

PART C—MISCELLANEOUS

CHAPTER 441—EVIDENCE OF FINANCIAL RESPONSIBILITY FOR PASSENGER TRANSPORTATION

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§ 44101. Application

This chapter applies to a vessel that—

- (1) has berth or stateroom accommodations for at least 50 passengers; and
- (2) boards passengers at a port in the United States.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44101	46 App.:817d(a) (6th-28th words). 46 App.:817e(a) (15th-36th words).	Pub. L. 89-777, §§2(a) (6th-28th words), 3(a) (15th-36th words), Nov. 6, 1966, 80 Stat. 1356, 1357.

§ 44102. Financial responsibility to indemnify passengers for nonperformance of transportation

(a) FILING REQUIREMENT.—A person in the United States may not arrange, offer, advertise, or provide transportation on a vessel to which this chapter applies unless the person has filed with the Federal Maritime Commission evidence of financial responsibility to indemnify passengers for nonperformance of the transportation.

(b) SATISFACTORY EVIDENCE.—To satisfy subsection (a), a person must file—

- (1) information the Commission considers necessary; or
- (2) a copy of a bond or other security, in such form as the Commission by regulation may require.

(c) AUTHORIZED ISSUER OF BOND.—If a bond is filed, it must be issued by a bonding company authorized to do business in the United States.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44102	46 App.:817e(a) (1st-14th, 37th-last words), (b).	Pub. L. 89-777, §3(a) (1st-14th, 37th-last words), (b), Nov. 6, 1966, 80 Stat. 1357; Pub. L. 103-206, title III, § 320, Dec. 20, 1993, 107 Stat. 2427.

In subsection (c), the words “or any State thereof, or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

§ 44103. Financial responsibility to pay liability for death or injury

(a) GENERAL REQUIREMENT.—The owner or charterer of a vessel to which this chapter applies shall establish, under regulations prescribed by the Federal Maritime Commission, financial responsibility to meet liability for death or injury to passengers or other individuals on a voyage to or from a port in the United States.

(b) AMOUNTS.—

(1) IN GENERAL.—The amount of financial responsibility required under subsection (a) shall be based on the number of passenger accommodations as follows:

- (A) \$20,000 for each of the first 500 passenger accommodations.
- (B) \$15,000 for each additional passenger accommodation between 501 and 1,000.
- (C) \$10,000 for each additional passenger accommodation between 1,001 and 1,500.
- (D) \$5,000 for each additional passenger accommodation over 1,500.

(2) MULTIPLE VESSELS.—If the owner or charterer is operating more than one vessel subject to this chapter, the amount of financial responsibility shall be based on the number of passenger accommodations on the vessel with the largest number of passenger accommodations.

(c) AVAILABILITY TO PAY JUDGMENT.—The amount determined under subsection (b) shall be available to pay a judgment for damages (whether less than or more than \$20,000) for death or injury to a passenger or other individual on a voyage to or from a port in the United States.

(d) MEANS OF ESTABLISHING.—Financial responsibility under this section may be established by one or more of the following if acceptable to the Commission:

- (1) Insurance.
- (2) Surety bond issued by a bonding company authorized to do business in the United States.
- (3) Qualification as a self-insurer.
- (4) Other evidence of financial responsibility.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44103	46 App.:817d(a) (1st-5th, 29th-last words), (b).	Pub. L. 89-777, §2(a) (1st-5th, 29th-last words), (b), Nov. 6, 1966, 80 Stat. 1356.

In subsection (d)(2), the words “issued by a bonding company authorized to do business in the United States” are substituted for 46 App. U.S.C. 817d(b) to eliminate unnecessary words. The words “or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any territory or possession of the United States” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

§ 44104. Civil penalty

A person that violates section 44102 or 44103 of this title is liable to the United States Government for a civil penalty of not more than \$5,000, plus \$200 for each passage sold, to be assessed by the Federal Maritime Commission. The Commission may remit or mitigate the penalty on terms the Commission considers proper.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44104, 46 App.:817d(e), Pub. L. 89-777, §§2(c), 3(c), Nov. 6, 1966, 80 Stat. 1357. Row 2: 46 App.:817e(c).

§ 44105. Refusal of clearance

The Secretary of Homeland Security shall refuse the clearance required by section 60105 of this title, at the port or place of departure from the United States, of a vessel that is subject to this chapter and does not have evidence issued by the Federal Maritime Commission of compliance with sections 44102 and 44103 of this title.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44105, 46 App.:817d(e), Pub. L. 89-777, §§2(e), 3(e), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 103-182, title VI, §689(c), Dec. 8, 1993, 107 Stat. 2222. Row 2: 46 App.:817e(e).

The words "Secretary of Homeland Security" are substituted for "Customs Service" because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178).

§ 44106. Conduct of proceedings

Part A of this subtitle applies to proceedings conducted by the Federal Maritime Commission under this chapter.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44106, 46 App.:817d(d), Pub. L. 89-777, §§2(d), 3(d), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 104-324, title VII, §746(c), Oct. 19, 1996, 110 Stat. 3943. Row 2: 46 App.:817e(d).

The authority to prescribe regulations is omitted as unnecessary because it is already provided by section 305 of the revised title.

Subtitle V—Merchant Marine

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AMENDMENTS

2008—Pub. L. 110-181, div. C, title XXXV, §3523(a)(6)(E), Jan. 28, 2008, 122 Stat. 600, added item for chapter 541.

2007—Pub. L. 110-140, title XI, §1121(b), Dec. 19, 2007, 121 Stat. 1762, added item for chapter 556.

2006—Pub. L. 109-304, §8(a), Oct. 6, 2006, 120 Stat. 1555, amended subtitle analysis generally. Prior to amendment, analysis consisted of item for chapter 531 "Maritime Security Fleet".

PART A—GENERAL

CHAPTER 501—POLICY, STUDIES, AND REPORTS

Sec. 50101. Objectives and policy. 50102. Survey of merchant marine. 50103. Determinations of essential services. 50104. Studies of general maritime problems. 50105. Studies and cooperation relating to the construction of vessels. 50106. Studies on the operation of vessels. 50107. Studies on marine insurance. 50108. Studies on cargo carriage and cargo containers. 50109. Miscellaneous studies. 50110. Securing preference to vessels of the United States. 50111. Submission of annual MARAD authorization request. 50112. National Maritime Enhancement Institutes. 50113. Use and performance reports by operators of vessels.

AMENDMENTS

2015—Pub. L. 114-92, div. A, title X, §1074(c)(2), Nov. 25, 2015, 129 Stat. 997, substituted "Submission of annual MARAD authorization request" for "Reports to Congress" in item 50111.

§ 50101. Objectives and policy

(a) OBJECTIVES.—It is necessary for the national defense and the development of the do-