

§ 609(3), Aug. 9, 2004, 118 Stat. 1044, 1058; Pub. L. 109-241, title IX, §901(h)(3), July 11, 2006, 120 Stat. 564.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7703	46:226 46:239 46:240 46:246(c)

This section provides the bases for suspension and revocation of a license, certificate or document. The individual must have been operating under the authority of the required license, certificate, or document and has violated a law or regulation intended to promote marine safety or to protect the navigable waters or has committed an act of incompetence, misconduct, or negligence.

AMENDMENTS

2006—Par. (3). Pub. L. 109-241 struck out “(23 U.S.C. 401 note)” after “of title 49”.

2004—Par. (1)(B). Pub. L. 108-293, §408(1), substituted “misconduct or” for “incompetence, misconduct, or”.

Par. (3). Pub. L. 108-293, §609(3), substituted “section 30304(a)(3)(A) or (B) of title 49” for “section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982”.

Pars. (4), (5). Pub. L. 108-293, §408(2)–(4), added pars. (4) and (5).

1990—Pub. L. 101-380 amended section generally. Prior to amendment, section read as follows: “A license, certificate of registry, or merchant mariner’s document issued by the Secretary may be suspended or revoked if, when acting under the authority of that license, certificate, or document, the holder—

“(1) has violated or failed to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters.

“(2) has committed an act of incompetence, misconduct, or negligence.”

1985—Pub. L. 99-36 substituted “certificate of registry,” for first reference to “certificate.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7704. Dangerous drugs as grounds for revocation

(a) If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the proceedings, has been convicted of violating a dangerous drug law of the United States or of a State, the license, certificate, or document shall be suspended or revoked.

(b) If it is shown that a holder has been a user of, or addicted to, a dangerous drug, the license, certificate of registry, or merchant mariner’s document shall be revoked unless the holder provides satisfactory proof that the holder is cured.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, §1(a)(9)(F), (G), May 15, 1985, 99 Stat. 68; Pub. L. 101-380, title IV, §4103(a)(2)(B), Aug. 18, 1990, 104 Stat. 511; Pub. L. 108-293, title IV, §402, Aug. 9, 2004, 118 Stat. 1043; Pub. L. 115-232, div. C, title XXXV, §3545(b), Aug. 13, 2018, 132 Stat. 2326.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7704(a)	46:239a(a)
7704(b)	46:239b(b)(1)
7704(c)	46:239b(b)(2)

Section 7704 requires the Secretary to revoke the license, certificate, or document of any individual who has been convicted of a dangerous drug law within 10 years before the beginning of the suspension or revocation procedures. This section has expanded current law to incorporate violations involving “controlled substances” which are not narcotic. This includes PCP and LSD. Unless it can be done under existing law, the suspension or revocation of an individual’s license based on the use of a “controlled substance” only applies to the use or conviction after the date of enactment of this Act.

This section also provides that anyone who has been a user of or addicted to a dangerous drug since July 14, 1954, may be subjected to revocation procedures unless the individual provides satisfactory proof of being cured.

In sections 7503(b)(2) and 7704(c), the term “use”, when applying to “narcotic drugs” or “controlled substances”, is not intended to include the use of “off the shelf” drugs or drugs acquired with a prescription lawfully issued by a medical doctor, as long as the drugs are used by the individual in the recommended amounts and the drugs will not impair the individual’s ability to perform duties.

AMENDMENTS

2018—Subsecs. (a) to (c). Pub. L. 115-232 redesignated subsecs. (b) and (c) as (a) and (b), respectively.

2004—Subsec. (b). Pub. L. 108-293 inserted “suspended or” after “shall be”.

1990—Subsec. (a). Pub. L. 101-380 struck out subsec. (a) which defined “dangerous drug” for purpose of this section as narcotic drug, controlled substance, and marihuana.

1985—Subsec. (b). Pub. L. 99-36, §1(a)(9)(F), substituted “merchant mariner’s document” for first reference to “document”.

Subsec. (c). Pub. L. 99-36, §1(a)(9)(G), substituted “certificate of registry, or merchant mariner’s document” for “certificate, or document”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7705. Subpenas and oaths

(a) An official designated to investigate or preside at a hearing on matters that are grounds for suspension or revocation of licenses, certificates of registry, and merchant mariners’ documents may administer oaths and issue subpoenas to compel the attendance and testimony of witnesses and the production of records or other evidence during investigations and at hearings.

(b) The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 547; Pub. L. 99-36, §1(a)(9)(H), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7705	46:239(e)

Section 7705 allows officials designated to investigate or preside at hearings on matters that are grounds for