

PART C—MISCELLANEOUS

CHAPTER 441—EVIDENCE OF FINANCIAL RESPONSIBILITY FOR PASSENGER TRANSPORTATION

Sec.	
44101.	Application.
44102.	Financial responsibility to indemnify passengers for nonperformance of transportation.
44103.	Financial responsibility to pay liability for death or injury.
44104.	Civil penalty.
44105.	Refusal of clearance.
44106.	Conduct of proceedings.

§ 44101. Application

This chapter applies to a vessel that—

- (1) has berth or stateroom accommodations for at least 50 passengers; and
- (2) boards passengers at a port in the United States.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44101	46 App.:817d(a) (6th-28th words). 46 App.:817e(a) (15th-36th words).	Pub. L. 89-777, §§2(a) (6th-28th words), 3(a) (15th-36th words), Nov. 6, 1966, 80 Stat. 1356, 1357.

§ 44102. Financial responsibility to indemnify passengers for nonperformance of transportation

(a) FILING REQUIREMENT.—A person in the United States may not arrange, offer, advertise, or provide transportation on a vessel to which this chapter applies unless the person has filed with the Federal Maritime Commission evidence of financial responsibility to indemnify passengers for nonperformance of the transportation.

(b) SATISFACTORY EVIDENCE.—To satisfy subsection (a), a person must file—

- (1) information the Commission considers necessary; or
- (2) a copy of a bond or other security, in such form as the Commission by regulation may require.

(c) AUTHORIZED ISSUER OF BOND.—If a bond is filed, it must be issued by a bonding company authorized to do business in the United States.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44102	46 App.:817e(a) (1st-14th, 37th-last words), (b).	Pub. L. 89-777, §3(a) (1st-14th, 37th-last words), (b), Nov. 6, 1966, 80 Stat. 1357; Pub. L. 103-206, title III, § 320, Dec. 20, 1993, 107 Stat. 2427.

In subsection (c), the words “or any State thereof, or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

§ 44103. Financial responsibility to pay liability for death or injury

(a) GENERAL REQUIREMENT.—The owner or charterer of a vessel to which this chapter applies shall establish, under regulations prescribed by the Federal Maritime Commission, financial responsibility to meet liability for death or injury to passengers or other individuals on a voyage to or from a port in the United States.

(b) AMOUNTS.—

(1) IN GENERAL.—The amount of financial responsibility required under subsection (a) shall be based on the number of passenger accommodations as follows:

- (A) \$20,000 for each of the first 500 passenger accommodations.
- (B) \$15,000 for each additional passenger accommodation between 501 and 1,000.
- (C) \$10,000 for each additional passenger accommodation between 1,001 and 1,500.
- (D) \$5,000 for each additional passenger accommodation over 1,500.

(2) MULTIPLE VESSELS.—If the owner or charterer is operating more than one vessel subject to this chapter, the amount of financial responsibility shall be based on the number of passenger accommodations on the vessel with the largest number of passenger accommodations.

(c) AVAILABILITY TO PAY JUDGMENT.—The amount determined under subsection (b) shall be available to pay a judgment for damages (whether less than or more than \$20,000) for death or injury to a passenger or other individual on a voyage to or from a port in the United States.

(d) MEANS OF ESTABLISHING.—Financial responsibility under this section may be established by one or more of the following if acceptable to the Commission:

- (1) Insurance.
- (2) Surety bond issued by a bonding company authorized to do business in the United States.
- (3) Qualification as a self-insurer.
- (4) Other evidence of financial responsibility.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44103	46 App.:817d(a) (1st-5th, 29th-last words), (b).	Pub. L. 89-777, §2(a) (1st-5th, 29th-last words), (b), Nov. 6, 1966, 80 Stat. 1356.

In subsection (d)(2), the words “issued by a bonding company authorized to do business in the United States” are substituted for 46 App. U.S.C. 817d(b) to eliminate unnecessary words. The words “or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any territory or possession of the United States” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

§ 44104. Civil penalty

A person that violates section 44102 or 44103 of this title is liable to the United States Government for a civil penalty of not more than \$5,000, plus \$200 for each passage sold, to be assessed by the Federal Maritime Commission. The Commission may remit or mitigate the penalty on terms the Commission considers proper.