

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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;