

in part 117 or part 180 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2016, allow a passenger vessel to be equipped with a life-saving appliance or arrangement of an innovative or novel design that—

(1) ensures no part of an individual is immersed in water; and

(2) provides an equal or higher standard of safety than is provided by such requirements as in effect before such date of the enactment.

(d) BUILT DEFINED.—In this section, the term “built” has the meaning that term has under section 4503(d).

(Added Pub. L. 111–281, title VI, § 609(a), Oct. 15, 2010, 124 Stat. 2968; amended Pub. L. 112–213, title III, § 303, Dec. 20, 2012, 126 Stat. 1563; Pub. L. 114–120, title III, § 301(a), Feb. 8, 2016, 130 Stat. 50; Pub. L. 114–328, div. C, title XXXV, § 3503(a), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115–282, title V, § 508(e), Dec. 4, 2018, 132 Stat. 4273.)

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsecs. (b) and (c), is the date of enactment of Pub. L. 114–120, which was approved Feb. 8, 2016.

AMENDMENTS

2018—Subsec. (d). Pub. L. 115–282 substituted “section 4503(d)” for “section 4503(e)”.

2016—Pub. L. 114–120 amended section generally. Prior to amendment, section related to survival craft.

Subsecs. (b), (c). Pub. L. 114–328 substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

2012—Subsec. (b). Pub. L. 112–213, § 303(1), substituted “the date that is 30 months after the date on which the report described in subsection (c) is submitted” for “January 1, 2015” in introductory provisions.

Subsec. (c). Pub. L. 112–213, § 303(2), added subsec. (c).

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114–328 effective as if included in the enactment of Pub. L. 114–120, see section 3503(e) of Pub. L. 114–328, set out as a note under section 315 of Title 14, Coast Guard.

REVIEW; REVISION OF REGULATIONS

Pub. L. 114–120, title III, § 301(b), Feb. 8, 2016, 130 Stat. 50, provided that:

“(1) REVIEW.—Not later than December 31, 2016, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of—

“(A) the number of casualties for individuals with disabilities, children, and the elderly as a result of immersion in water, reported to the Coast Guard over the preceding 30-year period, by vessel type and area of operation;

“(B) the risks to individuals with disabilities, children, and the elderly as a result of immersion in water, by passenger vessel type and area of operation;

“(C) the effect that carriage of survival craft that ensure that no part of an individual is immersed in water has on—

“(i) passenger vessel safety, including stability and safe navigation;

“(ii) improving the survivability of individuals, including individuals with disabilities, children, and the elderly; and

“(iii) the costs, the incremental cost difference to vessel operators, and the cost effectiveness of re-

quiring the carriage of such survival craft to address the risks to individuals with disabilities, children, and the elderly;

“(D) the efficacy of alternative safety systems, devices, or measures in improving survivability of individuals with disabilities, children, and the elderly; and

“(E) the number of small businesses and nonprofit vessel operators that would be affected by requiring the carriage of such survival craft on passenger vessels to address the risks to individuals with disabilities, children, and the elderly.

“(2) SCOPE.—In conducting the review under paragraph (1), the Secretary shall include an examination of passenger vessel casualties that have occurred in the waters of other nations.

“(3) UPDATES.—The Secretary shall update the review required under paragraph (1) every 5 years.

“(4) REVISION.—Based on the review conducted under paragraph (1), including updates thereto, the Secretary shall revise regulations concerning the carriage of survival craft under section 3104(c) of title 46, United States Code.”

§ 3105. Electronic charts

(a) SYSTEM REQUIREMENTS.—

(1) REQUIREMENTS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:

(A) A self-propelled commercial vessel of at least 65 feet overall length.

(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.

(2) EXEMPTIONS AND WAIVERS.—The Secretary may—

(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on those waters.

(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

(1) innocent passage through the territorial sea of the United States; or

(2) transit through the navigable waters of the United States that form a part of an international strait.

(Added and amended Pub. L. 115–282, title IV, § 402(a)(1), Dec. 4, 2018, 132 Stat. 4263, 4264.)

