

apparatus prescribed therein inspected at least once each year by the Commission or an entity designated by the Commission. If, after such inspection, the Commission is satisfied that all relevant provisions of this chapter and the station license have been complied with, the fact shall be so certified on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as the Commission determines may be necessary to ensure compliance with the requirements of this chapter. The Commission may, upon a finding that the public interest could be served there-

by—

(1) waive the annual inspection required under this section for a period of up to 90 days for the sole purpose of enabling a vessel to complete its voyage and proceed to a port in the United States where an inspection can be held; or

(2) waive the annual inspection required under this section for a vessel that is in compliance with the radio provisions of the Safety Convention and that is operating solely in waters beyond the jurisdiction of the United States: *Provided*, That such inspection shall be performed within 30 days of such vessel's return to the United States.

(June 19, 1934, ch. 652, title III, §362, formerly §360, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 196; renumbered §362, Aug. 13, 1954, ch. 729, §2(a)(1), 68 Stat. 706; amended Pub. L. 87-811, Oct. 15, 1962, 76 Stat. 922; Pub. L. 104-104, title IV, §403(n), Feb. 8, 1996, 110 Stat. 132.)

REFERENCES IN TEXT

This part, referred to in subsec. (b), commences with section 351 of this title.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-104 amended subsec. (b) generally, revising structure of subsec. so as to contain 2 pars. and adding provisions relating to inspection by an entity designated by Commission, waiver of inspection for up to 90 days, and waiver for vessels in compliance with radio provisions of Safety Convention that are outside the jurisdiction of the United States.

1962—Subsec. (b). Pub. L. 87-811 empowered the Commission to waive the annual inspection from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held, and limiting such waiver to not more than a period of 30 days.

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

§ 361. Control by Commission; review of decisions

Nothing in this subchapter shall be interpreted as lessening in any degree the control of the Commission over all matters connected with the radio equipment and its operation on shipboard and its decision and determination in regard to the radio requirements, installations, or exemptions from prescribed radio requirements shall be final, subject only to review in accordance with law.

(June 19, 1934, ch. 652, title III, §363, formerly §361, as added May 20, 1937, ch. 229, §10(b), 50

Stat. 196; renumbered §363, Aug. 13, 1954, ch. 729, §2(a)(1), 68 Stat. 706.)

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

§ 362. Forfeitures; recovery

The following forfeitures shall apply to this part, in addition to the penalties and forfeitures provided by subchapter V of this chapter:

(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, shall forfeit to the United States the sum of \$5,000, recoverable by way of suit or libel. Each such departure or attempted departure, and in the case of a ship of the United States each day during which such navigation occurs shall constitute a separate offense.

(b) Every willful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of this chapter or the rules and regulations of the Commission as to equipment, operators, watches, or radio service shall cause him to forfeit to the United States the sum of \$1,000.

(June 19, 1934, ch. 652, title III, §364, formerly §362, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 196; renumbered §364, Aug. 13, 1954, ch. 729, §2(a)(1), 68 Stat. 706; amended Pub. L. 101-239, title III, §3002(g), Dec. 19, 1989, 103 Stat. 2131.)

REFERENCES IN TEXT

This part, referred to in text, commences with section 351 of this title.

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-239, §3002(g)(1), substituted "\$5,000" for "\$500".

Subsec. (b). Pub. L. 101-239, §3002(g)(2), substituted "\$1,000" for "\$100".

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

§ 363. Automated ship distress and safety systems

Notwithstanding any provision of this chapter or any other provision of law or regulation, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators. This section shall take effect for each vessel upon a determination by the United States Coast Guard that such vessel has the equipment required to implement the Global Maritime Distress and Safety System installed and operating in good working condition.

(June 19, 1934, ch. 652, title III, §365, as added Pub. L. 104-104, title II, §206, Feb. 8, 1996, 110 Stat. 114.)