

(1) the individual suffering the injury or death was not a citizen or permanent resident alien of the United States at the time of the incident giving rise to the action;

(2) the incident occurred in the territorial waters or waters overlaying the continental shelf of a country other than the United States; and

(3) the individual suffering the injury or death was employed at the time of the incident by a person engaged in the exploration, development, or production of offshore mineral or energy resources, including drilling, mapping, surveying, diving, pipelaying, maintaining, 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 for 30105(a), (b), and (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.

§ 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 for 30106.

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

CHAPTER 303—DEATH ON THE HIGH SEAS

- Sec. 30301. Short title.
30302. Cause of action.
30303. Amount and apportionment of recovery.
30304. Contributory negligence.
30305. Death of plaintiff in pending action.
30306. Foreign cause of action.
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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 for 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 for 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.