

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.

§ 6102. State marine casualty reporting system

(a) The Secretary shall prescribe regulations for a uniform State marine casualty reporting system for vessels. Regulations shall prescribe the casualties to be reported and the manner of reporting. A State shall compile and submit to the Secretary reports, information, and statistics on casualties reported to the State, including information and statistics concerning the number of casualties in which the use of alcohol contributed to the casualty.

(b) The Secretary shall collect, analyze, and publish reports, information, and statistics on marine casualties together with findings and recommendations the Secretary considers appropriate. If a State marine casualty reporting system provides that information derived from casualty reports (except statistical information) may not be publicly disclosed, or otherwise prohibits use by the State or any person in any action or proceeding against a person, the Secretary may use the information provided by the State only in the same way that the State may use the information.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98-557, §7(b)(2), Oct. 30, 1984, 98 Stat. 2862.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 6102, 46:1486

Section 6102(a) requires the Secretary to prescribe regulations for a uniform State marine casualty reporting system for vessels. The Secretary may limit the scope and types of casualties to be investigated and reported by the State. It also requires the State to submit to the Secretary reports, information, and statistics on casualties reported to the State.

Subsection (b) requires the Secretary to analyze the information that is received from the State. It also prohibits the Secretary from disclosing the information, proceeding against any person based on this information, or otherwise using the information, if the State cannot use the information in the same way.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-557 inserted provisions relating to alcohol as a contributing factor to the casualty.

PLAN TO INCREASE MARINE CASUALTY REPORTING

Pub. L. 104-324, title III, §314(a), Oct. 19, 1996, 110 Stat. 3922, provided that: "Not later than one year after enactment of this Act [Oct. 19, 1996], the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials."

§ 6103. Penalty

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to report a casualty as required under section 6101 of this title or a regulation pre-

scribed under section 6101 or 6102 is liable to the United States Government for a civil penalty of not more than \$25,000.

(b) A person failing to comply with section 6104 of this title or a regulation prescribed under that section is liable to the Government for a civil penalty of not more than \$5,000.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98-498, title II, §212(b)(2), Oct. 19, 1984, 98 Stat. 2306; Pub. L. 100-424, §4(b), Sept. 9, 1988, 102 Stat. 1590; Pub. L. 104-324, title III, §§306(a), 314(b), Oct. 19, 1996, 110 Stat. 3918, 3922.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 6103, 33:361, 33:362

Section 6103 provides for a civil penalty of \$1,000 for any owner, charterer, managing operator, agent, master, or individual in charge of a vessel that fails to report a casualty required to be reported under subsection (b) of section 6101 or an incident required to be reported under subsection (c) of section 6101.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-324 inserted "or 6102" before "is liable" and substituted "not more than \$25,000" for "\$1,000".

1988—Pub. L. 100-424 designated existing provisions as subsec. (a) and added subsec. (b).

1984—Pub. L. 98-498 struck out "or incident" after "a casualty".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

§ 6104. Commercial fishing industry vessel casualty statistics

(a) The Secretary shall compile statistics concerning marine casualties from data compiled from insurers of fishing vessels, fish processing vessels, and fish tender vessels.

(b) A person underwriting primary insurance for a fishing vessel, fish processing vessel, or fish tender vessel shall submit periodically to the Secretary data concerning marine casualties that is required by regulations prescribed by the Secretary.

(c) After consulting with the insurance industry, the Secretary shall prescribe regulations under this section to gather a statistical base for analyzing vessel risks.

(d) The Secretary may delegate to a qualified person that has knowledge and experience in the collection of statistical insurance data the authority of the Secretary under this section to compile statistics from insurers.

(Added Pub. L. 100-424, §4(a), Sept. 9, 1988, 102 Stat. 1590.)

CHAPTER 63—INVESTIGATING MARINE CASUALTIES

- Sec. 6301. Investigation of marine casualties.
6302. Public investigations.
6303. Rights of parties in interest.
6304. Subpena authority.
6305. Reports of investigations.
6306. Penalty.