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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part B--Inspection and Regulation of Vessels

CHAPTER 33--INSPECTION GENERALLY

Sec. 3316. Classification societies

(a) Each department, agency, and instrumentality of the United States Government shall recognize the American Bureau of Shipping as its agent in classifying vessels owned by the Government and in matters related to classification, as long as the Bureau is maintained as an organization having no capital stock and paying no dividends. The Secretary and the Secretary of Transportation each shall appoint one representative (except when the Secretary is the Secretary of Transportation, in which case the Secretary shall appoint both representatives) who shall represent the Government on the executive committee of the Bureau. The Bureau shall agree that the representatives shall be accepted by it as active members of the committee. The representatives shall serve without compensation, except for necessary traveling expenses.

(b) (1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to--

(A) review and approve plans required for issuing a certificate of inspection required by this part;

(B) conduct inspections and examinations; and

(C) issue a certificate of inspection required by this part and other related documents.

(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only--

(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

(B) if the foreign classification society has offices and maintains records in the United States.

(3) When an inspection or examination has been delegated under this subsection, the Secretary's delegate--

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the vessel ceases to be certified; and

(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated--

(i) as a marine inspector and serving in a position as a marine inspector; or

(ii) in writing by the Secretary to have access to those files.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 516; Pub. L. 104-324, title VI, Sec. 607(a), (b) (1), Oct. 19, 1996, 110 Stat. 3931, 3932.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
3316.....	46:9 (less (c)) 46:369 46:881

Section 3316 prescribes the relationship between certain classification societies and the Federal Government with respect to the promotion of maritime safety and the security of life and property at sea. Briefly stated, a classification society, like the American Bureau of Shipping (ABS), establishes and administers standards for the design, construction, and periodic survey of commercial vessels, yachts, and other marine structures. Classification certifies adherence to these standards, thus representing that a vessel or structure possesses the structural and mechanical fitness required for its intended service.

The section requires that a Federal department, agency, or instrumentality recognize the American Bureau of Shipping as its agent for classing vessels owned by the Federal Government and in any matters related to classification. In effect, the ABS has a statutory monopoly on classing vessels of the United States Government. Additionally, the section contains the authority to permit the Secretary to rely on reports, documents, and certificates issued by a classification society that is similar to the American Bureau of Shipping. However, a "similar classification society" continues to mean one that is organized like the American Bureau of Shipping with attendant governmental representation.

Amendments

1996--Pub. L. 104-324, Sec. 607(b)(1), substituted "Classification societies" for "United States classification societies" in section catchline.

Subsec. (a). Pub. L. 104-324, Sec. 607(a)(3), which directed the substitution of "American Bureau of Shipping" for "Bureau", was executed by making the substitution the first place appearing, to reflect the probable intent of Congress.

Pub. L. 104-324, Sec. 607(a)(1), (2), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: "In carrying out this part, the Secretary may rely on reports, documents, and certificates issued by the American Bureau of Shipping or a similar United States classification society, or an agent of the Bureau or society."

Subsec. (b). Pub. L. 104-324, Sec. 607(a)(2), (4), redesignated subsec. (c) as (b), added pars. (1) and (2), redesignated former par. (2) as (3), and struck out former par. (1) which read as follows: "To the maximum extent practicable, the Secretary may delegate to the Bureau or a similar United States classification society, or an agent of the Bureau or society, the inspection or examination, in the United States or in a foreign country, of a vessel documented or to be documented as a vessel of the United States. The Bureau, society, or agent may issue the certificate of inspection required by this part and other certificates essential to documentation." Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 104-324, Sec. 607(a)(2), redesignated subsec. (c) as (b).

Subsec. (d). Pub. L. 104-324, Sec. 607(a)(1), struck out subsec. (d) which read as follows: "The Secretary also may make an agreement with or use the Bureau or a similar United States classification society, or an agent of the Bureau or society, for reviewing and approving plans required for issuing a certificate of inspection."

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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part B--Inspection and Regulation of Vessels

CHAPTER 45--UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Sec. 4502. Safety standards

(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with--

(1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;

(2) at least one readily accessible life preserver or other lifesaving device for each individual on board;

(3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;

(4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;

(5) visual distress signals;

(6) a buoyant apparatus, if the vessel is of a type required by regulations prescribed by the Secretary to be equipped with that apparatus;

(7) alerting and locating equipment, including emergency position indicating radio beacons, on vessels that operate beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States or beyond 3 nautical miles from the coastline of the Great Lakes; and

(8) a placard as required by regulations prescribed under section 10603(b) of this title.

(b) (1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for documented vessels to which this chapter applies that--

(A) operate beyond the Boundary Line;

(B) operate with more than 16 individuals on board; or

(C) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The equipment to be required is as follows:

(A) alerting and locating equipment, including emergency position indicating radio beacons;

(B) lifeboats or liferafts sufficient to accommodate all individuals on board;

(C) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

(D) radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

(E) navigation equipment, including guide compasses, radar reflectors,

nautical charts, and anchors;

(F) first aid equipment, including medicine chests; and

(G) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.

