

Stat. 528; Pub. L. 110-181, div. C, title XXXV, § 3525(a)(2), (b), Jan. 28, 2008, 122 Stat. 600, 601.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12139(a)	46:12120.	
12139(b)	46 App.:883a (1st sentence).	July 14, 1956, ch. 600, § 2 (1st sentence), 70 Stat. 544; Pub. L. 86-583, § 2, July 5, 1960, 74 Stat. 321; Pub. L. 104-324, title VII, § 707, Oct. 19, 1996, 110 Stat. 3934.

In subsection (b)(1), the word “Secretary” is substituted for “Secretary of the Treasury”, thereby incorporating the definition of “Secretary” in section 2101 of title 46. The functions of the Secretary of the Treasury relating to the Coast Guard previously were transferred to the Secretary of Transportation by section 6(b) of the Department of Transportation Act (Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 938). The Coast Guard and the functions of the Secretary of Transportation relating to the Coast Guard were again transferred to the Department of Homeland Security by section 888(b) of the Homeland Security Act of 2002 (Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135). The words “rebuilt outside the United States” are substituted for “and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories) or its possessions” because of the definition of “rebuilt” in section 12101, and the definition of “United States” in chapter 1, of the revised title.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-181, § 3525(b), repealed Pub. L. 109-241, § 308. See 2006 Amendment note below.

Subsec. (a). Pub. L. 110-181, § 3525(a)(2), incorporated the substance of the amendment by Pub. L. 109-241, § 308, into this section by substituting “charterers, and mortgagees” for “and charterers”. See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-241, § 308, which directed the amendment of former section 12120 of this title from which subsec. (a) of this section was derived, was repealed by Pub. L. 110-181, § 3525(b). See 2008 Amendment note for subsec. (a) and Historical and Revision notes above.

§ 12140. Investigations by Secretary

(a) IN GENERAL.—The Secretary may conduct investigations and inspections regarding compliance with this chapter and regulations prescribed under this chapter.

(b) AUTHORITY TO OBTAIN EVIDENCE.—

(1) IN GENERAL.—For the purposes of any investigation conducted under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence relevant to the matter under investigation if—

(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General as to whether the subpoena—

- (i) is reasonable; and
- (ii) will interfere with a criminal investigation; and

(B) the Attorney General—

- (i) determines that the subpoena is reasonable and will not interfere with a criminal investigation; or

(ii) fails to make a determination with respect to the subpoena before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A) with respect to the subpoena.

(2) ENFORCEMENT.—In the case of a refusal to obey a subpoena issued to any person under this section, the Secretary may invoke the aid of the appropriate district court of the United States to compel compliance.

(Added Pub. L. 112-213, title III, § 308(a), Dec. 20, 2012, 126 Stat. 1566.)

SUBCHAPTER IV—PENALTIES

§ 12151. Penalties

(a) IN GENERAL.—

(1) CIVIL PENALTIES.—Except as provided in paragraph (2), a person that violates this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$15,000. Each day of a continuing violation is a separate violation.

(2) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—A person that violates section 12111(d) or a regulation prescribed under that section is liable to the United States Government for a civil penalty in an amount that is \$25,000 or twice the charter rate of the vessel involved in the violation (as determined by the Secretary), whichever is greater. Each day of a continuing violation is a separate violation.

(b) SEIZURE AND FORFEITURE OF VESSELS.—A vessel and its equipment are liable to seizure by and forfeiture to the Government if—

(1) the owner of the vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation, about the documentation of the vessel or in applying for documentation of the vessel;

(2) a certificate of documentation is knowingly and fraudulently used for the vessel;

(3) the vessel is operated after its endorsement has been denied or revoked under section 12152 of this title;

(4) the vessel is employed in a trade without an appropriate endorsement;

(5) the vessel has only a recreational endorsement and is operated other than for pleasure;

(6) the vessel is a documented vessel and is placed under the command of a person not a citizen of the United States, except as authorized by section 12131(b) of this title; or

(7) the vessel is rebuilt outside the United States and a report of the rebuilding is not submitted as required by section 12139(b) of this title.

