

sel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)" for "After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)".

Pub. L. 111-281, §303(c)(3), (4), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "A vessel made subject to this chapter at the request of the owner may be remeasured only as provided by this chapter."

Subsecs. (d), (e). Pub. L. 111-281, §303(c)(4), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

1990—Subsec. (b)(6). Pub. L. 101-595 added par. (6).

REPORT TO CONGRESS

Pub. L. 99-509, title V, §5103(g), Oct. 21, 1986, 100 Stat. 1927, provided that: "The Secretary of Transportation shall—

"(1) before July 19, 1990, submit to Congress—

"(A) a study of—

"(i) the impact of applying vessel tonnage determined under chapter 143 of title 46 (as enacted by section 5101 of this subtitle), United States Code, in laws of the United States that contain provisions based on tonnage, including an analysis of the number and types of vessels that would become subject to additional laws or more stringent requirements because of that application; and

"(ii) the extent to which the tonnage thresholds in laws of the United States whose application is based on tonnage would have to be raised so that additional vessels would not become subject to those laws if their application is based on tonnage determined under chapter 143; and

"(B) a recommendation of the levels to which the tonnage thresholds in laws of the United States whose application is based on tonnage should be raised if a complete conversion to the International Convention measurement system under chapter 143 is made;

"(2) in conducting the study under clause (1) of this subsection, consult with representatives of the private sector having experience with the operation of vessels likely to be affected by laws of the United States whose application is based on tonnage; and

"(3) before July 19, 1988, submit to Congress an interim progress report on the study conducted under clause (1) of this subsection."

§ 14302. Measurement

(a) The Secretary shall measure a vessel to which this chapter applies in the way provided by this chapter and the Convention.

(b) A vessel measured under this chapter may not be required to be measured under another law.

(c) Unless otherwise provided by law, the measurement of a vessel under this chapter applies to a law of the United States whose applicability depends on a vessel's tonnage, if that law—

(1) becomes effective after July 18, 1994; or

(2) is in effect before July 19, 1994, is not enumerated in section 14305 of this title, and is identified by the Secretary by regulation as a law to which this chapter applies.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 111-281, title III, §303(d), Oct. 15, 2010, 124 Stat. 2924.)

HISTORICAL AND REVISION NOTES

Revised section 14302

Source: International Convention on Tonnage Measurement of Ships.

Section 14302(a) requires the Secretary to measure a vessel to which this chapter applies, in the way provided by this chapter and by the Convention. Section 14302(b) provides that a vessel that is required to be measured under this chapter can not also be required to be measured under another law. The exception allows the Panama Canal Commission to continue to use the Canal measurement system for calculation of tolls. Section 14302(c) provides that the applicability of tonnage-based laws that become effective after July 18, 1994, will be based on Convention tonnage measurements. The applicability of tonnage-based laws in effect before July 19, 1994, which are listed by the Secretary, will also be based on Convention tonnage. Therefore, the laws that will be based on regulatory tonnage are those not listed by the Secretary by regulation and those listed in section 14305 of this legislation.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-281 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Except as provided in section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792(a)), a vessel measured under this chapter may not be required to be measured under another law."

§ 14303. Tonnage Certificate

(a) After measuring a vessel under this chapter, the Secretary shall issue, on request of the owner, an International Tonnage Certificate (1969) and deliver it to the owner or master of the vessel. For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.

(b) The certificate issued under this section shall be maintained as required by the Secretary.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 111-281, title III, §303(e)(1), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14303

Source: International Convention on Tonnage Measurement of Ships.

Section 14303(a) requires the Secretary to issue, on the request of the owner, an International Tonnage Certificate after measuring a vessel under this chapter. Section 14303(b) requires that the certificate be maintained as required by the Secretary.

AMENDMENTS

2010—Pub. L. 111-281, §303(e)(1)(C), struck out "International" before "Tonnage" and "(1969)" after "Certificate" in section catchline.

Subsec. (a). Pub. L. 111-281, §303(e)(1)(A), inserted at end "For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter."

Subsec. (b). Pub. L. 111-281, §303(e)(1)(B), inserted "issued under this section" after "The certificate".

§ 14304. Remeasurement

(a) To the extent necessary, the Secretary shall remeasure a vessel to which this chapter applies if—

(1) the Secretary or the owner alleges an error in its measurement; or

(2) the vessel or the use of its space is changed in a way that substantially affects its tonnage.

(b) Except as provided in this chapter or section 14504 of this title, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921.)

HISTORICAL AND REVISION NOTES

Revised section 14304

Source: International Convention on Tonnage Measurement of Ships.

