

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-293 added subsec. (c).
1986—Pub. L. 99-640 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-640, §12(b), Nov. 10, 1986, 100 Stat. 3551, provided that: "The amendments made by subsection (a) of this section [amending this section] shall take effect on January 1, 1988."

DEMONSTRATION PROJECT

Pub. L. 108-293, title IV, § 409(b), Aug. 9, 2004, 118 Stat. 1045, provided that: "Prior to prescribing regulations under this section [amending this section] the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of Crew Endurance Management Systems on all United States-flag towing vessels."

§ 8905. Exemptions

(a) Section 8903 of this title applies to a recreational vessel operated in dealer demonstrations only if the Secretary decides that the application of section 8903 is necessary for recreational vessel safety under section 4302(d) of this title.

(b) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 104-324, title VII, §734, title XI, §1104(f), Oct. 19, 1996, 110 Stat. 3941, 3967; Pub. L. 111-281, title VI, § 606, Oct. 15, 2010, 124 Stat. 2967.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Rows for 8905(a) and 8905(b).

Section 8905 provides for certain exemptions from the requirements of this chapter.

Subsection (a) exempts dealer demonstration recreational vessels from the licensed operator requirement in section 8903 unless the Secretary decides that safety considerations require the application of that section.

Subsection (b) exempts an offshore supply vessel of less than 200 gross tons from the licensed operator requirement under section 8904 when used in the offshore mineral and oil industry.

AMENDMENTS

2010—Subsecs. (b), (c). Pub. L. 111-281 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: "Section 8904 of this title does not apply to a vessel of less than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title engaged in the offshore mineral and oil industry if the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure."

1996—Subsec. (b). Pub. L. 104-324, § 734, inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "200 gross tons".

Subsec. (c). Pub. L. 104-324, §1104(f), added subsec. (c).

§ 8906. Penalty

An owner, charterer, managing operator, agent, master, or individual in charge of a vessel

operated in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$25,000. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 104-324, title III, §306(b), Oct. 19, 1996, 110 Stat. 3918.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row for 8906.

Section 8906 prescribes the penalties for violations of this chapter.

AMENDMENTS

1996—Pub. L. 104-324 substituted "not more than \$25,000" for "\$1,000".

CHAPTER 91—TANK VESSEL MANNING STANDARDS

- Sec. 9101. Standards for foreign tank vessels.
9102. Standards for tank vessels of the United States.

HISTORICAL AND REVISION NOTES

Chapter 91 prescribes manning standards for certain foreign and United States tank vessels carrying oil or hazardous materials.

§ 9101. Standards for foreign tank vessels

(a)(1) The Secretary shall evaluate the manning, training, qualification, and watchkeeping standards of a foreign country that issues documentation for any vessel to which chapter 37 of this title applies—

- (A) on a periodic basis; and
(B) when the vessel is involved in a marine casualty required to be reported under section 6101(a)(4) or (5) of this title.

(2) After each evaluation made under paragraph (1) of this subsection, the Secretary shall determine whether—

- (A) the foreign country has standards for licensing and certification of seamen that are at least equivalent to United States law or international standards accepted by the United States; and
(B) those standards are being enforced.

(3) If the Secretary determines under this subsection that a country has failed to maintain or enforce standards at least equivalent to United States law or international standards accepted by the United States, the Secretary shall prohibit vessels issued documentation by that country from entering the United States until the Secretary determines those standards have been established and are being enforced.

(4) The Secretary may allow provisional entry of a vessel prohibited from entering the United States under paragraph (3) of this subsection if—

- (A) the owner or operator of the vessel establishes, to the satisfaction of the Secretary, that the vessel is not unsafe or a threat to the marine environment; or
(B) the entry is necessary for the safety of the vessel or individuals on the vessel.

