

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1606. Special rules for ships of war, vessels proceeding under convoy, and fishing vessels engaged in fishing as a fleet

(a) The Secretary of the Navy is authorized to promulgate special rules with respect to additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and the Secretary of the department in which the Coast Guard is operating is authorized to promulgate special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet.

(b) The additional station or signal lights or whistle signals contained in the special rules authorized under subsection (a) of this section shall be, as far as possible, such that they cannot be mistaken for any light or signal authorized by the International Regulations. Notice of such special rules shall be published in the Federal Register and, after the effective date specified in such notice, they shall have effect as if they were a part of the International Regulations.

(Pub. L. 95-75, § 7, July 27, 1977, 91 Stat. 310.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1607. Implementation by rules and regulations; authority to promulgate

The Secretary of the department in which the Coast Guard is operating is authorized to promulgate such reasonable rules and regulations as are necessary to implement the provisions of this chapter and the International Regulations proclaimed hereunder.

(Pub. L. 95-75, § 8, July 27, 1977, 91 Stat. 310.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1608. Civil penalties

(a) Liability of vessel operator for violations

Whoever operates a vessel, subject to the provisions of this chapter, in violation of this chapter or of any regulation promulgated pursuant to section 1607 of this title, shall be liable to a civil penalty of not more than \$5,000 for each such violation.

(b) Liability of vessel for violations; seizure of vessel

Every vessel subject to the provisions of this chapter, other than a public vessel being used for noncommercial purposes, which is operated in violation of this chapter or of any regulation promulgated pursuant to section 1607 of this title, shall be liable to a civil penalty of not more than \$5,000 for each such violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which such vessel may be found.

(c) Assessment of penalties; notice; opportunity for hearing; remission, mitigation, and compromise of penalty; action for collection

The Secretary of the department in which the Coast Guard is operating may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

(Pub. L. 95-75, § 9, July 27, 1977, 91 Stat. 310; Pub. L. 96-591, § 6(3), (4), Dec. 24, 1980, 94 Stat. 3435.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-591, § 6(3), substituted “\$5,000” for “\$500”.

Subsec. (b). Pub. L. 96-591, § 6(4), substituted “not more than \$5,000” for “\$500”.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 31—OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING

§§ 1701 to 1709. Repealed. Pub. L. 102-567, title II, § 204, Oct. 29, 1992, 106 Stat. 4282

Section 1701, Pub. L. 95-273, § 2, May 8, 1978, 92 Stat. 228; Pub. L. 99-272, title VI, § 6071, Apr. 7, 1986, 100 Stat. 133, provided findings and purposes for chapter.

Section 1702, Pub. L. 95-273, § 3, May 8, 1978, 92 Stat. 228; Pub. L. 99-272, title VI, § 6072(1), Apr. 7, 1986, 100 Stat. 133; Pub. L. 100-636, § 1(1)-(4), Nov. 8, 1988, 102 Stat. 3324, provided definitions for chapter.

Section 1702a, Pub. L. 95-273, § 3A, as added Pub. L. 99-272, title VI, § 6072(2), Apr. 7, 1986, 100 Stat. 133; amended Pub. L. 100-636, § 1(5)-(7), Nov. 8, 1988, 102 Stat. 3324, provided for a National Ocean Pollution Program Office and a National Ocean Pollution Policy Board.

Section 2036, Pub. L. 96-591, § 2, Dec. 24, 1980, 94 Stat. 3432, related to Rule 36, signals to attract attention.

Section 2037, Pub. L. 96-591, § 2, Dec. 24, 1980, 94 Stat. 3432, related to Rule 37, distress signals.

Section 2038, Pub. L. 96-591, § 2, Dec. 24, 1980, 94 Stat. 3432, related to Rule 38, exemptions.

EFFECTIVE DATE OF REPEAL

Pub. L. 108-293, title III, § 303(a), (c), Aug. 9, 2004, 118 Stat. 1042, provided that the repeal of this subchapter by section 303(a) is effective on the effective date of final regulations prescribed by the Secretary of the Department in which the Coast Guard is operating under section 2071 of this title. Repeal effective May 17, 2010, and Inland Navigation Rules moved to 33 CFR part 83. See 75 F.R. 19544, Apr. 15, 2010.

SHORT TITLE

Section 1 of Pub. L. 96-591 provided: "That this Act [enacting this chapter, amending sections 151, 1604, 1605, and 1608 of this title, repealing sections 154 to 159, 171 to 183, 191, 192, 201 to 213, 221, 222, 231, 232, 241 to 244, 251 to 262, 271, 272, 281 to 295, 301 to 303, 311 to 323, 331, 341 to 356, 360, and 360a of this title and sections 526b, 526c, and 526d of former Title 46, Shipping, and enacting provisions set out as notes under this section] may be cited as the 'Inland Navigational Rules Act of 1980'."

SUBCHAPTER II—MISCELLANEOUS
PROVISIONS

§ 2071. Inland navigation rules

The Secretary of the Department in which the Coast Guard is operating may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations.

(Pub. L. 96-591, § 3, Dec. 24, 1980, 94 Stat. 3433; Pub. L. 108-293, title III, § 303(b), Aug. 9, 2004, 118 Stat. 1042.)

REFERENCES IN TEXT

The International Regulations, referred to in text, came into effect pursuant to the Convention on the International Regulations for Preventing Collisions at Sea, 1972. See International Regulations for Preventing Collisions at Sea, 1972 note under section 1602 of this title.

AMENDMENTS

2004—Pub. L. 108-293 amended section catchline and text generally. Prior to amendment, text read as follows: "The Secretary may issue regulations necessary to implement and interpret this chapter. The Secretary shall establish the following technical annexes to these Rules: Annex I, Positioning and Technical Details of Lights and Shapes; Annex II, Additional Signals for Fishing Vessels Fishing in Close Proximity; Annex III, Technical Details of Sound Appliances; and Annex IV, Distress Signals. These annexes shall be as consistent as possible with the respective annexes to the International Regulations. The Secretary may establish other technical annexes, including local pilot rules."

§ 2072. Violations of Inland Navigational Rules

(a) Liability of operator for civil penalty

Whoever operates a vessel in violation of this chapter, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than \$5,000 for each violation.

(b) Liability of vessel for civil penalty; seizure of vessel

Every vessel subject to this chapter, other than a public vessel being used for noncommercial purposes, that is operated in violation of this chapter, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than \$5,000 for each violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which the vessel may be found.

(c) Assessment of civil penalty by Secretary; collection

The Secretary may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

(d) Withholding of clearance

(1) If any owner, operator, or individual in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

(Pub. L. 96-591, § 4, Dec. 24, 1980, 94 Stat. 3433; Pub. L. 104-324, title III, § 312(c), Oct. 19, 1996, 110 Stat. 3920.)

REFERENCES IN TEXT

Rule 1, referred to in pars. (a) and (b), was classified to section 2001 of this title, prior to repeal by Pub. L. 108-293, title III, § 303(a), (c), Aug. 9, 2004, 118 Stat. 1042, effective May 17, 2010.

CODIFICATION

In subsec. (d)(1), "section 60105 of title 46" substituted for "section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)" on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 60105 of Title 46, Shipping.

AMENDMENTS

1996—Par. (d). Pub. L. 104-324 inserted heading and amended text generally. Prior to amendment, text read as follows: "The Secretary of the Treasury shall withhold or revoke, at the request of the Secretary, the clearance, required by section 91 of title 46, Appendix, of any vessel, the owner or operator of which is subject to any of the penalties in this section. Clearance may