

under section 14302 of this title as prescribed by the Secretary under section 14104 of this title may not be operated without a licensed engineer."

1996—Subsec. (a)(2). Pub. L. 104-324, § 729(1), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "1,000 gross tons".

Subsec. (a)(3). Pub. L. 104-324, § 729(2), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "1,000 gross tons".

Subsec. (a)(4). Pub. L. 104-324, § 729(3), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "200 gross tons".

Subsec. (a)(5). Pub. L. 104-324, § 729(4), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "300 gross tons".

Subsec. (b). Pub. L. 104-324, § 729(5), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "200 gross tons".

Subsec. (e). Pub. L. 104-324, § 1104(d), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "A vessel used only to respond to a discharge of oil or a hazardous substance shall have—

"(1) two licensed mates when the vessel is engaged in an operation over 12 hours in duration;

"(2) one licensed mate when the vessel is engaged in an operation less than 12 hours in duration; and

"(3) if the vessel is more than 200 gross tons, a licensed engineer when the vessel is operating."

1993—Subsec. (e). Pub. L. 103-206 added subsec. (e).

1988—Subsec. (a)(2). Pub. L. 100-448 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "A vessel of at least 1,000 gross tons and propelled by machinery shall have 3 licensed mates. However, if the vessel is on a voyage of less than 400 miles from port of departure to port of final destination, it shall have 2 licensed mates."

1986—Subsec. (c). Pub. L. 99-640 inserted ", a mobile offshore drilling unit when on location,".

1984—Subsec. (a). Pub. L. 98-557, § 29(c), in provisions preceding par. (1) inserted exception for the Great Lakes and substituted provisions relating to inspection under chapter 33 of this title for provisions relating to applicability of part B of this subtitle.

Subsec. (a)(1). Pub. L. 98-557, § 29(d), inserted "propelled by machinery or carrying passengers".

§ 8302. Staff department

(a) This section applies to a vessel of the United States except—

(1) a fishing or whaling vessel or a yacht;

(2) a vessel operated only on bays, sounds, inland waters, and lakes (except the Great Lakes); and

(3) a vessel ferrying passengers and cars on the Great Lakes.

(b) The staff department on a vessel is a separate and independent department. It consists of individuals registered under section 7101 of this title, clerks, and individuals assigned to the senior registered medical doctor.

(c) The staff department is composed of a medical division and a purser's division. The officer in charge of each division is responsible only to the master. The senior registered medical doctor is in charge of the medical division. The senior registered purser is in charge of the purser's division.

(d) The officer in charge of the purser's division of the staff department on an oceangoing passenger vessel licensed to carry more than 100 passengers shall be a registered chief purser. When more than 3 persons are employed in the purser's division of that vessel, there also shall be at least one registered senior assistant purser and one registered junior assistant purser.

(e) A person may not employ an individual to serve in, and an individual may not serve in, a grade of staff officer on a vessel, when that staff officer is required by this section to be registered, if the individual does not have a certificate of registry as staff officer in that grade. A person (including an individual) violating this subsection is liable to the United States Government for a civil penalty of \$100. However, if a registered staff officer is not available at the time of sailing, the vessel may sail with an unregistered staff officer or without a staff officer.

(f) A staff officer may not be included in a vessel's certificate of inspection.

(g) A registered staff officer serving under this section who is a member of the Navy Reserve may wear on the officer's uniform special distinguishing insignia prescribed by the Secretary of the Navy.

(h) The uniform stripes, decoration, or other insignia worn by a staff officer shall be of gold braid or woven gold or silver material. A crewmember (except a staff officer) may not wear any uniform with a staff officer's identifying insignia.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 551; Pub. L. 99-36, § 1(a)(4), May 15, 1985, 99 Stat. 67; Pub. L. 109-163, div. A, title V, § 515(f)(3)(A), Jan. 6, 2006, 119 Stat. 3236.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8302(a)-(d)	46:242 46:248
8302(e), (f)	46:246(a)
8302(g)	46:245(a)
8302(h)	46:245(b)

Section 8302 sets forth the organization and manning requirements of the staff department of a vessel. The staff department has medical and clerical responsibilities.

Subsection (a) applies this section to every United States vessel except a yacht, a fishing, whaling, or certain types of inland waterway vessel, and a ferry carrying passengers or cars on the Great Lakes. A ferry is a vessel that primarily carries passengers, cars, or trains from shore to shore as a means to connect existing points on a transportation route so that the same type of transportation mode may continue to be used upon arrival at either point. Vessels carrying cars as cargo would not be included in this type of vessel.