(c) (1) In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing the standards in paragraph (2) of this subsection for vessels to which this chapter applies that--

(A) (i) were built after December 31, 1988, or undergo a major conversion completed after that date; and

(ii) operate with more than 16 individuals on board; or

(B) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The standards shall be minimum safety standards, including standards relating to--

(A) navigation equipment, including radars and fathometers;

(B) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

(C) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

(D) use and installation of insulation material;

(E) storage methods for flammable or combustible material; and

(F) fuel, ventilation, and electrical systems.

(d) (1) The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies--

(A) that was built after December 31, 1989; or

(B) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel's operating stability.

(2) The Secretary may accept, as evidence of compliance with this subsection, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.

(e) In prescribing regulations under this chapter, the Secretary--

(1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and

(2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of the regulation.

(f) To ensure compliance with the requirements of this chapter, at least once every 2 years the Secretary shall examine--

(1) a fish processing vessel; and

(2) a fish tender vessel engaged in the Aleutian trade.

(Added Pub. L. 98-364, title IV, Sec. 402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 98-557, Sec. 33(a), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 100-424, Sec. 2(a), Sept. 9, 1988, 102 Stat. 1585; Pub. L. 101-595, title VI, Sec. 602(c), Nov. 16, 1990, 104 Stat. 2990; Pub. L. 104-324, title III, Sec. 307, Oct. 19, 1996, 110 Stat. 3918; Pub. L. 105-383, title III, Sec. 301(b)(5), Nov. 13, 1998, 112 Stat. 3417.)

Amendments

1998--Subsec. (a)(7). Pub. L. 105-383 substituted ``beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States''

for ``on the high seas''.

1996--Subsec. (a) (7). Pub. L. 104-324 inserted ``or beyond 3 nautical miles from the coastline of the Great Lakes'' after ``high seas''.

1990--Subsec. (b). Pub. L. 101-595, Sec. 602(c) (1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ``In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations for documented vessels to which this chapter applies that operate beyond the Boundary Line or that operate with more than 16 individuals on board, for the installation, maintenance, and use of--

``(1) alerting and locating equipment, including emergency position indicating radio beacons;

``(2) lifeboats or liferafts sufficient to accommodate all individuals on board;

``(3) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

``(4) radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

``(5) navigation equipment, including compasses, radar reflectors, nautical charts, and anchors;

``(6) first aid equipment, including medicine chests; and

``(7) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.''

Subsec. (c). Pub. L. 101-595, Sec. 602(c) (1), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ``In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing minimum safety standards for vessels to which this chapter applies that were built after December 31, 1988, or that undergo a major conversion completed after that date, and that operate with more than 16 individuals on board, including standards relating to--

``(1) navigation equipment, including radars and fathometers;

``(2) life saving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

``(3) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

``(4) use and installation of insulation material;

``(5) storage methods for flammable or combustible material; and

``(6) fuel, ventilation, and electrical systems.''

Subsec. (f). Pub. L. 101-595, Sec. 602(c) (2), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: ``The Secretary shall examine a fish processing vessel at least once every two years to ensure that the vessel complies with the requirements of this chapter.''

1988--Pub. L. 100-424 amended section generally, substituting ``Safety standards'' for ``Regulations'' in section catchline, adding subsecs. (a) and (b), redesignating former subsec. (a) as (c) and establishing list of standards as minimum safety standards, in addition to requirements of subsecs. (a) and (b), for vessels built after Dec. 31, 1988, or that undergo major conversion completed after that date, that operate with more than 16 individuals on board, adding subsec. (d), redesignating former subsec. (b) as (e) and striking out provisions which required Secretary to consult with representatives of private sector, experienced in operation of these vessels, to ensure practicability of regulations, and adding subsec. (f).

1984--Subsec. (b) (3). Pub. L. 98-557 substituted ``this chapter'' for ``the exemption''.

Section 602(f) of Pub. L. 101-595, provided that: ``This section [amending this section and sections 2102, 3302, 5102, 8104, and 8702 of this title, and enacting provisions set out as a note under section 7306 of this title] is effective on the date of enactment of this section [Nov. 16, 1990] except as follows:

``(1) The requirements imposed by section 3302(c)(4)(B) and (C) of title 46, United States Code, (as enacted by subsection (b) of this section) is effective 6 months after the date of enactment of this Act.

``(2) Before January 1, 1993, section 4502(c) (as amended by subsection (c) of this section) does not apply to a fish tender vessel engaged in the Aleutian trade, if the vessel--

``(A)(i) before September 8, 1990, operated in that trade;
or

``(ii) before September 8, 1990, was purchased to be used in that trade and, before June 1, 1992, entered into service in that trade; and

``(B) does not undergo a major conversion.

