

§ 30103. Liability of master, mate, engineer, and pilot

A person may bring a civil action against a master, mate, engineer, or pilot of a vessel, and recover damages, for personal injury or loss caused by the master's, mate's, engineer's, or pilot's—

- (1) negligence or willful misconduct; or
(2) neglect or refusal to obey the laws governing the navigation of vessels.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1510.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30103, 46 App.:491 (words after semicolon), R.S. §4493 (words after semicolon).

Before paragraph (1), the words "bring a civil action" are substituted for "sue" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). In paragraph (1), the word "carelessness" is omitted as included in "negligence".

§ 30104. Personal injury to or death of seamen

A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may elect to bring a civil action at law, with the right of trial by jury, against the employer. Laws of the United States regulating recovery for personal injury to, or death of, a railway employee apply to an action under this section.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1510; Pub. L. 110-181, div. C, title XXXV, §3521(a), Jan. 28, 2008, 122 Stat. 596.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30104(a), 46 App.:688(a) (1st sentence), Mar. 4, 1915, ch. 153, §20(a), 38 Stat. 1185; June 5, 1920, ch. 250, §33, 41 Stat. 1007; Pub. L. 97-389, title V, §503(a)(1), Dec. 29, 1982, 96 Stat. 1955. Row 2: 30104(b), 46 App.:688(a) (last sentence).

In subsection (a), the words "A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman" are substituted for "Any seaman who shall suffer personal injury in the course of his employment" and "in case of the death of any seaman as a result of any such personal injury the personal representative" to eliminate unnecessary words. The words "bring a civil action" are substituted for "maintain an action" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words "for damages" are omitted as unnecessary. The words "against the employer" are added for clarity. The words "Laws of the United States regulating recovery for personal injury to, or death of, a railway employee" are substituted for "all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees" and "all statutes of the United States conferring or regulating the right of action for death in the case of railway employees" to eliminate unnecessary words.

In subsection (b), the words "An action under this section shall be brought" are substituted for "Jurisdiction in such actions shall be under" because 46 App. U.S.C. 688(a) (last sentence) provides for venue, not jurisdiction. Panama R.R. Co. v. Johnson, 264 U.S. 375

(1924). As to the relationship between 46 App. U.S.C. 688(a) (last sentence) and 28 U.S.C. 1391(c), see Pure Oil Co. v. Suarez, 384 U.S. 202 (1966).

AMENDMENTS

2008—Pub. L. 110-181 struck out subsec. (a) designation and heading before "A seaman injured" and struck out heading and text of subsec. (b). Text read as follows: "An action under this section shall be brought in the judicial district in which the employer resides or the employer's principal office is located."

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. C, title XXXV, §3521(b), Jan. 28, 2008, 122 Stat. 596, provided that: "The amendment made by subsection (a) [amending this section] shall be effective as if included in the enactment of Public Law 109-304."

§ 30105. Restriction on recovery by non-citizens and non-resident aliens for incidents in waters of other countries

(a) DEFINITION.—In this section, the term "continental shelf" has the meaning given that term in article I of the 1958 Convention on the Continental Shelf.

(b) RESTRICTION.—Except as provided in subsection (c), a civil action for maintenance and cure or for damages for personal injury or death may not be brought under a maritime law of the United States if—

(1) the individual suffering the injury or death was not a citizen or permanent resident alien of the United States at the time of the incident giving rise to the action;

(2) the incident occurred in the territorial waters or waters overlaying the continental shelf of a country other than the United States; and

(3) the individual suffering the injury or death was employed at the time of the incident by a person engaged in the exploration, development, or production of offshore mineral or energy resources, including drilling, mapping, surveying, diving, pipelaying, maintaining, repairing, constructing, or transporting supplies, equipment, or personnel, but not including transporting those resources by a vessel constructed or adapted primarily to carry oil in bulk in the cargo spaces.

(c) NONAPPLICATION.—Subsection (b) does not apply if the individual bringing the action establishes that a remedy is not available under the laws of—

(1) the country asserting jurisdiction over the area in which the incident occurred; or

(2) the country in which the individual suffering the injury or death maintained citizenship or residency at the time of the incident.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1510.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30105(a), 46 App.:688(b)(1) (last sentence), Mar. 4, 1915, ch. 153, §20(b), as added Pub. L. 97-389, title V, §503(a)(2), Dec. 29, 1982, 96 Stat. 1955. Row 2: 30105(b), 46 App.:688(b)(1) (less last sentence). Row 3: 30105(c), 46 App.:688(b)(2).

In subsection (b), before paragraph (1), the words "civil action" are substituted for "action" for consist-