

Measurement of tonnage and certifying the same, except that the compensation and necessary travel and subsistence expenses of the officers so measuring or certifying such vessels at the request of the owners thereof at a place other than a port of entry or a customs station shall be paid by such owners; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and oath; indorsement of change of master; certifying and receiving manifest, including master's oath and permit; granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew list; certificate of protection to seamen; bill of health; shipping or discharging of seamen; apprenticing boys to the merchant service; inspecting, examining, and licensing steam vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel.

REFERENCES IN TEXT

The Omnibus Budget Reconciliation Act of 1990, referred to in subsec. (b)(5), is Pub. L. 101-508, Nov. 5, 1990, 104 Stat. 1388. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-281, § 311(a)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to fees and charges in fiscal years 1993 and 1994.

Subsec. (c). Pub. L. 113-281, § 311(a)(2), substituted “subsection (a),” for “subsections (a) and (b),”.

2006—Subsec. (a)(2). Pub. L. 109-304, § 15(6)(A), substituted “part B of this subtitle” for “part B of this title”.

Subsec. (b)(2)(A)(iii). Pub. L. 109-304, § 15(6)(B), substituted “; and” for period at end.

Subsec. (b)(5). Pub. L. 109-304, § 15(6)(C), substituted “The fee” for “The fees”.

Subsec. (f). Pub. L. 109-304, § 15(6)(D), substituted “Secretary of Homeland Security shall deny the clearance required by section 60105 of this title” for “Secretary of the Treasury shall deny the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)”.

Subsec. (j). Pub. L. 109-304, § 15(6)(E), substituted “State” for “state”.

2002—Subsec. (k). Pub. L. 107-295 substituted “2006” for “2001”.

1998—Subsec. (k). Pub. L. 105-383 added subsec. (k).

1996—Subsec. (a)(2). Pub. L. 104-324, § 1112, which directed amendment of section 10401(g) of Pub. L. 101-508 by inserting “The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than \$300 annually for such vessels under 65 feet in length, or more than \$600 annually for such vessels 65 feet in length and greater. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry.” after “annually.”, was executed by making insertion in subsec. (a)(2) of this section to reflect the probable intent of Congress, because section 10401(a) of Pub. L. 101-508 amended this section generally, and section 10401 of Pub. L. 101-508 did not contain a subsec. (g).

1992—Subsec. (b)(1). Pub. L. 102-582, § 501(a)(1), substituted “1993 and 1994” for “1991, 1992, 1993, 1994, and 1995” and “to which paragraph (2) of this subsection applies” for “that is greater than 16 feet in length”.

Subsec. (b)(2). Pub. L. 102-582, § 501(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The fee or charge established under paragraph (1) of this subsection is as follows:

“(A) for vessels greater than 16 feet in length but less than 20 feet, not more than \$25;

“(B) for vessels of at least 20 feet in length but less than 27 feet, not more than \$35;

“(C) for vessels of at least 27 feet in length but less than 40 feet, not more than \$50; and

“(D) for vessels of at least 40 feet in length, not more than \$100.”

Subsec. (j). Pub. L. 102-587 added subsec. (j).

1991—Subsec. (b)(5). Pub. L. 102-241 added par. (5).

1990—Pub. L. 101-508, as amended by Pub. L. 104-324, substituted “Fees” for “Fees prohibited” as section catchline and amended text generally. Prior to amendment, text read as follows: “Fees may not be charged or collected by the Secretary for services provided for in this subtitle related to the engagement and discharge of seamen, the inspection and examination of vessels under part B of this subtitle, and the licensing of masters, mates, pilots, and engineers, except when specifically provided for in this subtitle.” See 1996 Amendment note above.

1988—Pub. L. 100-710 substituted “and the licensing of masters, mates, pilots, and engineers” for “the licensing of masters, mates, pilots, and engineers, and the documentation of vessels”.

1986—Pub. L. 99-509 substituted “examination of vessels under part B of this subtitle” for “examination of vessels” and struck out “measurement or” before “documentation”.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-582, title V, § 501(b), Nov. 2, 1992, 106 Stat. 4910, provided that: “The amendments made by this section [amending this section] are effective October 1, 1992.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-710 effective Jan. 1, 1989, with certain exceptions and qualifications, see section 107 of Pub. L. 100-710, set out as an Effective Date note under section 31301 of this title.

TRANSFER OF FUNCTIONS

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.

