

not affect the application of the three interim schemes of the International Maritime Organization, which are discussed under section 14305 below.

### Editorial Notes

#### AMENDMENTS

2010—Subsec. (a). Pub. L. 111–281, §303(c)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Except as otherwise provided in this section, this chapter applies to the following:

“(1) a documented vessel.

“(2) a vessel that is to be documented under chapter 121 of this title.

“(3) a vessel engaged on a foreign voyage.”

Subsec. (b)(1). Pub. L. 111–281, §303(c)(2)(A), substituted “, unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.” for period at end.

Subsec. (b)(3). Pub. L. 111–281, §303(c)(2)(B), inserted “of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is” after “a vessel”.

Subsec. (b)(4). Pub. L. 111–281, §303(c)(2)(C), substituted “a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages” for “a vessel (except a vessel engaged”.

Subsec. (b)(5). Pub. L. 111–281, §303(c)(2)(F), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “a barge (except a barge engaged on a foreign voyage) unless the owner requests.”

Pub. L. 111–281, §303(c)(2)(D), (E), redesignated par. (6) as (5) and struck out former par. (5) which read as follows: “before July 19, 1994, an existing vessel unless—

“(A) the owner requests; or

“(B) the vessel undergoes a change that the Secretary finds substantially affects the vessel’s gross tonnage.”

Subsec. (b)(6). Pub. L. 111–281, §303(c)(2)(E), redesignated par. (6) as (5). Former par. (5) struck out.

Subsec. (c). Pub. L. 111–281, §303(c)(5), substituted “An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel’s gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)” for “After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)”.

Pub. L. 111–281, §303(c)(3), (4), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “A vessel made subject to this chapter at the request of the owner may be remeasured only as provided by this chapter.”

Subsecs. (d), (e). Pub. L. 111–281, §303(c)(4), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

1990—Subsec. (b)(6). Pub. L. 101–595 added par. (6).

### Statutory Notes and Related Subsidiaries

#### REPORT TO CONGRESS

Pub. L. 99–509, title V, §5103(g), Oct. 21, 1986, 100 Stat. 1927, provided that: “The Secretary of Transportation shall—

“(1) before July 19, 1990, submit to Congress—

“(A) a study of—

“(i) the impact of applying vessel tonnage determined under chapter 143 of title 46 (as enacted by section 5101 of this subtitle), United States Code, in laws of the United States that contain provisions based on tonnage, including an analysis of the number and types of vessels that would become subject to additional laws or more stringent requirements because of that application; and

“(ii) the extent to which the tonnage thresholds in laws of the United States whose application is

based on tonnage would have to be raised so that additional vessels would not become subject to those laws if their application is based on tonnage determined under chapter 143; and

“(B) a recommendation of the levels to which the tonnage thresholds in laws of the United States whose application is based on tonnage should be raised if a complete conversion to the International Convention measurement system under chapter 143 is made;

“(2) in conducting the study under clause (1) of this subsection, consult with representatives of the private sector having experience with the operation of vessels likely to be affected by laws of the United States whose application is based on tonnage; and

“(3) before July 19, 1988, submit to Congress an interim progress report on the study conducted under clause (1) of this subsection.”

### § 14302. Measurement

(a) The Secretary shall measure a vessel to which this chapter applies in the way provided by this chapter and the Convention.

(b) A vessel measured under this chapter may not be required to be measured under another law.

(c) Unless otherwise provided by law, the measurement of a vessel under this chapter applies to a law of the United States whose applicability depends on a vessel’s tonnage, if that law—

(1) becomes effective after July 18, 1994; or

(2) is in effect before July 19, 1994, is not enumerated in section 14305 of this title, and is identified by the Secretary by regulation as a law to which this chapter applies.

(Pub. L. 99–509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 111–281, title III, §303(d), Oct. 15, 2010, 124 Stat. 2924.)

#### HISTORICAL AND REVISION NOTES

##### Revised section 14302

Source: International Convention on Tonnage Measurement of Ships.

Section 14302(a) requires the Secretary to measure a vessel to which this chapter applies, in the way provided by this chapter and by the Convention. Section 14302(b) provides that a vessel that is required to be measured under this chapter can not also be required to be measured under another law. The exception allows the Panama Canal Commission to continue to use the Canal measurement system for calculation of tolls. Section 14302(c) provides that the applicability of tonnage-based laws that become effective after July 18, 1994, will be based on Convention tonnage measurements. The applicability of tonnage-based laws in effect before July 19, 1994, which are listed by the Secretary, will also be based on Convention tonnage. Therefore, the laws that will be based on regulatory tonnage are those not listed by the Secretary by regulation and those listed in section 14305 of this legislation.

### Editorial Notes

#### AMENDMENTS

2010—Subsec. (b). Pub. L. 111–281 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Except as provided in section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792(a)), a vessel measured under this chapter may not be required to be measured under another law.”

### § 14303. Tonnage Certificate

(a) After measuring a vessel under this chapter, the Secretary shall issue, on request of the