

(i) A person violating section 3309(c) of this title is liable to the Government for a civil penalty of not more than \$1,000.

(j)(1) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel required to be inspected under this chapter operating the vessel without the certificate of inspection is liable to the Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs, except when the violation involves operation of a vessel of less than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, the penalty is not more than \$2,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

(2) A person is not liable for a penalty under this subsection if—

(A) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has notified the Secretary under section 3309(c) of this title;

(B) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has complied with all other directions and requirements for obtaining an inspection under this part; and

(C) the Secretary believes that unforeseen circumstances exist so that it is not feasible to conduct a scheduled inspection before the expiration of the certificate of inspection.

(k) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to comply with a direction issued by the Secretary under section 3311(b) of this title is liable to the Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

(l) A person committing an act described by subsections (b)–(f) of this section is liable to the Government for a civil penalty of not more than \$5,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 517; Pub. L. 98–498, title II, §211(c), Oct. 19, 1984, 98 Stat. 2304; Pub. L. 99–307, §1(6), May 19, 1986, 100 Stat. 445; Pub. L. 101–380, title IV, §4302(b), Aug. 18, 1990, 104 Stat. 538; Pub. L. 104–324, title III, §310, title VII, §713, Oct. 19, 1996, 110 Stat. 3919, 3936; Pub. L. 109–304, §15(13), Oct. 6, 2006, 120 Stat. 1703.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
3318 .....	46:369(e) 46:390d 46:398 46:403 46:407 46:408 46:410 46:413 46:436 46:481(d) 46:1295f(d)(2), (3)

Section 3318 provides for a number of specific civil and criminal penalties.

AMENDMENTS

2006—Subsec. (f). Pub. L. 109–304 struck out period after “felony”.

1996—Subsec. (a). Pub. L. 104–324, §713(1), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons”.

Subsec. (b)(1). Pub. L. 104–324, §310, designated existing provisions as par. (1) and added par. (2).

Subsec. (j)(1). Pub. L. 104–324, §713(2), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “1,600 gross tons”.

1990—Subsec. (b). Pub. L. 101–380, §4302(b)(1), substituted “commits a class D felony” for “shall be fined not more than \$10,000, imprisoned for not more than 5 years, or both”.

Subsec. (c). Pub. L. 101–380, §4302(b)(2), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (d). Pub. L. 101–380, §4302(b)(3), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (e). Pub. L. 101–380, §4302(b)(4), substituted “commits a class A misdemeanor” for “shall be fined not more than \$10,000, imprisoned for not more than 2 years, or both”.

Subsec. (f). Pub. L. 101–380, §4302(b)(5), substituted “commits a class D felony.” for “shall be fined not less than \$1,000 but not more than \$10,000, and imprisoned for not less than 2 years but not more than 5 years.”.

1986—Subsec. (f). Pub. L. 99–307 in provision preceding par. (1) substituted “than” for “then” in two places.

1984—Subsec. (a). Pub. L. 98–498, §211(c)(1), substituted “Except as otherwise provided in this part, the” for “The” and “not more than \$5,000” for “\$1,000, except that when the violation involves operation of a barge, the penalty is \$500”.

Subsec. (c). Pub. L. 98–498, §211(c)(2), substituted “\$5,000” for “\$2,000”.

Subsec. (d). Pub. L. 98–498, §211(c)(3), substituted “\$5,000” for “\$2,000”.

Subsec. (e). Pub. L. 98–498, §211(c)(4), substituted “\$10,000” for “\$2,000”.

Subsec. (f). Pub. L. 98–498, §211(c)(5), substituted “\$10,000” for “\$5,000”.

Subsec. (g). Pub. L. 98–498, §211(c)(6), substituted “is liable to the Government for a civil penalty of not more than \$5,000” for “shall be fined not more than \$10,000, imprisoned for not more than one year, or both”.

Subsec. (h). Pub. L. 98–498, §211(c)(7), substituted “Government for a civil penalty of not more than \$1,000.” for “United States Government for a civil penalty of not more than \$500.”

Subsecs. (i) to (l). Pub. L. 98–498, §211(c)(8), added subsecs. (i) to (l).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 35—CARRIAGE OF PASSENGERS

- Sec.
- 3501. Number of passengers.
- 3502. List or count of passengers.
- 3503. Fire-retardant materials.
- 3504. Notification to passengers.
- 3505. Prevention of departure.
- 3506. Copies of laws.
- 3507. Passenger vessel security and safety requirements.
- 3508. Crime scene preservation training for passenger vessel crewmembers.

HISTORICAL AND REVISION NOTES

Chapter 35 consolidates the laws that have specific application to the carriage of passengers. They provide