Subsection (b) establishes the staff department as a separate one consisting of registered individuals (pursers, medical doctors, and professional nurses), clerks, and medical assistants. Subsection (c) divides the department into a medical division and a purser's division and designates the individual in charge of each division. Subsection (d) prescribes particular requirements of the purser's division based on size of the vessel or number of individuals employed in the division.

Subsection (e) prohibits the employment or service of an individual who is not registered or of the grade as required under this section and prescribes a penalty for violation of the subsection. This penalty applies to both the employer and the individual employed. If a registered staff officer is unavailable at the time of de-

parture for a voyage, the vessel may proceed on its voyage with either an unregistered staff officer or without a staff officer.

Subsection (f) prohibits including a staff officer on a vessel's certificate of inspection.

Subsections (g) and (h) prescribe the type and restrictions for the uniform accouterments of a staff officer.

AMENDMENTS

2006—Subsec. (g). Pub. L. 109-163 substituted "Navy Reserve" for "Naval Reserve".

1985—Subsec. (b). Pub. L. 99-36 inserted a comma after "clerks".

§ 8303. Service under licenses issued without examination

An individual issued a license without examination before October 29, 1941, to serve as master, mate, or engineer on a vessel not subject to inspection under part B of this subtitle, may not serve under authority of that license on a vessel that is subject to inspection under part B.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 552.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8303	46:224a

Section 8303 prohibits an individual licensed without an examination on an uninspected vessel prior to October 29, 1941, from serving as a master, mate, or engineer on an inspected vessel.

§ 8304. Implementing the Officers' Competency Certificates Convention, 1936

(a) In this section, "high seas" means waters seaward of the Boundary Line.

(b) The Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, on the minimum requirement of professional capacity for masters and officers on board merchant vessels), as ratified by the President on September 1, 1938, with understandings appended, and this section apply to a documented vessel operating on the high seas except—

- (1) a public vessel;
- (2) a wooden vessel of primitive build, such as a dhow or junk;
- (3) a barge; and
- (4) a vessel of less than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

(c) A person may not engage or employ an individual to serve as, and an individual may not serve as, a master, mate, or engineer on a vessel to which this section applies, if the individual does not have a license issued under section 7101 of this title authorizing service in the capacity in which the individual is to be engaged or employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$100.

(e) A license issued to an individual to whom this section applies is a certificate of competency.

(f) A designated official may detain a vessel to which this section applies (by written order

served on the owner, charterer, managing operator, agent, master, or individual in charge of the vessel) when there is reason to believe that the vessel is about to proceed from a port of the United States to the high seas in violation of this section or a provision of the convention described in subsection (b) of this section. The vessel may be detained until the vessel complies with this section. Clearance may not be granted to a vessel ordered detained under this section.

(g) A foreign vessel to which the convention described in subsection (b) of this section applies, on the navigable waters of the United States, is subject to detention under subsection (f) of this section, and to an examination that may be necessary to decide if there is compliance with the convention.

(h) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel detained under subsection (f) or (g) of this section may appeal the order within 5 days as provided by regulation.

(i) An officer or employee of the Customs Service may be designated to enforce this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 552; Pub. L. 104-324, title VII, § 730, Oct. 19, 1996, 110 Stat. 3940.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8304	46:224a 46:241

Section 8304 implements the Officers' Competency Certificates Convention, 1936, as ratified by the President on September 1, 1938, with understandings appended.

Subsection (a) defines "high seas" for this section. Subsection (b) implements the Convention, applies the Convention to United States vessels on the high seas, and exempts certain vessels.

Subsection (c) prohibits the employment or service of an individual as a master, mate, or engineer on a vessel under this section unless the individual has a license issued under section 7101 for the particular capacity in which the individual is employed.

Subsection (d) prescribes a civil penalty for violating this section.

Subsection (e) states that the license referred to in subsection (c) is a certificate of competency for purposes of the Convention.

Subsection (f) provides for the detention of a vessel in violation of this section or the Convention.

Subsection (g) applies the detention provision to a foreign vessel on the navigable waters of the United States and subjects it to an examination for compliance with the Convention.

Subsection (h) provides for an appeal of the detention order.

Subsection (i) permits the designation of a Customs Service officer or employee to enforce this section.

REFERENCES IN TEXT

The Officers' Competency Certificates Convention, 1936, referred to in subsec. (b), is set out in 54 Stat. Pt. 2, p. 1683.

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104-324 inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "200 gross tons".