

## EXEMPTION OF CERTAIN FISHING AND FISH PROCESSING VESSELS

Pub. L. 98-364, title IV, § 403, July 17, 1984, 98 Stat. 450, as amended by Pub. L. 99-36, § 3, May 15, 1985, 99 Stat. 68; Pub. L. 101-225, title III, § 306, Dec. 12, 1989, 103 Stat. 1925, provided that:

“(a) Except as provided in chapter 37 of title 46, United States Code, and before January 1, 1991, a fishing, fish processing, or fish tender vessel, that is (1) not more than 500 gross tons and (2) in operation, or contracted for purchase to be used as a vessel of this type, before July 1, 1984, may transport cargo to or from a place in Alaska not receiving weekly transportation service from a port of the United States by an established water common carrier, except that the service limitation does not apply to transporting cargo of a type not accepted by that carrier.

“(b) A fish processing vessel entered into service before January 1, 1988, and more than 1,600 gross tons or entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products is exempt from section 8702(b) of title 46, United States Code, until 18 months after the date of enactment of this Act [July 17, 1984].

“(c) As used in subsections (a) and (b) of this section, the terms ‘fishing vessel’, ‘fish processing vessel’ and ‘fish tender vessel’ shall have the meaning given to such terms in section 2101 of title 46, United States Code.”

## OFFSHORE SUPPLY VESSELS; TRANSITION PERIOD FOR COMPLIANCE WITH VESSEL INSPECTION PROVISIONS

Pub. L. 98-89, § 2(i), Aug. 26, 1983, 97 Stat. 599, provided that: “Each offshore supply vessel described in section 3302(g) of title 46 (as enacted by section 1 of this Act), that was registered with the Secretary of Transportation under section 4426a(7) of the Revised Statutes [former 46 U.S.C. 404-1(7)] but that has not been inspected by the Secretary shall be held to be in compliance with all applicable vessel inspection laws pending verification by actual inspection or until one year after the date of enactment of this Act [Aug. 26, 1983], whichever is earlier.”

**§ 3303. Reciprocity for foreign vessels**

Except as provided in chapter 37 and section 3505 of this title, a foreign vessel of a country having inspection laws and standards similar to those of the United States and that has an unexpired certificate of inspection issued by proper authority of its respective country, is subject to an inspection to ensure that the condition of the vessel is as stated in its current certificate of inspection. A foreign country is considered to have inspection laws and standards similar to those of the United States when it is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party. A foreign certificate of inspection may be accepted as evidence of lawful inspection only when presented by a vessel of a country that has by its laws accorded to vessels of the United States visiting that country the same privileges accorded to vessels of that country visiting the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 512; Pub. L. 102-587, title V, § 5210(a), Nov. 4, 1992, 106 Stat. 5076; Pub. L. 104-324, title XI, § 1111, Oct. 19, 1996, 110 Stat. 3970; Pub. L. 108-293, title IV, § 411(b), Aug. 9, 2004, 118 Stat. 1046.)

## HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i>  |
|------------------------|------------------------------------|
| 3303 .....             | 46:362(a)<br>46:390c<br>46:391a(3) |

Section 3303 acknowledges the international concept of comity with respect to recognizing inspection laws and standards for foreign flag vessels that are similar to those of the United States. If a foreign nation is signatory to the International Convention for Safety of Life at Sea, it is presumed to have similar standards. However, reciprocity requirements for foreign flag tank vessels are included in chapter 37. Subsection (b) provides for a mutual waiver of fees for the inspection of foreign vessels carrying passengers from the United States.

## AMENDMENTS

2004—Pub. L. 108-293 inserted “and section 3505” after “chapter 37”.

1996—Pub. L. 104-324 struck out subsec. (a) designation and subsec. (b) which read as follows: “The Secretary shall collect and pay to the Treasury the same fees for the inspection of foreign vessels carrying passengers from the United States that a foreign country charges vessels of the United States trading to the ports of that country. The Secretary may waive at any time the collection of the fees on notice of the proper authorities of any country concerned that the collection of fees for the inspection of vessels of the United States has been discontinued.”

1992—Subsec. (a). Pub. L. 102-587, in first sentence, struck out “only” after “is subject” and substituted “the condition of the vessel is” for “the condition of the vessel’s propulsion equipment and lifesaving equipment are”.

## EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

## INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

**§ 3304. Transporting individuals in addition to crew**

(a) A documented vessel transporting cargo that transports not more than 12 individuals in addition to the crew on international voyages, or not more than 16 individuals in addition to the crew on other voyages, is not subject to inspection as a passenger vessel or a small passenger vessel if the vessel is otherwise subject to inspection under this chapter.

(b) Except when subsection (e) of this section applies, before an individual in addition to the crew is transported on a vessel as permitted by this section, the owner, charterer, managing operator, agent, master, or individual in charge of the vessel first shall notify the individual of the presence on board of dangerous articles as defined by law, and of other conditions or circumstances that would constitute a risk of safety to the individual on board.

(c) A privilege authorized by this section applies to a vessel of a foreign country that affords a similar privilege to vessels of the United States in trades not restricted to vessels under its own flag.