

CHAPTER 805—SAFE CONTAINERS FOR INTERNATIONAL CARGO

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§ 80501. Definitions

In this chapter:

(1) CONTAINER.—The term “container” has the meaning given that term in the Convention.

(2) CONVENTION.—The term “Convention” means the International Convention for Safe Containers, and its annexes, done at Geneva, Switzerland, December 2, 1972.

(3) INTERNATIONAL TRANSPORT.—The term “international transport” means the transportation of a container between—

(A) a place in a foreign country and a place in the jurisdiction of the United States; or

(B) two places outside the United States by United States carriers.

(4) OWNER.—The term “owner” includes the lessee or bailee of a container if a written lease or bailment provides for the lessee or bailee to exercise the owner’s responsibility for maintaining and examining the container.

(5) SAFETY APPROVAL PLATE.—The term “safety approval plate” has the meaning given that term in annex I of the Convention.

(Pub. L. 109–304, §11, Oct. 6, 2006, 120 Stat. 1694.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 80501, 46 App.:1501, Pub. L. 95-208, §2, Dec. 13, 1977, 91 Stat. 1475.

In the definition of “international transport”, subparagraphs (A) and (B) are substituted for 46 App. U.S.C. 1501(d)(1)–(3) to eliminate unnecessary words.

In the definition of “owner”, the words “includes the lessee or bailee of a container if a written lease or bailment provides for the lessee or bailee to exercise the owner’s responsibility for maintaining and examining the container” are substituted for “means a person who owns a container, or, if a written lease or bailment provides for the lessee or bailee to exercise the owner’s responsibility for maintaining and examining the container, the lessee or bailee of a container, to the extent such agreement so provides” to eliminate unnecessary words.

The definition of “Secretary” is omitted because a complete reference to the appropriate Secretary is used the first time the Secretary is named in each section. Throughout this chapter, the phrase “Secretary of the department in which the Coast Guard is operating” is substituted for “Secretary of Transportation” because the Coast Guard has been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2249).

The definition of “United States” is omitted because “United States” is defined in chapter 1 of the revised title. The definitions of “new container” and “existing container” are omitted as obsolete.

§ 80502. Application of Convention

The Convention applies to an owner of a container used in international transport if the owner is domiciled or has its principal office in the United States.

(Pub. L. 109–304, §11, Oct. 6, 2006, 120 Stat. 1694.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 80502, 46 App.:1502(a) (related to application of Convention), Pub. L. 95-208, §3(a) (related to application of Convention), Dec. 13, 1977, 91 Stat. 1476.

This section restates the applicability criteria of 46 App.:1502(a)(1) and (2) to improve the organization of the chapter.

§ 80503. General authority of the Secretary

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall carry out the Convention and this chapter in the United States.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this chapter. The regulations shall—

(1) establish procedures for testing, inspecting, and initially approving containers and designs for containers, including procedures for attaching, invalidating, and removing safety approval plates for containers;

(2) establish procedures to be followed by the owners of containers for the periodic examination of containers as provided in the Convention; and

(3) provide a method for developing, collecting, and disseminating information about container safety and the international transport of containers.

(c) SAFETY APPROVAL PLATES.—If the owner of a container without a safety approval plate establishes that the container satisfies the standards of the Convention, the Secretary may authorize a safety approval plate to be attached to the container.

(d) SCHEDULE OF FEES.—The Secretary may prescribe a schedule of fees for services performed by the Secretary, or by a person delegated authority under section 80506 of this title, for the testing, inspection, and initial approval of containers and container designs.

(e) ENCOURAGING INTERMODAL TRANSPORT.—To the maximum extent possible, the Secretary shall encourage the development and use of intermodal transport, using containers built to facilitate economical, safe, and expeditious handling of containerized cargo without intermediate reloading when it is being transported over land, air, and sea areas.

(Pub. L. 109–304, §11, Oct. 6, 2006, 120 Stat. 1694.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 1-5: 80503(a) through 80503(e) with corresponding U.S. Code and Statutes at Large references.

In subsection (a), the words “On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention,” and “and, unless an earlier date is specifically provided,” are omitted as obsolete.

