

§ 80501. Definitions

In this chapter:

(1) CONTAINER.—The term “container” has the meaning given that term in the Convention.

(2) CONVENTION.—The term “Convention” means the International Convention for Safe Containers, and its annexes, done at Geneva, Switzerland, December 2, 1972.

(3) INTERNATIONAL TRANSPORT.—The term “international transport” means the transportation of a container between—

(A) a place in a foreign country and a place in the jurisdiction of the United States; or

(B) two places outside the United States by United States carriers.

(4) OWNER.—The term “owner” includes the lessee or bailee of a container if a written lease or bailment provides for the lessee or bailee to exercise the owner’s responsibility for maintaining and examining the container.

(5) SAFETY APPROVAL PLATE.—The term “safety approval plate” has the meaning given that term in annex I of the Convention.

(Pub. L. 109–304, §11, Oct. 6, 2006, 120 Stat. 1694.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 80501 | 46 App.:1501. | Pub. L. 95–208, §2, Dec. 13, 1977, 91 Stat. 1475. |

In the definition of “international transport”, subparagraphs (A) and (B) are substituted for 46 App. U.S.C. 1501(d)(1)–(3) to eliminate unnecessary words.

In the definition of “owner”, the words “includes the lessee or bailee of a container if a written lease or bailment provides for the lessee or bailee to exercise the owner’s responsibility for maintaining and examining the container” are substituted for “means a person who owns a container, or, if a written lease or bailment provides for the lessee or bailee to exercise the owner’s responsibility for maintaining and examining the container, the lessee or bailee of a container, to the extent such agreement so provides” to eliminate unnecessary words.

The definition of “Secretary” is omitted because a complete reference to the appropriate Secretary is used the first time the Secretary is named in each section. Throughout this chapter, the phrase “Secretary of the department in which the Coast Guard is operating” is substituted for “Secretary of Transportation” because the Coast Guard has been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2249).

The definition of “United States” is omitted because “United States” is defined in chapter 1 of the revised title. The definitions of “new container” and “existing container” are omitted as obsolete.

§ 80502. Application of Convention

The Convention applies to an owner of a container used in international transport if the owner is domiciled or has its principal office in the United States.

(Pub. L. 109–304, §11, Oct. 6, 2006, 120 Stat. 1694.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 80502 | 46 App.:1502(a) (related to application of Convention). | Pub. L. 95–208, §3(a) (related to application of Convention), Dec. 13, 1977, 91 Stat. 1476. |

This section restates the applicability criteria of 46 App.:1502(a)(1) and (2) to improve the organization of the chapter.

§ 80503. General authority of the Secretary

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall carry out the Convention and this chapter in the United States.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this chapter. The regulations shall—

(1) establish procedures for testing, inspecting, and initially approving containers and designs for containers, including procedures for attaching, invalidating, and removing safety approval plates for containers;

(2) establish procedures to be followed by the owners of containers for the periodic examination of containers as provided in the Convention; and

(3) provide a method for developing, collecting, and disseminating information about container safety and the international transport of containers.

(c) SAFETY APPROVAL PLATES.—If the owner of a container without a safety approval plate establishes that the container satisfies the standards of the Convention, the Secretary may authorize a safety approval plate to be attached to the container.

(d) SCHEDULE OF FEES.—The Secretary may prescribe a schedule of fees for services performed by the Secretary, or by a person delegated authority under section 80506 of this title, for the testing, inspection, and initial approval of containers and container designs.

(e) ENCOURAGING INTERMODAL TRANSPORT.—To the maximum extent possible, the Secretary shall encourage the development and use of intermodal transport, using containers built to facilitate economical, safe, and expeditious handling of containerized cargo without intermediate reloading when it is being transported over land, air, and sea areas.

(Pub. L. 109–304, §11, Oct. 6, 2006, 120 Stat. 1694.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|---|
| 80503(a) | 46 App.:1503(a). | Pub. L. 95–208, §4(a), (b), (c)(1), (3), (e), Dec. 13, 1977, 91 Stat. 1476, 1477. |
| 80503(b) | 46 App.:1503(b). | |
| 80503(c) | 46 App.:1503(c)(1). | |
| 80503(d) | 46 App.:1503(c)(3). | |
| 80503(e) | 46 App.:1503(e). | |

In subsection (a), the words “On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention,” and “and, unless an earlier date is specifically provided,” are omitted as obsolete.

In subsection (b), before paragraph (1), the words “as soon as practicable after December 13, 1977” are omitted.