

Subsection (a) requires that the certificate of inspection for a vessel state the manning necessary for safe navigation. Manning means the complement of licensed officers and crew (including lifeboatmen). Any manning requirements for sailing school vessels shall take into account the participation of sailing school instructors and sailing school students in the operation of those vessels.

Subsection (b) permits the Secretary to modify the manning requirements for reasons of changed conditions or employment.

Subsection (c) permits an appeal to the Secretary of any manning requirements made by an authorized official.

Subsection (d) prohibits the operation of a vessel without the manning required in the vessel's certificate of inspection.

When a vessel has a vacancy in the manning required by its certificate of inspection without the consent, fault, or collusion of anyone responsible for the management or operation of the vessel, subsection (e) requires that the master hire replacements, if possible, in the same or higher grade or rating. However, if the master finds the vessel sufficiently manned and replacements are not available, the vessel may proceed on its voyage. Within 12 hours of arrival at its destination, the master is required to file a written report with the Secretary stating the cause of each deficiency or be liable for a civil penalty. The report of deficiency should include both the reason for the vacancy in the first instance and the reason for the unavailability of a qualified replacement.

Subsections (f), (g) and (h) prescribe civil penalties for noncompliance with manning requirements. Subsection (g) also prohibits the employment or service of an individual in a licensed capacity who is not licensed by the Secretary.

AMENDMENTS

1996—Subsec. (h). Pub. L. 104-324 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”.

1990—Subsec. (a)(3). Pub. L. 101-380, § 4114(c), added par. (3).

Subsec. (e). Pub. L. 101-380, § 4302(e)(1), substituted “\$1,000” for “\$50”.

Subsec. (f). Pub. L. 101-380, § 4302(e)(2), substituted “\$10,000” for “\$100, or, for a deficiency of a licensed individual, a penalty of \$500”.

Subsec. (g). Pub. L. 101-380, § 4302(e)(3), substituted “\$10,000” for “\$500”.

Subsec. (i). Pub. L. 101-380, § 4104, added subsec. (i).

1986—Subsec. (a). Pub. L. 99-640 amended subsec. (a) generally, inserting cl. (1) designation before “a sailing school” and adding cl. (2).

1984—Subsec. (g). Pub. L. 98-557 substituted provisions relating to inspection under chapter 33 of this title, for provisions relating to applicability of part B of this subtitle.

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.

§ 8102. Watchmen

(a) The owner, charterer, or managing operator of a vessel carrying passengers during the nighttime shall keep a suitable number of watchmen in the vicinity of the cabins or state-rooms and on each deck to guard against and give alarm in case of a fire or other danger. An owner, charterer, or managing operator failing to provide watchmen required by this section is liable to the United States Government for a civil penalty of \$1,000.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a fish processing vessel of more than 100 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 shall keep a suitable number of watchmen trained in firefighting on board when hotwork is being done to guard against and give alarm in case of a fire.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 548; Pub. L. 98-364, title IV, § 402(10), July 17, 1984, 98 Stat. 448; Pub. L. 104-324, title VII, § 726, Oct. 19, 1996, 110 Stat. 3939.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8102	46:470 46:471

Section 8102 requires the person responsible for the management of a vessel carrying passengers to have a suitable watch at night to guard against, and to sound an alarm in case of fire or other danger, or be liable for a civil penalty.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-324 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”.

1984—Pub. L. 98-364 designated existing provisions as subsec. (a) and added subsec. (b).

§ 8103. Citizenship and Navy Reserve requirements

(a) Except as otherwise provided in this title, only a citizen of the United States may serve as master, chief engineer, radio officer, or officer in charge of a deck watch or engineering watch on a documented vessel.

(b)(1) Except as otherwise provided in this section, on a documented vessel—

(A) each unlicensed seaman must be—

- (i) a citizen of the United States;
- (ii) an alien lawfully admitted to the United States for permanent residence; or
- (iii) a foreign national who is enrolled in the United States Merchant Marine Academy; and

(B) not more than 25 percent of the total number of unlicensed seamen on the vessel may be aliens lawfully admitted to the United States for permanent residence.

(2) Paragraph (1) of this subsection does not apply to—

- (A) a yacht;
- (B) a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); and
- (C) a fishing vessel fishing outside of the exclusive economic zone.

(3) The Secretary may waive a citizenship requirement under this section, other than a requirement that applies to the master of a documented vessel, with respect to—

- (A) an offshore supply vessel or other similarly engaged vessel of less than 1,600 gross