

AMENDMENTS

2012—Pub. L. 112-213, title III, §302(b), Dec. 20, 2012, 126 Stat. 1563, substituted “Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators” for “Limitation of liability for Coast Guard Vessel Traffic Service pilots” in item 2307.

2002—Pub. L. 107-295, title IV, §431(b), Nov. 25, 2002, 116 Stat. 2128, added item 2307.

1998—Pub. L. 105-383, title III, §§302(b), 304(d)(2), Nov. 13, 1998, 112 Stat. 3418, 3420, added item 2302, struck out former item 2302 “Penalties for negligent operations”, and added item 2303a.

1984—Pub. L. 98-498, title II, §212(a)(1), Oct. 19, 1984, 98 Stat. 2305, added item 2306.

§ 2301. Application

Except as provided in sections 2304 and 2306 of this title, this chapter applies to a vessel operated on waters subject to the jurisdiction of the United States (including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988) and, for a vessel owned in the United States, on the high seas.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508; Pub. L. 98-498, title II, §212(a)(2), Oct. 19, 1984, 98 Stat. 2305; Pub. L. 105-383, title III, §301(b)(2), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 109-304, §15(7), Oct. 6, 2006, 120 Stat. 1702.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 2301, 46:480

Section 2301 provides that this chapter is applicable to all vessels, including foreign flag vessels, when operating on waters subject to the jurisdiction of the United States. Any vessel owned in the United States while operating on the high seas would be included. By ownership the Committee means those vessels that are documented or numbered under United States laws and those other vessels that are neither documented or numbered but are of national origin and are not documented under the laws of a foreign nation. This chapter is applicable to a foreign flag vessel that is in innocent passage through territorial waters of the United States, presently 3 miles seaward, whether or not it is bound to or from a port subject to the jurisdiction of the United States.

REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in text, is set out under section 1331 of Title 43, Public Lands.

AMENDMENTS

2006—Pub. L. 109-304 substituted “sections 2304 and” for “section”.

1998—Pub. L. 105-383 inserted “(including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988)” after “of the United States”.

1984—Pub. L. 98-498 substituted “Except as provided in section 2306 of this title, this chapter” for “This chapter”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

§ 2302. Penalties for negligent operations and interfering with safe operation

(a) A person operating a vessel in a negligent manner or interfering with the safe operation of

a vessel, so as to endanger the life, limb, or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.

(b) A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person commits a class A misdemeanor.

(c) An individual who is under the influence of alcohol, or a dangerous drug in violation of a law of the United States when operating a vessel, as determined under standards prescribed by the Secretary by regulation—

- (1) is liable to the United States Government for a civil penalty of not more than \$5,000; or
(2) commits a class A misdemeanor.

(d) For a penalty imposed under this section, the vessel also is liable in rem unless the vessel is—

- (1) owned by a State or a political subdivision of a State;
(2) operated principally for governmental purposes; and
(3) identified clearly as a vessel of that State or subdivision.

(e)(1) A vessel may not transport Government-impelled cargoes if—

(A) the vessel has been detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel; or

(B) the operator of the vessel has on more than one occasion had a vessel detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel.

(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation of the relevant international convention on which the detention is based.

(3) As used in this subsection, the term “Government-impelled cargo” means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508; Pub. L. 98-557, §7(a), Oct. 30, 1984, 98 Stat. 2862; Pub. L. 101-380, title IV, §§4105(b)(2), 4302(a), Aug. 18, 1990, 104 Stat. 513, 537; Pub. L. 102-587, title V, §5102, Nov. 4, 1992, 106 Stat. 5071; Pub. L. 105-383, title III, §§302(a), 304(c), title IV, §408(a), Nov. 13, 1998, 112 Stat. 3417, 3419, 3430; Pub. L. 107-295, title III, §325, Nov. 25, 2002, 116 Stat. 2105.)