

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)