial Fishing Industry Vessels ..... 4501
47. Abandonment of Barges ..... 4701

PART C—LOAD LINES OF VESSELS

51. Load Lines ..... 5101

PART D—MARINE CASUALTIES

61. Reporting Marine Casualties ..... 6101
63. Investigating Marine Casualties ..... 6301

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

71. Licenses and Certificates of Registry ..... 7101
73. Merchant Mariners’ Documents ..... 7301
75. General Procedures for Licensing, Certification, and Documentation ..... 7501

Chapter

**77. Suspension and Revocation ..... 7701**

PART F—MANNING OF VESSELS

**81. General ..... 8101**

**83. Masters and Officers ..... 8301**

**85. Pilots ..... 8501**

**87. Unlicensed Personnel ..... 8701**

**89. Small Vessel Manning ..... 8901**

**91. Tank Vessel Manning Standards .... 9101**

**93. Great Lakes Pilotage ..... 9301**

PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

**101. General ..... 10101**

**103. Foreign and Intercoastal Voyages .. 10301**

**105. Coastwise Voyages ..... 10501**

**106. Fishing Voyages ..... 10601**

**107. Effects of Deceased Seamen ..... 10701**

**109. Proceedings on Unseaworthiness ... 10901**

**111. Protection and Relief ..... 11101**

**112. Merchant Mariner Benefits ..... 11201**

**113. Official Logbooks ..... 11301**

**115. Offenses and Penalties ..... 11501**

PART H—IDENTIFICATION OF VESSELS

**121. Documentation of Vessels ..... 12101**

**123. Numbering Undocumented Vessels 12301**

**125. Vessel Identification System ..... 12501**

PART I—STATE BOATING SAFETY PROGRAMS

**131. Recreational Boating Safety ..... 13101**

PART J—MEASUREMENT OF VESSELS

**141. General ..... 14101**

**143. Convention Measurement ..... 14301**

**145. Regulatory Measurement ..... 14501**

**147. Penalties ..... 14701**

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

HISTORICAL AND REVISION NOTES

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

CHAPTER 21—GENERAL

Sec.

2101. General definitions.

Sec.

2102. Limited definitions.

2103. Superintendence of the merchant marine.

2104. Delegation.

2105. Report.

2106. Liability in rem.

2107. Civil penalty procedures.

[2108. Repealed.]

2109. Public vessels.

2110. Fees.

2111. Pay for overtime services.

2112. Authority to change working hours.

2113. Authority to exempt certain vessels.

2114. Protection of seamen against discrimination.

2115. Civil penalty to enforce alcohol and dangerous drug testing.

2116. Marine safety strategy, goals, and performance assessments.

2117. Termination for unsafe operation.

2118. Establishment of equipment standards.

HISTORICAL AND REVISION NOTES

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.