

(Pub. L. 92-63, §3, Aug. 4, 1971, 85 Stat. 164.)

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92-63, set out as a note under section 1201 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.

§ 1203. Radiotelephone requirement

(a) Vessel coverage; exchange of navigational information

Except as provided in section 1206 of this title—

(1) every power-driven vessel of twenty meters or over in length while navigating;

(2) every vessel of one hundred gross tons as measured under section 14502 of title 46, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title, and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156-162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) Vessels upon navigable waters of United States inside high seas lines

The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

(Pub. L. 92-63, §4, Aug. 4, 1971, 85 Stat. 164; Pub. L. 102-241, §16, Dec. 19, 1991, 105 Stat. 2213; Pub. L. 104-324, title VII, §704, Oct. 19, 1996, 110 Stat. 3933; Pub. L. 107-295, title III, §321, Nov. 25, 2002, 116 Stat. 2103.)

REFERENCES IN TEXT

Presidential Proclamation 5928 of December 27, 1988, referred to in subsec. (b), is set out as a note under section 1331 of Title 43, Public Lands.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-295 substituted “United States, which includes all waters of the territorial sea

of the United States as described in Presidential Proclamation 5928 of December 27, 1988” for “United States inside the lines established pursuant to section 151 of this title”.

1996—Subsec. (a)(2). Pub. L. 104-324 inserted “as measured under section 14502 of title 46, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,” after “one hundred gross tons”.

1991—Subsec. (a)(1). Pub. L. 102-241 amended par. (1) generally, substituting “twenty meters or over in length” for “three hundred gross tons and upward”.

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92-63, set out as a note under section 1201 of this title.

VESSEL COMMUNICATION EQUIPMENT REGULATIONS

Pub. L. 101-380, title IV, §4118, Aug. 18, 1990, 104 Stat. 523, provided that: “The Secretary shall, not later than one year after the date of the enactment of this Act [Aug. 18, 1990], issue regulations necessary to ensure that vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act of 1971 (33 U.S.C. 1203) are also equipped as necessary to—

“(1) receive radio marine navigation safety warnings; and

“(2) engage in radio communications on designated frequencies with the Coast Guard, and such other vessels and stations as may be specified by the Secretary.”

§ 1204. Radiotelephone for exclusive use of master, person in charge, or pilot; frequency listening watch; portable radiotelephone equipment

The radiotelephone required by this chapter is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this chapter.

(Pub. L. 92-63, §5, Aug. 4, 1971, 85 Stat. 165.)

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92-63, set out as a note under section 1201 of this title.

§ 1205. Radiotelephone capability; maintenance; restoration; consequences of loss: navigation of vessel

Whenever radiotelephone capability is required by this chapter, a vessel’s radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel’s radiotelephone equipment shall not, in itself, constitute a violation of this chapter, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

(Pub. L. 92-63, §6, Aug. 4, 1971, 85 Stat. 165.)

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92-63, set out as a note under section 1201 of this title.

§ 1206. Exemptions; terms and conditions

The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this chapter, on such terms and conditions as he considers appropriate.

(Pub. L. 92-63, §7, Aug. 4, 1971, 85 Stat. 165.)

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92-63, set out as a note under section 1201 of this title.

§ 1207. Regulations

(a) Operating and technical conditions and characteristics; frequencies, emission, and power of radiotelephone equipment

The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this chapter.

(b) Enforcement

The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this chapter.

(Pub. L. 92-63, §8, Aug. 4, 1971, 85 Stat. 165.)

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92-63, set out as a note under section 1201 of this title.

§ 1208. Penalties

(a) Master, person in charge, or pilot subject to penalty

Whoever, being the master or person in charge of a vessel subject to this chapter, fails to enforce or comply with this chapter or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this chapter to pilot or direct the movement of the vessel, fails to enforce or comply with this chapter or the regulations hereunder—

Is liable to a civil penalty of not more than \$500 to be assessed by the Secretary.

(b) Vessels subject to penalty; jurisdiction

Every vessel navigating in violation of this chapter or the regulations hereunder is liable to

a civil penalty of not more than \$500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Remission or mitigation

Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

(Pub. L. 92-63, §9, Aug. 4, 1971, 85 Stat. 165.)

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92-63, set out as a note under section 1201 of this title.

CHAPTER 25—PORTS AND WATERWAYS SAFETY PROGRAM

§§ 1221 to 1223. Repealed. Pub. L. 115-282, title IV, § 402(e), Dec. 4, 2018, 132 Stat. 4264

Section 1221, Pub. L. 92-340, §2, formerly title I, §101, July 10, 1972, 86 Stat. 424; renumbered and amended Pub. L. 95-474, §2, Oct. 17, 1978, 92 Stat. 1471; Pub. L. 107-295, title IV, §443(1), Nov. 25, 2002, 116 Stat. 2132, related to statement of policy.

Section 1222, Pub. L. 92-340, §3, formerly title I, §102, July 10, 1972, 86 Stat. 425; renumbered and amended Pub. L. 95-474, §2, Oct. 17, 1978, 92 Stat. 1471; Pub. L. 105-383, title III, §301(a), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 108-293, title III, §304, Aug. 9, 2004, 118 Stat. 1042, provided definitions for the chapter.

Section 1223, Pub. L. 92-340, §4, formerly title I, §103, July 10, 1972, 86 Stat. 426; renumbered and amended Pub. L. 95-474, §2, Oct. 17, 1978, 92 Stat. 1472; Pub. L. 101-380, title IV, §4107(a), Aug. 18, 1990, 104 Stat. 514; Pub. L. 104-324, title VII, §705, Oct. 19, 1996, 110 Stat. 3934; Pub. L. 108-293, title III, §302, Aug. 9, 2004, 118 Stat. 1041; Pub. L. 109-241, title IX, §901(d), July 11, 2006, 120 Stat. 564; Pub. L. 115-44, title III, §315(b)(1), Aug. 2, 2017, 131 Stat. 949, related to vessel operating requirements. See section 70001 of Title 46, Shipping.

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-399, title IX, §901, Aug. 27, 1986, 100 Stat. 889, provided that: "This title [enacting section 1226 of this title and sections 1801 to 1809 of the former Appendix to Title 46, Shipping] may be cited as the 'International Maritime and Port Security Act'."

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-474, §1, Oct. 17, 1978, 92 Stat. 1471, provided: "That this Act [enacting sections 1225, 1228 to 1231, and 1232 of this title, amending this section, sections 1222 to 1224, 1226, and 1227 of this title, and sections 214 and 391a of Title 46, Shipping, and enacting provisions set out as notes under this section and section 1224 of this title and section 391a of former Title 46] may be cited as the 'Port and Tanker Safety Act of 1978'."

SHORT TITLE

Pub. L. 92-340, §1, July 10, 1972, 86 Stat. 424, as amended by Pub. L. 95-474, §2, Oct. 17, 1978, 92 Stat. 1471, which provided that Pub. L. 92-340, enacting this chapter, could be cited as the "Ports and Waterways Safety Act", was repealed by Pub. L. 115-282, title IV, §402(e), Dec. 4, 2018, 132 Stat. 4264.

TRANSITIONAL AND SAVINGS PROVISIONS

For transitional and savings provisions and treatment of references to former provisions of this chapter in other laws, see section 403 of Pub. L. 115-282, set out as a note preceding section 101 of Title 46, Shipping.

SEPARABILITY

Pub. L. 95-474, §6(c), Oct. 17, 1978, 92 Stat. 1493, provided that: "If a provision of this Act [see Short Title