

taining, 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). Rows include 30105(a), 30105(b), and 30105(c).

In subsection (b), before paragraph (1), the words “civil action” are substituted for “action” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

Editorial Notes

REFERENCES IN TEXT

The 1958 Convention on the Continental Shelf, referred to in subsec. (a), was done at Geneva, April 29, 1958, and entered into force for the United States, June 10, 1964. See 15 UST 471; TIAS 5578.

§ 30106. Time limit on bringing maritime action for personal injury or death

Except as otherwise provided by law, a civil action for damages for personal injury or death arising out of a maritime tort must be brought within 3 years after the cause of action arose.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 30106.

The words “civil action” are substituted for “suit” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

CHAPTER 303—DEATH ON THE HIGH SEAS

- Sec. 30301. Short title. 30302. Cause of action.

- Sec. 30303. Amount and apportionment of recovery. 30304. Contributory negligence. 30305. Death of plaintiff in pending action. 30306. Foreign cause of action. 30307. Commercial aviation accidents. 30308. Nonapplication.

§ 30301. Short title

This chapter may be cited as the “Death on the High Seas Act”.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 30301.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act Mar. 30, 1920, ch. 111, 41 Stat. 537, which enacted chapter 21 (§761 et seq.) of the former Appendix to this title, was popularly known as the “Death on the High Seas Act”.

§ 30302. Cause of action

When the death of an individual is caused by wrongful act, neglect, or default occurring on the high seas beyond 3 nautical miles from the shore of the United States, the personal representative of the decedent may bring a civil action in admiralty against the person or vessel responsible.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 30302.

The words “Subject to subsection (b) of this section” are omitted as unnecessary. The words “3 nautical miles” are substituted for “a marine league” for clarity.

§ 30303. Amount and apportionment of recovery

The recovery in an action under this chapter shall be a fair compensation for the pecuniary loss sustained by the individuals for whose benefit the action is brought.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30303	46 App.:762(a).	Mar. 30, 1920, ch. 111, §2(a), 41 Stat. 537; Pub. L. 106-181, title IV, §404(b)(1), Apr. 5, 2000, 114 Stat. 131.

The words “and just” are omitted as redundant to “fair”. The words “each has sustained” are substituted for “they may severally have suffered by reason of the death of the person by whose representative the suit is brought” to eliminate unnecessary words.

§ 30304. Contributory negligence

In an action under this chapter, contributory negligence of the decedent is not a bar to recovery. The court shall consider the degree of negligence of the decedent and reduce the recovery accordingly.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30304	46 App.:766.	Mar. 30, 1920, ch. 111, §6, 41 Stat. 537.

§ 30305. Death of plaintiff in pending action

If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default, the personal representative of the decedent may be substituted as the plaintiff and the action may proceed under this chapter for the recovery authorized by this chapter.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30305	46 App.:765.	Mar. 30, 1920, ch. 111, §5, 41 Stat. 537.

The words “If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default” are substituted for “If a person die [sic] as the result of such wrongful act, neglect, or default as is mentioned in section 761 of this Appendix during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default” to eliminate unnecessary words. The words “the plaintiff” are substituted for “a party” to be more precise.

§ 30306. Foreign cause of action

When a cause of action exists under the law of a foreign country for death by wrongful act, neglect, or default on the high seas, a civil action in admiralty may be brought in a court of the United States based on the foreign cause of action, without abatement of the amount for which recovery is authorized.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30306	46 App.:764.	Mar. 30, 1920, ch. 111, §4, 41 Stat. 537.

The words “a civil action in admiralty may be brought in a court of the United States based on the foreign cause of action” are substituted for “such right may be maintained in an appropriate action in admiralty in the courts of the United States” for clarity and consistency. The words “any statute of the United States to the contrary notwithstanding” are omitted as unnecessary.

§ 30307. Commercial aviation accidents

(a) DEFINITION.—In this section, the term “nonpecuniary damages” means damages for loss of care, comfort, and companionship.

(b) BEYOND 12 NAUTICAL MILES.—In an action under this chapter, if the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of the United States, additional compensation is recoverable for nonpecuniary damages, but punitive damages are not recoverable.

(c) WITHIN 12 NAUTICAL MILES.—This chapter does not apply if the death resulted from a commercial aviation accident occurring on the high seas 12 nautical miles or less from the shore of the United States.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30307(a)	46 App.:762(b)(2).	Mar. 30, 1920, ch. 111, §§1(b), 2(b); as added Pub. L. 106-181, title IV, §404(a)(2), (b)(2), Apr. 5, 2000, 114 Stat. 131.
30307(b)	46 App.:762(b)(1).	
30307(c)	46 App.:761(b).	

In subsections (b) and (c), the words “the United States” are substituted for “any State, or the District of Columbia, or the Territories or dependencies of the United States” because of the definition of “United States” in chapter 1 of the revised title.

In subsection (b), the words “of a decedent” are omitted as unnecessary.

In subsection (c), the words “if the death resulted from a commercial aviation accident occurring on the high seas” are substituted for “In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas” for consistency with subsection (b) and to eliminate unnecessary words. The words “and the rules applicable under Federal, State, and other appropriate law shall apply” are omitted as unnecessary.

§ 30308. Nonapplication

(a) STATE LAW.—This chapter does not affect the law of a State regulating the right to recover for death.

(b) INTERNAL WATERS.—This chapter does not apply to the Great Lakes or waters within the territorial limits of a State.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1512.)