(b) A foreign vessel to which chapter 37 of this title applies that has on board oil or hazardous

material in bulk as cargo or cargo residue shall have a specified number of personnel certified as tankerman or equivalent, as required by the Secretary, when the vessel transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. The requirement of this subsection shall be noted in applicable terminal operating procedures. A transfer operation may take place only if the crewmember in charge is capable of clearly understanding instructions in English.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 101-380, title IV, §4106(a), Aug. 18, 1990, 104 Stat. 513.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9101(a) .....	46:391a(11)
9101(b) .....	46:391a(10)(B)

Section 9101 requires monitoring of manning standards for foreign tank vessels operating on the navigable waters of the United States and transferring oil or hazardous material in the United States.

Subsection (a) requires the Secretary of Transportation to evaluate the manning, training, qualification, and watchkeeping standards of foreign countries whose tank vessels operate on United States waters, or use transfer facilities, and to decide if the standards are equivalent or more stringent than United States standards.

Subsection (b) authorizes the Secretary to specify the number of tankermen required on a foreign tank vessel and to have certified tankermen who can understand English when transferring oil or hazardous material in the United States. This requirement is to be made part of the terminal operating procedures.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-380 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Secretary shall—

"(1) periodically evaluate the manning, training, qualification, and watchkeeping standards prescribed by the certificating country of a foreign vessel to which chapter 37 of this title applies, that operates on the navigable waters of the United States and transfers oil or hazardous material in a port or place under the jurisdiction of the United States; and

"(2) after each evaluation made under clause (1) of this subsection, decide whether the foreign country, whose system for licensing and certification of seamen was evaluated, has standards that are equivalent to or more stringent than United States standards or international standards accepted by the United States."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 9102. Standards for tank vessels of the United States

(a) The Secretary shall prescribe standards for the manning of each vessel of the United States to which chapter 37 of this title applies, related to the duties, qualifications, and training of the officers and crew of the vessel, including standards related to—

- (1) instruction in vessel and cargo handling and vessel navigation under normal operating conditions in coastal and confined waters and on the high seas;

(2) instruction in vessel and cargo handling and vessel navigation in emergency situations and under marine casualty or potential casualty conditions;

(3) qualifications for licenses by specific type and size of vessels;

(4) qualifications for licenses by use of simulators for the practice or demonstration of marine-oriented skills;

(5) minimum health and physical fitness criteria for various grades of licenses and certificates;

(6) periodic retraining and special training for upgrading positions, changing vessel type or size, or assuming new responsibilities;

(7) decisions about licenses and certificates, conditions of licensing or certification, and periods of licensing or certification by reference to experience, amount of training completed, and regular performance testing; and

(8) instruction in vessel maintenance functions.

(b) The Secretary shall waive the application of criteria required by subsection (a)(5) of this section for an individual having a license or certificate (including a renewal of the license or certificate) in effect on October 17, 1978. When the waiver is granted, the Secretary may prescribe conditions for the license or certificate and its renewal, as the Secretary decides are reasonable and necessary for the safety of a vessel on which the individual may be employed.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 101-380, title IV, §4114(d), Aug. 18, 1990, 104 Stat. 517.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9102 .....	46:391a(9)

Section 9102 prescribes manning standards for United States tank vessels.

Subsection (a) requires the Secretary of Transportation to prescribe certain standards for the duties, qualifications, and training of the officers and crew of United States tank vessels.

Subsection (b) provides for a waiver of any health and physical fitness criteria prescribed under subsection (a).

AMENDMENTS

1990—Par. (8). Pub. L. 101-380 added par. (8).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 93—GREAT LAKES PILOTAGE

- Sec. 9301. Definitions.
- 9302. Great Lakes pilots required.
- 9303. United States registered pilot service.
- 9304. Pilotage pools.
- 9305. Agreements with Canada.
- 9306. State regulation prohibited.
- 9307. Great Lakes Pilotage Advisory Committee.
- 9308. Penalties.

HISTORICAL AND REVISION NOTES

Chapter 93 contains the pilotage requirements for United States vessels sailing under register and foreign