In subsection (b), before paragraph (1), the words “as soon as practicable after December 13, 1977” are omitted as obsolete. The word “prescribe” is substituted for “promulgate, and from time to time, amend” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words “he deems necessary for such enforcement” and “among other things” are omitted as unnecessary. In paragraph (1), the words “existing” and “new” are omitted as obsolete.

In subsections (c) and (d), the words “At any time after December 13, 1977” are omitted as obsolete.

§ 80504. Approval and examination

(a) DOMICILE AND PRINCIPAL OFFICE IN UNITED STATES.—A container owner domiciled and having its principal office in the United States shall have the container—

(1) approved initially under procedures prescribed by the Secretary of the department in which the Coast Guard is operating or by the government of another country that is a party to the Convention; and

(2) examined periodically as provided in the Convention under procedures prescribed by the Secretary.

(b) DOMICILE OR PRINCIPAL OFFICE IN UNITED STATES.—A container owner domiciled or having its principal office in the United States shall have the container—

(1) approved initially under procedures prescribed by the Secretary or by the government of another country that is a party to the Convention; and

(2) examined periodically as provided in the Convention, under procedures prescribed by the government of the country in which the owner is domiciled or has its principal office, as long as that country is a party to the Convention.

(c) NEITHER DOMICILE NOR PRINCIPAL OFFICE IN UNITED STATES.—A container owner neither domiciled nor having its principal office in the United States or another country that is a party to the Convention may submit a container for initial approval and periodic examination under procedures prescribed by the Secretary.

(Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1695.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80504.	46 App.:1502(a) (related to approval and examination).	Pub. L. 95-208, §3(a) (related to approval and examination), Dec. 13, 1977, 91 Stat. 1476.

In this section, the words “Beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, for new containers, and beginning on September 6, 1982, for existing containers” are omitted as obsolete.

In subsections (a)(1) and (b)(1), the words “government of another country that is a party to the Convention” are substituted for “administration of another contracting party to the Convention” for clarity.

In subsection (c), the word “initial” is added for consistency in the section.

§ 80505. Enforcement

(a) IN GENERAL.—To enforce the Convention, this chapter, and regulations prescribed under this chapter, the Secretary of the department in which the Coast Guard is operating may—

(1) examine, or require to be examined, containers in international transport;

(2) approve designs for containers;

(3) inspect and test containers being manufactured;

(4) issue a detention order removing or excluding a container from service until the container owner satisfies the Secretary that the container meets the standards of the Convention, if the container—

(A) does not have a safety approval plate attached to it; or

(B) has a safety approval plate attached but there is significant evidence that the container is in a condition that creates an obvious risk to safety;

(5) take other appropriate action, including issuing necessary orders, to remove a container from service or restrict its use if the container is not in compliance with the Convention, this chapter, or regulations prescribed under this chapter, but does not present an obvious risk to safety; and

(6) allow a container found to be unsafe or without a safety approval plate to be moved to another location for repair or other disposition, under restrictions consistent with the intent of the Convention.

(b) PAYMENT OF EXPENSES.—

(1) EXAMINATION.—The owner of a container involved in an action by the Secretary under this section related to an examination of the container shall pay or reimburse the Secretary for the expenses arising from that action, except for the costs of routine examinations of the container or a safety approval plate.

(2) TESTING, INSPECTION, AND INITIAL APPROVAL.—The owner of a container submitted to the procedure established by the Secretary for testing, inspection, and initial approval, and the manufacturer of a container that submits a design to the procedure established by the Secretary for testing, inspection, and initial approval, shall pay or reimburse the Secretary for the expenses arising from the testing, inspection, or approval.

(3) CREDIT TO APPROPRIATION.—Amounts received by the Secretary as reimbursement shall be credited to the appropriation for operating expenses of the Coast Guard.

(c) PRESUMPTION BASED ON SAFETY APPROVAL PLATE.—A container bearing a safety approval plate authorized by a country that is a party to the Convention is presumed to be in a safe condition unless there is significant evidence that the container is in a condition that creates an obvious risk to safety.

(d) NOTICE OF ORDERS.—

(1) IN GENERAL.—When the Secretary issues a detention or other order under this section, the Secretary promptly shall notify in writing—

(A) the owner of the container;