

CHAPTER 89—SMALL VESSEL MANNING

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HISTORICAL AND REVISION NOTES

Chapter 89 provides for the manning of freight vessels, small passenger vessels, uninspected passenger vessels, and towing vessels. It permits a licensed operator to be in charge of a vessel in lieu of a licensed master or pilot. It also sets forth exemption and civil penalties.

AMENDMENTS

1986—Pub. L. 99-307, §1(14)(A), May 19, 1986, 100 Stat. 446, substituted “Self-propelled, uninspected” for “Uninspected” in item 8903.

§ 8901. Freight vessels

A freight vessel of less than 100 gross tons 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 shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 104-324, title VII, §733, Oct. 19, 1996, 110 Stat. 3941.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 8901 | 46:390b |

Section 8901 requires that a freight vessel of less than 100 gross tons be operated by a licensed individual for that type vessel and for a particular geographic area.

AMENDMENTS

1996—Pub. L. 104-324 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”.

§ 8902. Small passenger vessels

A small passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 8902 | 46:390b |

Section 8902 requires that a small passenger vessel of less than 100 gross tons be operated by a licensed individual for that type vessel and for a particular geographic area.

§ 8903. Self-propelled, uninspected passenger vessels

A self-propelled, uninspected passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel, under prescribed regulations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 99-307, §1(14)(B), (C), May 19, 1986, 100 Stat. 446.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 8903 | 46:1461(e), (f) |

Section 8903 requires that an uninspected passenger vessel be operated by a licensed individual for that type of vessel.

AMENDMENTS

1986—Pub. L. 99-307 substituted “Self-propelled, uninspected” for “Uninspected” in section catchline and “A self-propelled,” for “An” in text.

§ 8904. Towing vessels

(a) A towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding sheer), shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(b) A vessel that tows a disabled vessel for consideration shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 99-640, §12(a), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 108-293, title IV, §409(a), Aug. 9, 2004, 118 Stat. 1044.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 8904 | 46:405(b)(2) |

Section 8904 requires that a 26-foot or larger towing vessel be operated by a licensed individual for that type of vessel and for a particular geographic area.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-293 added subsec. (c).
1986—Pub. L. 99-640 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-640, §12(b), Nov. 10, 1986, 100 Stat. 3551, provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect on January 1, 1988.”

DEMONSTRATION PROJECT

Pub. L. 108-293, title IV, §409(b), Aug. 9, 2004, 118 Stat. 1045, provided that: “Prior to prescribing regulations under this section [amending this section] the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of Crew Endurance Management Systems on all United States-flag towing vessels.”

§ 8905. Exemptions

(a) Section 8903 of this title applies to a recreational vessel operated in dealer demonstra-