

stituted for “silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material”, to eliminate unnecessary words. The words “and similar items of high value and small size” are added to ensure that any of the items specifically named in the source but omitted in the revised section, or similar items, will be covered by this section.

§ 30504. Loss by fire

The owner of a vessel is not liable for loss or damage to merchandise on the vessel caused by a fire on the vessel unless the fire resulted from the design or neglect of the owner.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 30504 | 46 App.:182. | R.S. §4282. |

The words “liable for” are substituted for “liable to answer for or make good to any person”, the words “merchandise on the vessel” are substituted for “any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel”, and the words “caused by a fire on the vessel” are substituted for “by reason or by means of any fire happening to or on board the vessel”, to eliminate unnecessary words.

§ 30505. General limit of liability

(a) IN GENERAL.—Except as provided in section 30506 of this title, the liability of the owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner’s proportionate interest in the vessel and pending freight.

(b) CLAIMS SUBJECT TO LIMITATION.—Unless otherwise excluded by law, claims, debts, and liabilities subject to limitation under subsection (a) are those arising from any embezzlement, loss, or destruction of any property, goods, or merchandise shipped or put on board the vessel, any loss, damage, or injury by collision, or any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of the owner.

(c) WAGES.—Subsection (a) does not apply to a claim for wages.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 30505 | 46 App.:183(a). | R.S. §4283(a); Aug. 29, 1935, ch. 804, §1, 49 Stat. 960; June 5, 1936, ch. 521, §1, 49 Stat. 1479. |
| | 46 App.:189 | June 26, 1884, ch. 121, §18, 23 Stat. 57. |

In subsection (a), the words “Except as provided in section 30506 of this title” are substituted for “except in the cases provided for in subsection (b) of this section” because 46 App. U.S.C. 183(b) is restated in section 30506 of the revised title. The words “whether American or foreign” are omitted as unnecessary because of section 30502 of the revised title. The words “shall not exceed the value of the vessel and pending freight” are substituted for “shall not . . . exceed the amount or value of . . . such vessel, and her freight

then pending” in 46 App. U.S.C. 183(a) and for “the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending” in 46 App. U.S.C. 189 for consistency and to eliminate unnecessary words. The last sentence is substituted for “the interest of such owner in” in 46 App. U.S.C. 183(a) and for “The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole” in 46 App. U.S.C. 189 for clarity and consistency. The words “*Provided*, That this provision shall not prevent any claimant from joining all the owners in one action” in 46 App. U.S.C. 189 are omitted as unnecessary.

Subsection (c) is substituted for “nor shall the same apply to wages due to persons employed by said shipowners” in 46 App. U.S.C. 189 because of the reorganization of the source provisions.

§ 30506. Limit of liability for personal injury or death

(a) APPLICATION.—This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or non-descript vessels.

(b) MINIMUM LIABILITY.—If the amount of the vessel owner’s liability determined under section 30505 of this title is insufficient to pay all losses in full, and the portion available to pay claims for personal injury or death is less than \$420 times the tonnage of the vessel, that portion shall be increased to \$420 times the tonnage of the vessel. That portion may be used only to pay claims for personal injury or death.

(c) CALCULATION OF TONNAGE.—Under subsection (b), the tonnage of a self-propelled vessel is the gross tonnage without deduction for engine room, and the tonnage of a sailing vessel is the tonnage for documentation. However, space for the use of seamen is excluded.

(d) CLAIMS ARISING ON DISTINCT OCCASIONS.—Separate limits of liability apply to claims for personal injury or death arising on distinct occasions.

(e) PRIVILEGE OR KNOWLEDGE.—In a claim for personal injury or death, the privity or knowledge of the master or the owner’s superintendent or managing agent, at or before the beginning of each voyage, is imputed to the owner.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 30506(a) | 46 App.:183(f) (related to 46 App.:183(b)–(e)). | |
| 30506(b) | 46 App.:183(b) (1st sentence). | R.S. §4283(b) (1st sentence); Aug. 29, 1935, ch. 804, §1, 49 Stat. 960; June 5, 1936, ch. 521, §1, 49 Stat. 1479; Pub. L. 96–498, title II, §213(a), Oct. 19, 1984, 98 Stat. 2306. |
| 30506(c) | 46 App.:183(c). | R.S. §4283(c)–(f) (related to R.S. §4283(b)–(e)); Aug. 29, 1935, ch. 804, §1, 49 Stat. 960; June 5, 1936, ch. 521, §1, 49 Stat. 1480. |
| 30506(d) | 46 App.:183(d). | |
| 30506(e) | 46 App.:183(e). | |

Subsection (a) is written as an application provision rather than as a definition to be more direct and to avoid having to repeat the word “seagoing” throughout the section. The words “fishing vessel, fish tender vessel” are substituted for “fishing vessels or their