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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part A--General Provisions

CHAPTER 21--GENERAL

Sec. 2110. Fees

(a) (1) Except as otherwise provided in this title, the Secretary shall establish a fee or charge for a service or thing of value provided by the Secretary under this subtitle, in accordance with section 9701 of title 31.

(2) The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a non-self-propelled tank vessel under part B of this title \1\ that is more than \$500 annually. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than \$300 annually for such vessels under 65 feet in length, or more than \$600 annually for such vessels 65 feet in length and greater. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry.

\1\ So in original. Probably should be ``subtitle''.

(3) The Secretary may, by regulation, adjust a fee or charge collected under this subsection to accommodate changes in the cost of providing a specific service or thing of value, but the adjusted fee or charge may not exceed the total cost of providing the service or thing of value for which the fee or charge is collected, including the cost of collecting the fee or charge.

(4) The Secretary may not collect a fee or charge under this subsection that is in conflict with the international obligations of the United States.

(5) The Secretary may not collect a fee or charge under this subsection for any search or rescue service.

(b) (1) The Secretary shall establish a fee or charge as provided in paragraph (2) of this subsection, and collect it annually in fiscal years 1993 and 1994, from the owner or operator of each recreational vessel to which paragraph (2) of this subsection applies.

(2) The fee or charge established under paragraph (1) of this subsection is as follows:

(A) in fiscal year 1993--

(i) for vessels of more than 21 feet in length but less than 27 feet, not more than \$35;

(ii) for vessels of at least 27 feet in length but less than 40 feet, not more than \$50; and

(iii) for vessels of at least 40 feet in length, not more than \$100.\2\

\2\ So in original. The period probably should be ``; and''.

(B) in fiscal year 1994--

(i) for vessels of at least 37 feet in length but less than 40 feet, not more than \$50; and

(ii) for vessels of at least 40 feet in length, not more than \$100.

(3) The fee or charge established under this subsection applies only to vessels operated on the navigable waters of the United States where the Coast Guard has a presence.

(4) The fee or charge established under this subsection does not apply to a--

(A) public vessel; or

(B) vessel deemed to be a public vessel under section 827 of title 14.

(5) The Secretary shall provide to each person who pays a fee or charge under this subsection a separate document on which appears, in readily discernible print, only the following statement: ``The fees \3\ for which this document was provided was established under the Omnibus Budget Reconciliation Act of 1990. Persons paying this fee can expect no increase in the quantity, quality, or variety of services the person receives from the Coast Guard as a result of that payment.''

\3\ So in original. Probably should be ``fee''.

(c) In addition to the collection of fees and charges established under subsections (a) and (b), the Secretary may recover appropriate collection and enforcement costs associated with delinquent payments of the fees and charges.

(d)(1) The Secretary may employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect a fee or charge established under this section. A private enterprise or business selected by the Secretary to collect fees or charges--

(A) shall be subject to reasonable terms and conditions agreed to by the Secretary and the enterprise or business;

(B) shall provide appropriate accounting to the Secretary; and

(C) may not institute litigation as part of that collection.

(2) A Federal agency shall account for the agency's costs of collecting the fee or charge under this subsection as a reimbursable expense, and the costs shall be credited to the account from which expended.

(e) A person that violates this section by failing to pay a fee or charge established under this section is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation.

(f) When requested by the Secretary, the Secretary of the Treasury shall deny the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) to a vessel for which a fee or charge established under this section has not been paid until the fee or charge is paid or until a bond is posted for the payment.

(g) The Secretary may exempt a person from paying a fee or charge established under this section if the Secretary determines that it is in the public interest to do so.

(h) Fees and charges collected by the Secretary under this section shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(i) The collection of a fee or charge under this section does not alter or expand the functions, powers, responsibilities, or liability of the United States under any law for the performance of services or the provision of a thing of value for which a fee or charge is collected under this section.

(j) The Secretary may not establish or collect a fee or charge for the inspection under part B of this subtitle of training vessels operated by state \4\ maritime academies.

\4\ So in original. Probably should be capitalized.