(c) ENGAGING IN FISHING AFTER FALSIFYING ELIGIBILITY.—In addition to other penalties under this section, the owner of a documented vessel for which a fishery endorsement has been issued is liable to the Government for a civil penalty of not more than \$100,000 for each day the vessel engages in fishing (as defined in section 3 of the Magnuson-Stevens Fishery Con-

servation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone, if the owner or the representative or agent of the owner knowingly falsified or concealed a material fact, or knowingly made a false statement or representation, about the eligibility of the vessel under section 12113(c) or (d) of this title in applying for or applying to renew the fishery endorsement.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1508; Pub. L. 112–213, title III, § 309, Dec. 20, 2012, 126 Stat. 1566.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12151(a)	46:12122(a).	R.S. § 4136 (last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103–182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220. July 14, 1956, ch. 600, § 2 (2d, last sentences), 70 Stat. 544; Pub. L. 86–583, § 2, July 5, 1960, 74 Stat. 321.
12151(b)	46:12122(b).	
	46 App.:14 (last proviso).	
	46 App.:883a (2d, last sentences).	
12151(c)	46:12122(c).	

In subsection (b), in restating 46 App. U.S.C. 883a (2d, last sentences), the penalty of \$200 for the owner and master of the vessel is omitted because subsection (a) provides a general civil penalty for violation of this chapter. The authority to remit or mitigate a penalty under section 2107(b) is omitted because section 2107(b) applies to subtitle II and this section is in subtitle II.

Editorial Notes

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–213 designated existing provisions as par. (1), inserted par. (1) heading, substituted “Except as provided in paragraph (2), a person that violates” for “A person that violates” and “\$15,000” for “\$10,000”, and added par. (2).

§ 12152. Denial or revocation of endorsement for non-payment of civil penalty

If the owner of a vessel fails to pay a civil penalty imposed by the Secretary, the Secretary may deny the issuance or renewal of an endorsement, or revoke the endorsement, on a certificate of documentation issued for the vessel under this chapter.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1508.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12152	46:12123.	

CHAPTER 123—NUMBERING UNDOCUMENTED VESSELS

Sec.	
12301.	Numbering vessels.
12302.	Standard numbering system.
12303.	Exemption from numbering requirements.
12304.	Certificates of numbers.
12305.	Displaying numbers.
12306.	Safety certificates.
12307.	Regulations on numbering and fees.
12308.	Providing vessel numbering and registration information.
12309.	Penalties.

§ 12301. Numbering vessels

(a) An undocumented vessel equipped with propulsion machinery of any kind shall have a number issued by the proper issuing authority in the State in which the vessel principally is operated.

(b) The Secretary may require an undocumented barge of more than 100 gross tons operating on the navigable waters of the United States to be numbered.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 590; Pub. L. 102–587, title V, § 5305, Nov. 4, 1992, 106 Stat. 5083; Pub. L. 115–282, title V, § 513, Dec. 4, 2018, 132 Stat. 4276.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
12301	46:1466

Section 12301 requires that undocumented vessels that are propelled by machinery be issued an identification number by the proper issuing authority in the State in which the vessel is primarily operated.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–282 substituted “may” for “shall” and inserted “of” after “barge”.

1992—Pub. L. 102–587 designated existing provisions as subsec. (a) and added subsec. (b).

§ 12302. Standard numbering system

(a) The Secretary shall prescribe by regulation a standard numbering system for vessels to which this chapter applies. On application by a State, the Secretary shall approve a State numbering system that is consistent with the standard numbering system. In carrying out its numbering system, a State shall adopt any definitions of relevant terms prescribed by regulations of the Secretary.

(b) A State with an approved numbering system is the issuing authority within the meaning of this chapter. The Secretary is the issuing authority in a State in which a State numbering system has not been approved.

(c) When a vessel is numbered in a State, it is deemed in compliance with the numbering system of a State in which it temporarily is operated.

(d) When a vessel is removed to a new State of principal operation, the issuing authority of that State shall recognize the validity of the number issued by the original State for 60 days.

(e) If a State has a numbering system approved after the Secretary issues a number, the State shall recognize the validity of the number issued by the Secretary for one year.

(f) When the Secretary decides that a State numbering system is not being carried out consistent with the standard numbering system or the State has changed the system without the Secretary’s approval, the Secretary may withdraw approval after giving notice to the State, in writing, stating the reasons for the withdrawal.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 590.)