

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
8502	46:215 46:364 46:391a 46:497

Section 8502 sets forth the provisions and requirements for pilots licensed under section 7101. It is an exception provided by law envisioned under section 8501(a).

Subsection (a) applies the requirement for a Federal pilot to coastwise seagoing vessels if propelled by machinery and inspected under part B or if inspected under chapter 37, including a tank barge. The section has been carefully worded to clearly set out those vessels that are required at times to have a Federal pilot.

Subsection (b) prohibits Federal pilot fees from being higher than those required for State pilots. Subsections (c) and (d) prohibit States from imposing impediments to the proper performance of, or levying charges related to, Federal pilotage.

Subsections (e) and (f) prescribe civil penalties for violation of this section.

AMENDMENTS

1998—Subsec. (a)(3). Pub. L. 105-383 substituted "not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured" for "not on the high seas".

1990—Subsec. (a). Pub. L. 101-595, §307(1), substituted "subsections (g) and (i)" for "subsection (g)" in introductory provisions.

Subsecs. (e), (f). Pub. L. 101-380, §4302(g), substituted "\$10,000" for "\$500".

Subsec. (g). Pub. L. 101-380, §4116(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "The Secretary shall designate by regulation the areas of the approaches to and waters of Prince William Sound, Alaska, on which a vessel subject to this section is not required to be under the direction and control of a pilot licensed under section 7101 of this title."

Subsec. (h). Pub. L. 101-380, §4116(b), added subsec. (h).

Subsec. (i). Pub. L. 101-595, §307(2), added subsec. (i). 1986—Subsec. (a)(4)(A). Pub. L. 99-307 substituted "part" for "Part".

1984—Subsec. (a). Pub. L. 98-557, §29(f)(1), amended subsec. (a) generally, which prior to amendment read as follows: "A coastwise seagoing vessel, when not sailing on register and when underway (except on the high seas), shall be under the direction and control of a pilot licensed under section 7101 of this title if the vessel is—

"(1) propelled by machinery and subject to inspection under part B of this subtitle; or

"(2) subject to inspection under chapter 37 of this title."

Subsec. (g). Pub. L. 98-557, §29(f)(2), added subsec. (g).

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.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 8503. Federal pilots authorized

(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

- (1) engaged in foreign commerce; and

(2) operating—

(A) in internal waters of the United States; or

(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.

(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

(1) establishes a requirement for a State licensed pilot; and

(2) notifies the Secretary of that fact.

(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Saint Lawrence Seaway Development Corporation.

(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(e) A person that knowingly violates this section or a regulation prescribed under this section commits a class D felony.

(Added Pub. L. 98-557, §29(f)(3)(A), Oct. 30, 1984, 98 Stat. 2874; amended Pub. L. 101-380, title IV, §4302(h), Aug. 18, 1990, 104 Stat. 539; Pub. L. 105-383, title III, §301(b)(8), Nov. 13, 1998, 112 Stat. 3417.)

AMENDMENTS

1998—Subsec. (a)(2). Pub. L. 105-383 added par. (2) and struck out former par. (2) which read as follows: "operating on the navigable waters of the United States."

1990—Subsec. (e). Pub. L. 101-380 substituted "commits a class D felony" for "shall be fined not more than \$50,000, imprisoned for not more than five years, or both".

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.

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CHAPTER 87—UNLICENSED PERSONNEL

- Sec. 8701. Merchant mariners' documents required.
- 8702. Certain crew requirements.
- 8703. Tankermen on tank vessels.
- 8704. Alien deemed to be employed in the United States.

HISTORICAL AND REVISION NOTES

Chapter 87 prescribes certain requirements for unlicensed personnel on vessels of at least 100 gross tons and on certain tank vessels.

AMENDMENTS

1988—Pub. L. 100-239, §5(f)(2), Jan. 11, 1988, 101 Stat. 1781, added item 8704.

§ 8701. Merchant mariners' documents required

(a) This section applies to a merchant vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage meas-