

The Secretary may apply measurement standards the Secretary considers appropriate to the vessel, subject to applicable international agreements to which the United States Government is a party.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1922.)

HISTORICAL AND REVISION NOTES

Revised section 14306

Source: International Convention on Tonnage Measurement of Ships. Section (U.S. Code) 46 App. U.S.C. 81.

Section 14306(a) requires that the Secretary accept the measurement and certificate of a vessel of a foreign country as evidence of compliance with this chapter when the Secretary finds that the laws and regulations of that foreign country that are related to measurement are similar to those of this chapter, or that that country is a party to the Convention.

Section 14306(b) provides that the Secretary does not have to accept the measurement and certificate of a vessel of a country that does not recognize United States measurements. It also authorizes the Secretary to apply appropriate measurement standards to such foreign vessels, subject to international agreements to which the United States is a party.

§ 14307. Inspection of foreign vessels

(a) The Secretary may inspect a vessel of a foreign country to verify that—

(1) the vessel has an International Tonnage Certificate (1969) and the main characteristics of the vessel correspond to the information in the certificate; or

(2) if the vessel is from a country not a party to the Convention, the vessel has been measured under laws and regulations similar to those of this chapter and the regulations prescribed under this chapter.

(b) For a vessel of a country that is a party to the Convention, if the inspection reveals that the vessel does not have an International Tonnage Certificate (1969) or that the main characteristics of the vessel differ from those stated on the certificate or other records in a way that increases the gross or net tonnage of the vessel, the Secretary promptly shall inform the country whose flag the vessel is flying.

(c) For a vessel of a country not a party to the Convention—

(1) if the vessel has been measured under laws and regulations that the Secretary finds are similar to those of this chapter and the regulations prescribed under this chapter, the vessel shall be deemed to have been issued an International Tonnage Certificate (1969); and

(2) if the vessel has not been measured as described in clause (1) of this subsection, the Secretary may measure the vessel.

(d) An inspection under this section shall be conducted in a way that does not delay a vessel of a country that is a party to the Convention.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1922.)

HISTORICAL AND REVISION NOTES

Revised section 14307

Source: International Convention on Tonnage Measurement of Ships.

Section 14307(a) authorizes the Secretary to inspect a vessel of a foreign country to verify that the vessel has

an International Tonnage Certificate and that the main characteristics of the vessel correspond to the information in the certificate. Section 14307(a) also authorizes the Secretary to inspect a vessel from a foreign country that is not a party to the Convention in order to verify that the vessel has been measured under laws and regulations similar to those of this chapter.

Section 14307(b) requires that if the Secretary inspects a vessel of a country that is a party to the Convention and finds that the vessel does not have an International Tonnage Certificate or that the main characteristics of the vessel differ from those stated on the certificate or other records in a way that increases the gross or net tonnage of the vessel, the Secretary must inform the country whose flag the vessel is flying.

Section 14307(c) provides that if the Secretary finds that a vessel of a country not a party to the Convention has been measured under laws and regulations similar to those of this chapter, that the vessel shall be deemed to have been issued an International Tonnage Certificate. It also provides that the Secretary may measure the vessel if the Secretary finds that the vessel has not been measured under laws and regulations similar to those of this chapter.

Section 14307(d) provides that an inspection under this section shall be conducted in a way that does not delay a vessel of a country that is a party to the Convention.

CHAPTER 145—REGULATORY MEASUREMENT

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HISTORICAL AND REVISION NOTES

This chapter provides for the measurement of vessels for the purpose of the application of domestic laws.

AMENDMENTS

2010—Pub. L. 111-281, title III, § 303(j), Oct. 15, 2010, 124 Stat. 2926, added item 14514.

SUBCHAPTER I—GENERAL

HISTORICAL AND REVISION NOTES

This subchapter contains the general provisions for implementing regulatory measurement systems.