ACCEPTANCE OF EVIDENCE OF PAYMENT OF COAST GUARD FEES

Pub. L. 102-587, title V, § 5214, Nov. 4, 1992, 106 Stat. 5077, provided that: “The Secretary of Transportation may not issue a citation for failure to pay a fee or charge established under section 2110 of title 46, United States Code, to an owner or operator of a recreational vessel who provides reasonable evidence of prior payment of the fee or charge to a Coast Guard boarding officer.”

§ 2111. Pay for overtime services

(a) The Secretary may prescribe a reasonable rate of extra pay for overtime services of civilian officers and employees of the Coast Guard required to remain on duty between 5 p.m. and 8 a.m., or on Sundays or holidays, to perform services related to—

- (1) the inspection of vessels or their equipment;
- (2) the engagement and discharge of crews of vessels;
- (3) the measurement of vessels; and
- (4) the documentation of vessels.

(b) Except for Sundays and holidays, the overtime rate provided under subsection (a) of this section is one-half day's additional pay for each

2 hours of overtime (or part of 2 hours of at least one hour). The total extra pay may be not more than 2 and one-half days' pay for any one period from 5 p.m. to 8 a.m.

(c) The overtime rate provided under subsection (a) of this section for Sundays and holidays is 2 additional days' pay.

(d) The owner, charterer, managing operator, agent, master, or individual in charge of the vessel shall pay the amount of the overtime pay provided under this section to the official designated by regulation. The official shall deposit the amount paid to the Treasury as miscellaneous receipts. Payment to the officer or employee entitled to the pay shall be made from the annual appropriations for salaries and expenses of the Coast Guard.

(e) The overtime pay provided under this section shall be paid if the authorized officers and employees have been ordered to report for duty and have reported, even if services requested were not performed.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 507.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2111	46:382b

Section 2111 provides for the payment of overtime rates for work performed by civilian officers and employees of the Coast Guard for certain specified activities.

TRANSFER OF FUNCTIONS

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.

§ 2112. Authority to change working hours

In a port at which the customary working hours begin before 8 a.m. or end after 5 p.m., the Secretary may regulate the working hours of the officers and employees referred to in section 2111 of this title so that those hours conform to the prevailing working hours of the port. However—

(1) the total period for which overtime pay may be required under section 2111 of this title may not be more than 15 hours between any 2 periods of ordinary working hours on other than Sundays and holidays;

(2) the length of the working day for the officers and employees involved may not be changed; and

(3) the rate of overtime pay may not be changed.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2112	46:382b

Section 2112 provides the Secretary with the authority to regulate the working hours of civilian officers and employees of the Coast Guard to conform with the prevailing working hours of a port.

§ 2113. Authority to exempt certain vessels

If the Secretary decides that the application of a provision of part B, C, F, or G of this subtitle is not necessary in performing the mission of the vessel engaged in excursions or an oceanographic research vessel, or not necessary for the safe operation of certain vessels carrying passengers, the Secretary by regulation may—

(1) for a vessel, issue a special permit specifying the conditions of operation and equipment;

(2) exempt an oceanographic research vessel from that provision under conditions the Secretary may specify;

(3) establish different operating and equipment requirements for vessels defined in section 2101(42)(A) of this title;

(4) establish different structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 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 carrying not more than 150 passengers on domestic voyages if the owner of the vessel—

(A) makes application for inspection to the Coast Guard within 6 months of the date of enactment of the Passenger Vessel Safety Act of 1993; and

(B) provides satisfactory documentation that the vessel was chartered at least once within the previous 12 months prior to the date of enactment of that Act; and

(5) establish different structural fire protection, manning, operating, and equipment requirements for former public vessels of the United States of at least 100 gross tons but less than 500 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, carrying not more than 150 passengers on domestic voyages, if the owner of the vessel—

(A) makes application for inspection to the Coast Guard within 6 months of the date of enactment of the Passenger Vessel Safety Act of 1993; and

(B) provides satisfactory documentation that the vessel was chartered at least once within the previous 12 months prior to the date of enactment of that Act.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508; Pub. L. 103-206, title V, §511(a), Dec. 20, 1993, 107 Stat. 2441; Pub. L. 104-324, title VII, §710, Oct. 19, 1996, 110 Stat. 3935.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2113	46:445 46:453

Section 2113 provides the Secretary with the authority to exempt certain vessels from the inspection and manning requirements of law when vessels are engaged in excursions or oceanographic research. This is the authority of the issuance of excursion permits when special circumstances justify the waiver of certain mari-