CODIFICATION

Section, as added and amended by Pub. L. 115-282, is based on Pub. L. 92-340, §4A, as added Pub. L. 108-293, title IV, §410, Aug. 9, 2004, 118 Stat. 1045, which was formerly classified to section 1223a of Title 33, Navigation and Navigable Waters, before being transferred to this chapter and renumbered as this section.

AMENDMENTS

2018—Pub. L. 115-282, §402(a)(1)(A), transferred section 4A of Pub. L. 92-340 to this chapter and renumbered it as this section. See Codification note above.

Subsec. (b). Pub. L. 115-282, §402(a)(1)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Secretary of the department in which the Coast Guard is operating shall prescribe regulations implementing subsection (a) before January 1, 2007, including requirements for the operation and maintenance of the electronic charts required under subsection (a).”

CHAPTER 32—MANAGEMENT OF VESSELS

Sec.	
3201.	Definitions.
3202.	Application.
3203.	Safety management system.
3204.	Implementation of safety management system.
3205.	Certification.

§ 3201. Definitions

In this chapter—

(1) “International Safety Management Code” has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

(2) “responsible person” means—

(A) the owner of a vessel to which this chapter applies; or

(B) any other person that has—

(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

(3) “vessel engaged on a foreign voyage” means a vessel to which this chapter applies—

(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

(B) making a voyage between places outside the United States; or

(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

(Added Pub. L. 104-324, title VI, §602(a), Oct. 19, 1996, 110 Stat. 3928.)

SAFETY MANAGEMENT SYSTEM

Pub. L. 115-265, title II, §205, Oct. 11, 2018, 132 Stat. 3745, provided that:

“(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the implementation and effectiveness of the Coast Guard’s oversight and enforcement of safety management plans required under chapter 32 of title 46, United States Code.

“(b) SCOPE.—The audit conducted under subsection (a) shall include an evaluation of—

“(1) the effectiveness and implementation of safety management plans, including such plans for—

“(A) a range of vessel types and sizes; and

“(B) vessels that operate in a cross-section of regional operating areas; and

“(2) the effectiveness and implementation of safety management plans in addressing the impact of heavy weather.

“(c) REPORT.—Not later than 18 months after the date of enactment of this Act [Oct. 11, 2018], the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the audit and providing recommendations related to such results, including ways to streamline and focus such plans on ship safety.

“(d) MARINE SAFETY ALERT.—Not later than 60 days after the date the report is submitted under subsection (c), the Commandant [of the Coast Guard] shall publish a Marine Safety Alert providing notification of the completion of the report and including a link to the report on a publicly accessible website.

“(e) ADDITIONAL ACTIONS.—

“(1) IN GENERAL.—Upon completion of the report under subsection (c), the Commandant shall consider additional guidance or a rulemaking to address any deficiencies identified, and any additional actions recommended, in the report.

“(2) REPORT.—Not later than 1 year after the date the report is submitted under subsection (c), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken to address any deficiencies identified, and any additional actions recommended, in the report submitted under subsection (c).”

TIMELY WEATHER FORECASTS AND HAZARD ADVISORIES FOR MERCHANT MARINERS

Pub. L. 115-265, title II, §216, Oct. 11, 2018, 132 Stat. 3751, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall seek to enter into negotiations through the International Maritime Organization to amend the International Convention for the Safety of Life at Sea to require that vessels subject to the requirements of such Convention receive—

“(1) timely synoptic and graphical chart weather forecasts; and

“(2) where available, timely hazard advisories for merchant mariners, including broadcasts of tropical cyclone forecasts and advisories, intermediate public advisories, and tropical cyclone updates to mariners via appropriate technologies.”

SAFETY MANAGEMENT CODE REPORT AND POLICY

Pub. L. 105-383, title III, §306, Nov. 13, 1998, 112 Stat. 3420, provided that:

“(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

“(1) The Secretary of Transportation (in this section referred to as the ‘Secretary’) shall conduct a study—

“(A) reporting on the status of implementation of the International Safety Management Code (hereafter referred to in this section as ‘Code’);

“(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

“(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

“(D) identifying actions to achieve full compliance with and effective implementation of the Code; and