

chapter T of Title 46 of the Code of Federal Regulations. Under Subchapter T, the Coast Guard regulates these vessels with regard to safety; the requirements are based on the number of passengers, length, and gross tonnage of the vessel. Safety-related requirements in Subchapter T regulations include hull structure and watertightness, stability, weathertight integrity, and safe movement of persons on deck, the principal safety features covered by load line regulations. This specific exemption from load line requirements for small passenger vessels is consistent with existing law and does not alter in any way the Coast Guard's authority to regulate small passenger vessels under Subchapter T.

Clause (12) exempts vessels of the working voyages from the requirement to have load lines.

Section 5102(c) authorizes the Secretary to assign load lines for any vessel exempted from load line requirements by subsection (b) upon the request of the owner. It also provides that any exempted vessel for which load lines are assigned will remain subject to the load line requirements until its load line certificate is surrendered and the load line marks are removed.

Section 5102(d) provides that this chapter shall not be construed as abrogating the provisions of other treaties and conventions to which the United States is a party, which are not in conflict with the International Convention on Load Lines.

#### AMENDMENTS

2016—Subsec. (b)(13). Pub. L. 114-120 added par. (13).

2012—Subsec. (b)(3). Pub. L. 112-213 substituted “July 1, 2013,” for “July 1, 2012.”

2010—Subsec. (b)(3). Pub. L. 111-281 inserted “, unless the vessel is built after July 1, 2012” after “vessel”.

2002—Subsec. (b)(5)(B)(ii). Pub. L. 107-295 inserted “is not” after “(ii)”.

1996—Subsec. (b)(4). Pub. L. 104-324, § 719(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 “5,000 gross tons” in introductory provisions.

Subsec. (b)(5). Pub. L. 104-324, § 719(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 “500 gross tons” in introductory provisions.

Subsec. (b)(10). Pub. L. 104-324, § 719(3), 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 “150 gross tons”.

1990—Subsec. (b)(5)(B). Pub. L. 101-595 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “is not on a foreign voyage.”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-595 effective Nov. 16, 1990, with provision that before Jan. 1, 2003, a fish tender vessel is exempt from this chapter when engaged in Aleutian trade if the vessel either operated in that trade before Sept. 8, 1990, or was purchased before that date to be used in such trade and entered into service in that trade before June 1, 1992, did not undergo a major conversion, and did not have a load line assigned at any time before Nov. 16, 1990, see section 602(f) of Pub. L. 101-595, set out as a note under section 4502 of this title.

#### FISH TENDER VESSELS IN ALEUTIAN TRADE

Pub. L. 107-295, title IV, § 436(b), (c), Nov. 25, 2002, 116 Stat. 2129, provided that:

“(b) IMPLEMENTATION.—Except as provided in subsection (c), a fish tender vessel that before January 1, 2003, transported cargo (not including fishery related products) in the Aleutian trade is subject to chapter 51 of title 46, United States Code (as amended by subsection (a) of this section [amending this section]).

“(c) EXCEPTION.—

“(1) IN GENERAL.—Before December 31, 2006, the BOWFIN (United States official number 604231) is exempt from chapter 51 of title 46, United States Code (as amended by subsection (a) of this section) when engaged in the Aleutian trade, if the vessel does not undergo a major conversion.

“(2) ENSURING SAFETY.—Before the date referred to in paragraph (1), a Coast Guard official who has reason to believe that the vessel referred to in paragraph (1) operating under this subsection is in a condition or is operated in a manner that creates an immediate threat to life or the environment or is operated in a manner that is inconsistent with section 3302 of title 46, United States Code, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

#### § 5103. Load line requirements

(a) A vessel may be operated only if the vessel has been assigned load lines.

(b) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel shall mark and maintain the load lines permanently and conspicuously in the way prescribed by the Secretary.

(c) A fishing vessel built on or before July 1, 2013, that undergoes a major conversion completed after the later of July 1, 2013, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternative loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1915; Pub. L. 111-281, title VI, § 604(d)(2), Oct. 15, 2010, 124 Stat. 2965; Pub. L. 112-213, title III, § 305(d)(2), Dec. 20, 2012, 126 Stat. 1565.)

#### HISTORICAL AND REVISION NOTES

##### Revised section 5103

Source: Section (U.S. Code) 46 App. U.S.C. 86c, 88b.

Section 5103(a) prohibits a vessel that is subject to load line requirements from operating, unless it has load lines assigned by the Secretary.

Section 5103(b) requires that load lines be permanently and conspicuously maintained in the manner prescribed by the Secretary.

#### AMENDMENTS

2012—Subsec. (c). Pub. L. 112-213 substituted “July 1, 2013,” for “July 1, 2012,” in two places and substituted “major conversion” for “substantial change to the dimension of or type of the vessel”.

2010—Subsec. (c). Pub. L. 111-281 added subsec. (c).

#### § 5104. Assignment of load lines

(a) The Secretary shall assign load lines for a vessel so that they indicate the minimum safe freeboard to which the vessel may be loaded. However, if the owner requests, the Secretary may assign load lines that result in greater freeboard than the minimum safe freeboard.