

§ 33(b), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587; Pub. L. 111-281, title VI, § 604(e)(1), Oct. 15, 2010, 124 Stat. 2966; Pub. L. 112-213, title III, § 305(c), Dec. 20, 2012, 126 Stat. 1564; Pub. L. 114-120, title III, § 318(a), Feb. 8, 2016, 130 Stat. 63; Pub. L. 114-328, div. C, title XXXV, § 3503(a), (b)(2), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115-282, title V, §§ 507, 508(a), (b), Dec. 4, 2018, 132 Stat. 4272.)

## REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsecs. (c)(2)(B)(i) and (e)(1), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

## AMENDMENTS

2018—Subsec. (b). Pub. L. 115-282, § 508(b)(2), substituted “section 4503a” for “subsection (d)” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 115-282, § 507(a), substituted “180” for “79”.

Subsec. (c)(2)(B)(ii)(I). Pub. L. 115-282, § 508(b)(3), substituted “subsection (d)” for “subsection (e)”.

Subsec. (c)(2)(B)(ii)(II). Pub. L. 115-282, § 508(b)(4), substituted “subsection (e)” for “subsection (f)”.

Subsec. (d). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (e) as (d).

Pub. L. 115-282, § 508(a), redesignated subsec. (d) as section 4503a of this title.

Subsec. (e). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(1), (2). Pub. L. 115-282, § 508(b)(5), (6), substituted “subsection (d)” for “subsection (e)” wherever appearing.

Subsec. (f). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Pub. L. 115-282, § 507(b), generally amended subsec. (f), as redesignated by Pub. L. 115-282, § 508(b)(1). Prior to amendment, subsec. (f) read as follows: “For the purposes of this section, the term ‘built’ means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

“(1) The vessel’s keel is laid.

“(2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.”

Subsec. (g). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (g) as (f).

2016—Subsec. (a). Pub. L. 114-120, § 318(a)(1), substituted “this subsection” for “this section” in introductory provisions.

Subsec. (b). Pub. L. 114-120, § 318(a)(2), substituted “Except as provided in subsection (d), subsection (a)” for “This section” in introductory provisions.

Subsec. (c). Pub. L. 114-120, § 318(a)(3), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), subsection (a)” for “This section”, and added par. (2).

Subsec. (c)(2)(B)(i). Pub. L. 114-328, § 3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (e). Pub. L. 114-120, § 318(a)(4), added subsec. (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 114-120, § 318(a)(4), added subsec. (f).

Subsec. (f)(1). Pub. L. 114-328, § 3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (f)(2). Pub. L. 114-328, § 3503(b)(2), substituted “, then” for “, that”.

Subsec. (g). Pub. L. 114-120, § 318(a)(4), redesignated subsec. (e) as (g).

2012—Subsec. (c). Pub. L. 112-213, § 305(c)(1), substituted “July 1, 2013.” for “July 1, 2012.”

Subsec. (d)(1)(B). Pub. L. 112-213, § 305(c)(2)(A), substituted “July 1, 2013;” for “July 1, 2012;”.

Subsec. (d)(2). Pub. L. 112-213, § 305(c)(2)(B), substituted “July 1, 2013,” for “July 1, 2012,” in two places and substituted “major conversion” for “substantial change to the dimension of or type of vessel”.

Subsec. (e). Pub. L. 112-213, § 305(c)(3), added subsec. (e).

2010—Pub. L. 111-281, § 604(e)(1)(A), substituted “Fishing, fish tender, and fish processing vessel certification” for “Fish processing vessel certification” in section catchline.

Subsec. (a). Pub. L. 111-281, § 604(e)(1)(B), struck out “fish processing” before “vessel to which this section applies” in introductory provisions.

Subsecs. (c), (d). Pub. L. 111-281, § 604(e)(1)(C), added subsecs. (c) and (d).

1988—Pub. L. 100-424 amended section generally, substituting “Fish processing vessel certification” for “Equivalency” in section catchline, and provisions which require certification issued by American Bureau of Shipping or similar organization for fish processing vessel built after July 27, 1990, or undergoes major conversion completed after that date, for provisions which deemed compliance with this chapter if vessel has unexpired certificate of inspection issued by foreign country that is party to International Convention for Safety of Life at Sea to which United States is party.

1984—Pub. L. 98-557 substituted “is deemed” for “shall be deemed”.

## 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.

## FINAL RULE

Pub. L. 115-282, title V, § 508(f), Dec. 4, 2018, 132 Stat. 4273, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 4, 2018], the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the requirements enumerated in section 4503(d) of title 46, as amended by subsection (b)(1) of this section.”

## § 4503a. Alternate safety compliance program

(a) Subject to subsection (c), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with such an alternate safety compliance program, if the vessel—

- (1) is at least 50 feet overall in length;
- (2) is built before July 1, 2013; and
- (3) is 25 years of age or older.