(k) The Secretary may not plan, implement or finalize any regulation that would promulgate any new maritime user fee which was not implemented and collected prior to January 1, 1998, including a fee or charge for any domestic icebreaking service or any other navigational assistance service. This subsection expires on September 30, 2001.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 507; Pub. L. 99-509, title V, Sec. 5102(b) (4), Oct. 21, 1986, 100 Stat. 1927; Pub. L. 100-710, title I, Sec. 104(a) (3), Nov. 23, 1988, 102 Stat. 4749; Pub. L. 101-508, title X, Sec. 10401(a), Nov. 5, 1990, 104 Stat. 1388-397; Pub. L. 102-241, Sec. 53, Dec. 19, 1991, 105 Stat. 2232; Pub. L. 102-582, title V, Sec. 501(a), Nov. 2, 1992, 106 Stat. 4909; Pub. L. 102-587, title V, Sec. 5207, Nov. 4, 1992, 106 Stat. 5075; Pub. L. 104-324, title XI, Sec. 1112, Oct. 19, 1996, 110 Stat. 3970; Pub. L. 105-383, title II, Sec. 207, Nov. 13, 1998, 112 Stat. 3416.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
2110.....	46:331

Section 2110 prevents the assessment of user fees for certain maritime safety and seamen's welfare services unless otherwise provided for by law. These include:

Measurement of tonnage and certifying the same, except that the compensation and necessary travel and subsistence expenses of the officers so measuring or certifying such vessels at the request of the owners thereof at a place other than a port of entry or a customs station shall be paid by such owners; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and oath; indorsement of change of master; certifying and receiving manifest, including master's oath and permit; granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew list; certificate of protection to seamen; bill of health; shipping or discharging of seamen; apprenticing boys to the merchant service; inspecting, examining, and licensing steam vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel.

References in Text

The Omnibus Budget Reconciliation Act of 1990, referred to in subsec. (b) (5), is Pub. L. 101-508, Nov. 5, 1990, 104 Stat. 1388. For complete classification of this Act to the Code, see Tables.

Amendments

1998--Subsec. (k). Pub. L. 105-383 added subsec. (k).

1996--Subsec. (a)(2). Pub. L. 104-324, Sec. 1112, which directed amendment of section 10401(g) of Pub. L. 101-508 by inserting ``The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than \$300 annually for such vessels under 65 feet in length, or more than \$600 annually for such vessels 65 feet in length and greater. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry.'' after ``annually.'', was executed by making insertion in subsec. (a)(2) of this section to reflect the probable intent of Congress, because section 10401(a) of Pub. L. 101-508 amended this section generally, and section 10401 of Pub. L. 101-508 did not contain a subsec. (g).

1992--Subsec. (b)(1). Pub. L. 102-582, Sec. 501(a)(1), substituted ``1993 and 1994'' for ``1991, 1992, 1993, 1994, and 1995'' and ``to which paragraph (2) of this subsection applies'' for ``that is greater than 16 feet in length''.

Subsec. (b)(2). Pub. L. 102-582, Sec. 501(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ``The fee or charge established under paragraph (1) of this subsection is as follows:

``(A) for vessels greater than 16 feet in length but less than 20 feet, not more than \$25;

``(B) for vessels of at least 20 feet in length but less than 27 feet, not more than \$35;

``(C) for vessels of at least 27 feet in length but less than 40 feet, not more than \$50; and

``(D) for vessels of at least 40 feet in length, not more than \$100.''

Subsec. (j). Pub. L. 102-587 added subsec. (j).

1991--Subsec. (b)(5). Pub. L. 102-241 added par. (5).

1990--Pub. L. 101-508, as amended by Pub. L. 104-324, substituted ``Fees'' for ``Fees prohibited'' as section catchline and amended text generally. Prior to amendment, text read as follows: ``Fees may not be charged or collected by the Secretary for services provided for in this subtitle related to the engagement and discharge of seamen, the inspection and examination of vessels under part B of this subtitle, and the licensing of masters, mates, pilots, and engineers, except when specifically provided for in this subtitle.'' See 1996 Amendment note above.

1988--Pub. L. 100-710 substituted ``and the licensing of masters, mates, pilots, and engineers'' for ``the licensing of masters, mates, pilots, and engineers, and the documentation of vessels''.

1986--Pub. L. 99-509 substituted ``examination of vessels under part B of this subtitle'' for ``examination of vessels'' and struck out ``measurement or'' before ``documentation''.

Effective Date of 1992 Amendment

Section 501(b) of Pub. L. 102-582 provided that: ``The amendments made by this section [amending this section] are effective October 1, 1992.''

Effective Date of 1988 Amendment

Amendment by Pub. L. 100-710 effective Jan. 1, 1989, with certain exceptions and qualifications, see section 107 of Pub. L. 100-710, set out as an Effective Date note under section 30101 of this title.

Acceptance of Evidence of Payment of Coast Guard Fees

Section 5214 of Pub. L. 102-587 provided that: ``The Secretary of Transportation may not issue a citation for failure to pay a fee or charge established under section 2110 of title 46, United States Code, to an owner or operator of a recreational vessel who provides reasonable evidence of prior payment of the fee or charge to a Coast Guard boarding officer.''