

Editorial Notes

AMENDMENTS

1986—Pub. L. 99-307 substituted “Self-propelled, uninspected” for “Uninspected” in section catchline and “A self-propelled,” for “An” in text.

§ 8904. Towing vessels

(a) A towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding sheer), shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(b) A vessel that tows a disabled vessel for consideration shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 99-640, §12(a), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 108-293, title IV, §409(a), Aug. 9, 2004, 118 Stat. 1044.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8904	46:405(b)(2)

Section 8904 requires that a 26-foot or larger towing vessel be operated by a licensed individual for that type of vessel and for a particular geographic area.

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AMENDMENTS

2004—Subsec. (c), Pub. L. 108-293 added subsec. (c).
1986—Pub. L. 99-640 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-640, §12(b), Nov. 10, 1986, 100 Stat. 3551, provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect on January 1, 1988.”

DEMONSTRATION PROJECT

Pub. L. 108-293, title IV, §409(b), Aug. 9, 2004, 118 Stat. 1045, provided that: “Prior to prescribing regulations under this section [amending this section] the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of Crew Endurance Management Systems on all United States-flag towing vessels.”

§ 8905. Exemptions

(a) Section 8903 of this title applies to a recreational vessel operated in dealer demonstrations only if the Secretary decides that the application of section 8903 is necessary for recreational vessel safety under section 4302(d) of this title.

(b) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.

(c) After consultation with the Governor of Alaska and the State boating law administrator of Alaska, the Secretary may exempt an individual operating a self-propelled uninspected passenger vessel from the requirements of section 8903 of this title, if—

- (1) the individual only operates such vessel wholly within waters located in Alaska; and
- (2) such vessel is—
 - (A) 26 feet or less in length; and
 - (B) carrying not more than 6 passengers.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 104-324, title VII, §734, title XI, §1104(f), Oct. 19, 1996, 110 Stat. 3941, 3967; Pub. L. 111-281, title VI, §606, Oct. 15, 2010, 124 Stat. 2967; Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], §8317, Jan. 1, 2021, 134 Stat. 4700.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8905(a)	46:1461(f)
8905(b)	46:405(b)(3)

Section 8905 provides for certain exemptions from the requirements of this chapter.

Subsection (a) exempts dealer demonstration recreational vessels from the licensed operator requirement in section 8903 unless the Secretary decides that safety considerations require the application of that section.

Subsection (b) exempts an offshore supply vessel of less than 200 gross tons from the licensed operator requirement under section 8904 when used in the offshore mineral and oil industry.

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2021—Subsec. (c), Pub. L. 116-283 added subsec. (c).
2010—Subsecs. (b), (c), Pub. L. 111-281 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “Section 8904 of this title does not apply to 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 engaged in the offshore mineral and oil industry if the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure.”

1996—Subsec. (b), Pub. L. 104-324, §734, 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. (c), Pub. L. 104-324, §1104(f), added subsec. (c).

§ 8906. Penalty

An owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$25,000. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 104-324, title III, §306(b), Oct. 19, 1996, 110 Stat. 3918.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8906	46:390d

Section 8906 prescribes the penalties for violations of this chapter.

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AMENDMENTS

1996—Pub. L. 104-324 substituted “not more than \$25,000” for “\$1,000”.

CHAPTER 91—TANK VESSEL MANNING STANDARDS

- Sec.
- 9101. Standards for foreign tank vessels.
- 9102. Standards for tank vessels of the United States.

HISTORICAL AND REVISION NOTES

Chapter 91 prescribes manning standards for certain foreign and United States tank vessels carrying oil or hazardous materials.

§ 9101. Standards for foreign tank vessels

(a)(1) The Secretary shall evaluate the manning, training, qualification, and watchkeeping standards of a foreign country that issues documentation for any vessel to which chapter 37 of this title applies—

- (A) on a periodic basis; and
- (B) when the vessel is involved in a marine casualty required to be reported under section 6101(a)(4) or (5) of this title.

(2) After each evaluation made under paragraph (1) of this subsection, the Secretary shall determine whether—

- (A) the foreign country has standards for licensing and certification of seamen that are at least equivalent to United States law or international standards accepted by the United States; and
- (B) those standards are being enforced.

(3) If the Secretary determines under this subsection that a country has failed to maintain or enforce standards at least equivalent to United States law or international standards accepted by the United States, the Secretary shall prohibit vessels issued documentation by that country from entering the United States until the Secretary determines those standards have been established and are being enforced.

(4) The Secretary may allow provisional entry of a vessel prohibited from entering the United States under paragraph (3) of this subsection if—

- (A) the owner or operator of the vessel establishes, to the satisfaction of the Secretary, that the vessel is not unsafe or a threat to the marine environment; or
- (B) the entry is necessary for the safety of the vessel or individuals on the vessel.

(b) A foreign vessel to which chapter 37 of this title applies that has on board oil or hazardous material in bulk as cargo or cargo residue shall have a specified number of personnel certified as tankerman or equivalent, as required by the Secretary, when the vessel transfers oil or hazardous material in a port or place subject to the

jurisdiction of the United States. The requirement of this subsection shall be noted in applicable terminal operating procedures. A transfer operation may take place only if the crewmember in charge is capable of clearly understanding instructions in English.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 101-380, title IV, §4106(a), Aug. 18, 1990, 104 Stat. 513.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9101(a)	46:391a(11)
9101(b)	46:391a(10)(B)

Section 9101 requires monitoring of manning standards for foreign tank vessels operating on the navigable waters of the United States and transferring oil or hazardous material in the United States.

Subsection (a) requires the Secretary of Transportation to evaluate the manning, training, qualification, and watchkeeping standards of foreign countries whose tank vessels operate on United States waters, or use transfer facilities, and to decide if the standards are equivalent or more stringent than United States standards.

Subsection (b) authorizes the Secretary to specify the number of tankermen required on a foreign tank vessel and to have certified tankermen who can understand English when transferring oil or hazardous material in the United States. This requirement is to be made part of the terminal operating procedures.

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1990—Subsec. (a). Pub. L. 101-380 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary shall—

“(1) periodically evaluate the manning, training, qualification, and watchkeeping standards prescribed by the certificating country of a foreign vessel to which chapter 37 of this title applies, that operates on the navigable waters of the United States and transfers oil or hazardous material in a port or place under the jurisdiction of the United States; and

“(2) after each evaluation made under clause (1) of this subsection, decide whether the foreign country, whose system for licensing and certification of seamen was evaluated, has standards that are equivalent to or more stringent than United States standards or international standards accepted by the United States.”

Statutory Notes and Related Subsidiaries

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.

§ 9102. Standards for tank vessels of the United States

The Secretary shall prescribe standards for the manning of each vessel of the United States to which chapter 37 of this title applies, related to the duties, qualifications, and training of the officers and crew of the vessel, including standards related to—

- (1) instruction in vessel and cargo handling and vessel navigation under normal operating conditions in coastal and confined waters and on the high seas;