

§ 362. Forfeitures; recovery

The following forfeitures shall apply to this part, in addition to the penalties and forfeitures provided by subchapter V of this chapter:

(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, shall forfeit to the United States the sum of \$5,000, recoverable by way of suit or libel. Each such departure or attempted departure, and in the case of a ship of the United States each day during which such navigation occurs shall constitute a separate offense.

(b) Every willful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of this chapter or the rules and regulations of the Commission as to equipment, operators, watches, or radio service shall cause him to forfeit to the United States the sum of \$1,000.

(June 19, 1934, ch. 652, title III, §364, formerly §362, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 196; renumbered §364, Aug. 13, 1954, ch. 729, §2(a)(1), 68 Stat. 706; amended Pub. L. 101-239, title III, §3002(g), Dec. 19, 1989, 103 Stat. 2131.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, commences with section 351 of this title.

This chapter, referred to in subsec. (b), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-239, §3002(g)(1), substituted "\$5,000" for "\$500".

Subsec. (b). Pub. L. 101-239, §3002(g)(2), substituted "\$1,000" for "\$100".

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

§ 363. Automated ship distress and safety systems

Notwithstanding any provision of this chapter or any other provision of law or regulation, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators. This section shall take effect for each vessel upon a determination by the United States Coast Guard that such vessel has the equipment required to implement the Global Maritime Distress and Safety System installed and operating in good working condition.

(June 19, 1934, ch. 652, title III, §365, as added Pub. L. 104-104, title II, §206, Feb. 8, 1996, 110 Stat. 114.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PART III—RADIO INSTALLATIONS ON VESSELS
CARRYING PASSENGERS FOR HIRE**§ 381. Vessels transporting more than six passengers for hire required to be equipped with radiotelephone**

Except as provided in section 382 of this title, it shall be unlawful for any vessel of the United States, transporting more than six passengers for hire, to be navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, unless such vessel is equipped with an efficient radiotelephone installation in operating condition.

(June 19, 1934, ch. 652, title III, §381, as added Aug. 6, 1956, ch. 973, §1, 70 Stat. 1047; amended Pub. L. 103-414, title III, §303(a)(20)(A), Oct. 25, 1994, 108 Stat. 4295.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-414 inserted section catchline.

Statutory Notes

EFFECTIVE DATE

Section 4 of act Aug. 6, 1956, provided that: "The amendments made herein [enacting this part and amending sections 153 and 504 of this title] shall take effect March 1, 1957."

§ 382. Vessels excepted from radiotelephone requirement

The provisions of this part shall not apply to—

(1) vessels which are equipped with a radio installation in accordance with the provisions of part II of this subchapter, or in accordance with the radio requirements of the Safety Convention; and

(2) vessels of the United States belonging to and operated by the Government, and

(3) vessels navigating on the Great Lakes.

(June 19, 1934, ch. 652, title III, §382, as added Aug. 6, 1956, ch. 973, §1, 70 Stat. 1048; amended Pub. L. 103-414, title III, §303(a)(20)(B), Oct. 25, 1994, 108 Stat. 4295; Pub. L. 104-104, title IV, §403(h)(2), Feb. 8, 1996, 110 Stat. 131.)