(b) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2013, that undergoes a major conversion completed after the later of July 1, 2013, or the date the Secretary prescribes an alternate safety compliance program under subsection (a), shall comply with such an alternate safety compliance program.

(c) For purposes of subsection (a), a separate alternate safety compliance program may be developed for a specific region or specific fishery.

(d) Notwithstanding subsection (a), vessels owned by a person that owns more than 30 vessels subject to that subsection are not required to meet the alternate safety compliance requirements of that subsection until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet requirements of that subsection by

that date and the vessel owner is meeting that schedule.

(e) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2012 is not eligible to participate in an alternative safety compliance program prescribed under subsection (a) and,<sup>1</sup> shall—

(1) remain subject to the requirements of a classification society approved by the Secretary; and

(2) have on board a certificate from that society.

(f) For the purposes of this section, the term “built” has the meaning given that term in section 4503(f).

(Added and amended Pub. L. 115–282, title V, § 508(a), (c), Dec. 4, 2018, 132 Stat. 4272.)

#### CODIFICATION

Section, as added and amended by Pub. L. 115–282, is based on Pub. L. 111–281, title VI, § 604(e)(1)(C), Oct. 15, 2010, 124 Stat. 2966, as amended by Pub. L. 112–213, title III, § 305(c)(2), Dec. 20, 2012, 126 Stat. 1564, which was formerly classified to section 4503(d) of this title before being transferred and renumbered as this section.

#### AMENDMENTS

2018—Pub. L. 115–282, § 508(c)(2), inserted section designation and catchline before subsec. (a).

Pub. L. 115–282, § 508(a), (c)(1), renumbered section 4503(d) of this title as this section and redesignated pars. (1) to (5) thereof as subsecs. (a) to (e), respectively.

Subsec. (a). Pub. L. 115–282, § 508(c)(4), redesignated subpars. (A) to (C) as pars. (1) to (3), respectively.

Pub. L. 115–282, § 508(c)(3), in introductory provisions, substituted “Subject to subsection (c), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with such an alternate safety compliance program, if” for “After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if”.

Subsec. (b). Pub. L. 115–282, § 508(c)(5), substituted “prescribes an alternate safety compliance program under subsection (a), shall comply with such an alternate safety compliance program” for “establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary”.

Subsec. (c). Pub. L. 115–282, § 508(c)(6), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.”

Subsec. (d). Pub. L. 115–282, § 508(c)(7), substituted “subsection (a)” for “paragraph (1)” and, wherever appearing, “that subsection” for “that paragraph”.

Subsec. (e). Pub. L. 115–282, § 508(c)(8)(B), redesignated subpars. (A) and (B) as pars. (1) and (2), respectively.

Pub. L. 115–282, § 508(c)(8)(A), inserted “is not eligible to participate in an alternative safety compliance program prescribed under subsection (a) and” after “July 1, 2012” in introductory provisions.

Subsec. (f). Pub. L. 115–282, § 508(c)(9), added subsec. (f).

<sup>1</sup> So in original. Comma probably should appear after “2012” instead. See 2018 Amendment note below.

#### ALTERNATIVE SAFETY COMPLIANCE PROGRAM

Pub. L. 111–281, title VI, § 604(f), Oct. 15, 2010, 124 Stat. 2967, provided that: “No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d)(1) [now 46 U.S.C. 4503a(a)] of the [sic] title 46, United States Code, as amended by this section.”

#### § 4504. Prohibited acts

A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

(Added Pub. L. 98–364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 100–424, § 2(a), Sept. 9, 1988, 102 Stat. 1587.)

#### AMENDMENTS

1988—Pub. L. 100–424 amended section generally, substituting “Prohibited acts” for “Penalties” in section catchline, and provisions prohibiting operation of vessel in violation of this chapter, for provisions which imposed civil penalty not more than \$1,000 for operation of vessel in violation of chapter, and liability in rem for penalty.

#### § 4505. Termination of unsafe operations

An official authorized to enforce this chapter—

(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(a)(2) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section, except that this paragraph shall not apply with respect to a vessel to which section 4503a applies.

(Added Pub. L. 100–424, § 2(a), Sept. 9, 1988, 102 Stat. 1587; amended Pub. L. 115–282, title V, § 509, Dec. 4, 2018, 132 Stat. 4274.)

#### AMENDMENTS

2018—Par. (2). Pub. L. 115–282 substituted “4503(a)(2)” for “4503(1)” and inserted “, except that this paragraph shall not apply with respect to a vessel to which section 4503a applies” before period at end.

#### § 4506. Exemptions

The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

(1) good cause exists for granting an exemption; and

(2) the safety of the vessel and those on board will not be adversely affected.

(Added Pub. L. 100–424, § 2(a), Sept. 9, 1988, 102 Stat. 1587; amended Pub. L. 102–587, title V,