§ 14501. Application

This chapter applies to the following:

(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

(2) A vessel measured under chapter 143 of this title if the owner requests that the vessel also be measured under this chapter as provided in section 14305 of this title.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1923; Pub. L. 111-281, title III, § 303(g), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14501

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14501 delineates the vessels that must be measured under this chapter, i.e. under the regulatory tonnage measurement system. Section 14501(1) states that a vessel must be measured under this chapter if the vessel has not been measured under the International Convention on Tonnage Measurement of Ships, and if the vessel is to be documented as a vessel of the United States under chapter 121 of this subtitle, or if the application of a United States law depends on the vessel's tonnage. Section 14501(2) states that a vessel must be measured under the regulatory measurement system if the owner requests.

AMENDMENTS

2010—Par. (1). Pub. L. 111-281, §303(g)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “a vessel not measured under chapter 143 of this title if—

“(A) the vessel is to be documented under chapter 121 of this title; or

“(B) the application of a law of the United States to the vessel depends on the vessel's tonnage.”

Par. (2). Pub. L. 111-281, §303(g)(2), substituted “A vessel” for “a vessel”.

§ 14502. Measurement

The Secretary shall measure a vessel to which this chapter applies in the way provided by this chapter.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1923.)

HISTORICAL AND REVISION NOTES

Revised section 14502

Source: Section (U.S. Code) 46 App. U.S.C. 71, 77, 83.

Section 14502 requires the Secretary to measure a vessel to which this chapter applies as provided by this chapter.

§ 14503. Certificate of measurement

(a) The Secretary shall prescribe the certificate to be issued as evidence of a vessel's measurement under this chapter.

(b) The certificate shall be maintained as required by the Secretary.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1923; Pub. L. 111-281, title III, §303(e)(2), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14503

Source: Section (U.S. Code) 46 App. U.S.C. 72.

Section 14503 requires the Secretary to issue a certificate, in a manner that is to be prescribed by the Secretary, as evidence of a vessel's regulatory measurement.

AMENDMENTS

2010—Pub. L. 111-281 designated existing provisions as subsec. (a) and added subsec. (b).

§ 14504. Remeasurement

(a) To the extent necessary, the Secretary shall remeasure a vessel to which this chapter applies if—

(1) the Secretary or the owner alleges an error in its measurement;

(2) the vessel or the use of its space is changed in a way that substantially affects its tonnage;

(3) after being measured under subchapter III of this chapter, the vessel becomes subject to subchapter II of this chapter because the vessel or its use is changed; or

(4) although not required to be measured under subchapter II of this chapter, the vessel was measured under subchapter II and the owner requests that the vessel be measured under subchapter III of this chapter.

(b) Except as provided in this section and chapter 143 of this title, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1923.)

HISTORICAL AND REVISION NOTES

Revised section 14504

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14504(a) provides that the Secretary shall remeasure a vessel that has been measured under the regulatory measurement system if either the Secretary or the owner alleges an error in its measurement; if the vessel, or its use, undergoes a substantial change affecting its tonnage; if the vessel loses its eligibility for measurement under the simplified system because of a change in the vessel or its use; or if the vessel owner requests that the vessel be measured under the simplified system after having been measured under the standard regulatory measurement system. Section 14504(b) provides that a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121—“Documentation of Vessels”—except as provided above or in chapter 143 of this subtitle.

SUBCHAPTER II—FORMAL SYSTEMS

HISTORICAL AND REVISION NOTES

This subchapter provides for the standard regulatory measurement of vessels for vessels that do not qualify for the simplified measurement systems.

§ 14511. Application

This subchapter applies to a vessel described in section 14501 of this title if—

(1) the owner requests; or

(2) the vessel is—

(A) self-propelled;

(B) at least 24 meters (79 feet) overall in length; and

(C) not operated only for pleasure.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1924.)

HISTORICAL AND REVISION NOTES

Revised section 14511

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14511 lists the types of vessels that are to be measured under the standard regulatory measurement system. They are vessels for which the owner requests a standard measurement or vessels which are self-propelled, at least 79 feet in length, and not operated only for pleasure.

§ 14512. Standard tonnage measurement

(a) The Secretary shall prescribe regulations for measuring the gross and net tonnages of a vessel under this subchapter. The regulations shall provide for tonnages comparable to the tonnages that could have been assigned under