Section 14304(a) requires the Secretary to remeasure a vessel, to the extent necessary, if there is an alleged error regarding its measurement or if the vessel or its use undergoes a change substantially affecting its tonnage. The phrase “to the extent necessary” was included to indicate that a complete remeasurement of the vessel may not be necessary if, for example, an error was made in one portion of the vessel’s measurement and only that portion needs to be remeasured.

Section 14304(b) provides that except as provided in section 14504, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

§ 14305. Optional regulatory measurement

(a) On request of the owner of a vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States, the Secretary also shall measure the vessel under chapter 145 of this title. The tonnages determined under that chapter shall be used in applying—

(1) parts A, B, C, E, F, and G of this subtitle and section 12116 of this title;

(2) section 3(d)(3) of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 903(d)(3));

(3) section 4 of the Bridge to Bridge Radio-telephone Act (33 U.S.C. 1203(a));

(4) section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3));

(5) section 30506 of this title;

(6) sections 12118 and 12132 of this title;

(7) section 12139(b) of this title;

(8) sections 351, 352, 355, and 356 of the Ship Radio Act (47 U.S.C. 351, 352, 354, and 354a);

(9) section 403 of the Commercial Fishing Industry Vessel Act (46 U.S.C. 3302 note);

(10) the Officers’ Competency Certificates Convention, 1936, and sections 8303 and 8304 of this title;

(11) the International Convention for the Safety of Life at Sea as provided by IMCO Resolution A.494 (XII) of November 19, 1981;

(12) the International Convention on Standards of Training, Certification, and Watch-keeping for Seafarers, 1978, as provided by IMO Resolution A.540 (XIII) of November 17, 1983;

(13) the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, as provided by IMO Resolution A.541 (XIII) of November 17, 1983;

(14) provisions of law establishing the threshold tonnage levels at which evidence of financial responsibility must be demonstrated; or

(15) unless otherwise provided by law, any other law of the United States in effect before July 19, 1994, and not listed by the Secretary under section 14302(c) of this title.

(b) As long as the owner of a vessel has a request in effect under subsection (a) of this section, the tonnages determined under that request shall be used in applying the other provisions of law described in subsection (a) to that vessel.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 109-304, §15(26), Oct. 6, 2006, 120 Stat. 1704; Pub. L. 111-281, title III, §303(f), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14305

Source: International Convention on Tonnage Measurement of Ships.

Section 14305 requires that the Secretary measure a vessel under chapter 145 (Regulatory Measurement) of this title (in addition to measuring it under the Convention) at the request of the owner. For vessels that have obtained a regulatory tonnage measurement under this section, the Secretary is required to use the regulatory tonnage measurement to determine the application of those laws listed in section 14305(a) and those not listed by the Secretary by regulation, as provided in section 14302(c). It is the intent of the Committee to list in section 14305(a) certain U.S. tonnage-based laws that would impose increased regulatory burdens on industry if the Convention measurement were used for applicability determinations.

Clause (1) of section 14305(a) includes the following parts of subtitle II of title 46, U.S.C.:

Part A: General provisions (including definitions.)

Part B: Inspection and Regulation of Vessels.

Part C: Load Lines, which is enacted as part of this legislation. Although most load line requirements are based on vessel length, and not tonnage, a few requirements are based on tonnage. (It is only the tonnage based requirements to which this provision applies.)

Part E: Licenses, Certificates, and Merchant Mariners’ Documents.

Part F: Manning of Vessels.

Part G: Merchant Seamen Protection and Relief.

Part H: Sections 12106(c) and 12108(c) only—Identification of Vessels.

The other U.S. laws listed in clause (2) through (10) of this section are self-explanatory. Clause (10) refers to domestic law as well as the Officers’ Competency Certificates Convention, 1936.

In addition, three other international conventions are listed in clauses (11) through (13): (1) the Convention for the Safety of Life at Sea, (2) the Convention on the Standards of Training, Certification, and Watch-keeping for Seafarers, and (3) the Convention for the Prevention of Pollution from Ships. The International Maritime Organization has established interim schemes which address the use of the Convention tonnage measurement system as a basis for the applicability of these three conventions. The applicable sections of those schemes are the following:

The International Convention for the Safety of Life at Sea: IMCO Resolution A.494 (XII) of November 19, 1981 provides “that at the request of a shipowner, the Administration may allow a ship required to be measured under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, to use the gross tonnage measured under the national tonnage rules which are in effect prior to the coming into force of the 1969 Tonnage Convention, for the purpose of application of the provisions of the International Convention for the Safety of Life at Sea, such tonnage, however, shall not be shown on the 1969 Tonnage Certificate.” The resolution further provides that “the in-