``(3) Before January 1, 2003, a fish tender vessel is exempt from chapter 51 of title 46, United States Code, (as amended by subsection (d) of this section) when engaged in the Aleutian trade, if the vessel--

``(A)(i) before September 8, 1990, operated in that trade;
or

``(ii) before September 8, 1990, was purchased to be used in this trade and, before June 1, 1992, entered into service in that trade;

``(B) does not undergo a major conversion; and

``(C) did not have a load line assigned at any time before the date of enactment of this Act.

``(4) The requirements imposed by section 8702(b)(2) of title 46, United States Code, (as amended by subsection (e)(2)(B) of this section) are effective 1 year after the date of enactment of this Act.''

Studies Regarding Safety of Fishing Vessels

Section 5(a) of Pub. L. 100-424 directed Secretary of Transportation, utilizing National Academy of Engineering and in consultation with National Transportation Safety Board, Commercial Fishing Industry Vessel Advisory Committee, and fishing industry, to conduct a study of safety problems on fishing industry vessels, and to make recommendations regarding whether a vessel inspection program could be implemented for fishing vessels, fish tender vessels, and fish processing vessels, including recommendations on nature and scope of that inspection, and further provided for submission of the study and recommendations to Congress before Jan. 1, 1990.

Section 5(b) of Pub. L. 100-424 directed Secretary of department in which Coast Guard is operating, in consultation with Commercial Fishing Industry Vessel Advisory Committee established under section 4508 of this title, and with representatives of persons operating fish processing vessels to conduct a study of fish processing vessels that are not surveyed and classed by an organization approved by Secretary, and to make recommendations regarding what hull and machinery requirements could apply to such vessels to ensure that those vessels are operated and maintained in a condition in which they are safe to operate at sea, and further provided for submission of such study and recommendations to Congress before July 28, 1991.

Territorial Sea of United States

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

Section Referred to in Other Sections

This section is referred to in section 4506 of this title.

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TITLE 46--SHIPPING

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Part B--Inspection and Regulation of Vessels

CHAPTER 45--UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Sec. 4505. Termination of unsafe operations

An official authorized to enforce this chapter--

(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(1) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section.

(Added Pub. L. 100-424, Sec. 2(a), Sept. 9, 1988, 102 Stat. 1587.)

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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part B--Inspection and Regulation of Vessels

CHAPTER 45--UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Sec. 4506. Exemptions

(a) The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that--

- (1) good cause exists for granting an exemption; and
- (2) the safety of the vessel and those on board will not be adversely affected.

(b) A vessel to which this chapter applies is exempt from section 4502(b)(2)(B) of this title if it--

- (1) is less than 36 feet in length; and
- (2) is operating--
 - (A) in internal waters of the United States; or
 - (B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.

(Added Pub. L. 100-424, Sec. 2(a), Sept. 9, 1988, 102 Stat. 1587; amended Pub. L. 102-587, title V, Sec. 5222, Nov. 4, 1992, 106 Stat. 5081; Pub. L. 105-383, title III, Sec. 301(b)(6), Nov. 13, 1998, 112 Stat. 3417.)

Amendments

1998--Subsec. (b)(2). Pub. L. 105-383 added par. (2) and struck out former par. (2) which read as follows: ``is not operating on the high seas.''

1992--Subsec. (b). Pub. L. 102-587 substituted ``4502(b)(2)(B)'' for ``4502(b)(2)''.

Territorial Sea of United States

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part D--Marine Casualties

CHAPTER 61--REPORTING MARINE CASUALTIES

Sec. 6104. Commercial fishing industry vessel casualty
statistics

(a) The Secretary shall compile statistics concerning marine casualties from data compiled from insurers of fishing vessels, fish processing vessels, and fish tender vessels.

(b) A person underwriting primary insurance for a fishing vessel, fish processing vessel, or fish tender vessel shall submit periodically to the Secretary data concerning marine casualties that is required by regulations prescribed by the Secretary.

(c) After consulting with the insurance industry, the Secretary shall prescribe regulations under this section to gather a statistical base for analyzing vessel risks.

(d) The Secretary may delegate to a qualified person that has knowledge and experience in the collection of statistical insurance data the authority of the Secretary under this section to compile statistics from insurers.

(Added Pub. L. 100-424, Sec. 4(a), Sept. 9, 1988, 102 Stat. 1590.)

Section Referred to in Other Sections

This section is referred to in section 6103 of this title.

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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part G--Merchant Seamen Protection and Relief

CHAPTER 106--FISHING VOYAGES

Sec. 10603. Seaman's duty to notify employer regarding illness,
disability, and injury

(a) A seaman on a fishing vessel, fish processing vessel, or fish tender vessel shall notify the master or individual in charge of the vessel or other agent of the employer regarding any illness, disability, or injury suffered by the seaman when in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

(b) The Secretary shall prescribe regulations requiring that each fishing vessel, fish processing vessel, and fish tender vessel shall have on board a placard displayed in a prominent location accessible to the crew describing the seaman's duty under subsection (a) of this section.

(Pub. L. 100-424, Sec. 6(a), Sept. 9, 1988, 102 Stat. 1592.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10603.....	New

Section Referred to in Other Sections

This section is referred to in section 4502 of this title.