passage through territorial waters of the United States, presently 3 miles seaward, whether or not it is bound to or from a port subject to the jurisdiction of the United States.

REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in text, is set out under section 1331 of Title 43, Public Lands.

AMENDMENTS

2006—Pub. L. 109–304 substituted ''sections 2304 and'' for ''section''.

1998—Pub. L. 105–383 inserted ''(including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988)'' after ''of the United States''.

1984—Pub. L. 98–498 substituted ''Except as provided in section 2306 of this title, this chapter'' for ''This chapter''.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98–498, set out as an Effective Date note under section 2306 of this title.

§ 2302. Penalties for negligent operations and interfering with safe operation

(a) A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb, or property of a person is liable to the United States Government for a civil penalty of not more than $5,000 in the case of a recreational vessel, or $25,000 in the case of any other vessel.

(b) A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person commits a class A misdemeanor.

(c) An individual who is under the influence of alcohol, or a dangerous drug in violation of a law of the United States when operating a vessel, as determined under standards prescribed by the Secretary by regulation—

(1) is liable to the United States Government for a civil penalty of not more than $5,000; or

(2) commits a class A misdemeanor.

(d) For a penalty imposed under this section, the vessel also is liable in rem unless the vessel is—

(1) owned by a State or a political subdivision of a State;

(2) operated principally for governmental purposes; and

(3) identified clearly as a vessel of that State or subdivision.

(e)(1) A vessel may not transport Government-impelled cargoes if—

(A) the vessel has been detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel; or

(B) the operator of the vessel has on more than one occasion had a vessel detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel.

(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation of the relevant international convention on which the detention is based.

(3) As used in this subsection, the term ''Government-impelled cargo'' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 508; Pub. L. 98–557, § 7(a), Oct. 30, 1984, 98 Stat. 2862; Pub. L. 101–380, title IV, §§ 4105(b)(2), 4302(a), Aug. 18, 1990, 104 Stat. 513, 537; Pub. L. 102–587, title V, § 5102, Nov. 4, 1992, 106 Stat. 5071; Pub. L. 105–383, title III, §§ 302(a), 304(c), title IV, § 408(a), Nov. 13, 1998, 112 Stat. 3417, 3419, 3430; Pub. L. 107–295, title III, § 325, Nov. 25, 2002, 116 Stat. 2105.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2302(a)	46:1461(d) 46:1484(b)
2302(b)	46:1461(d) 46:1483
2302(c)	46:1484(b)

Section 2302 states that the negligent operation of a vessel is prohibited. These acts are subject to civil and criminal penalties and the involved vessel is subject to an in rem action. The negligent operation provisions have their genesis in the Act of April 25, 1940, 54 Stat. 167, when Congress prescribed that no person shall operate any motorboat or *any vessel* in a reckless or negligent manner. This provision was directed at all vessels and not those solely engaged in recreational boating. When the Federal Boat Safety Act of 1971, P.L. 92–75, 85 Stat. 217 (46 U.S.C. 1461) was enacted it adopted the reckless or negligent operation provisions of the 1940 Act. It adopted for the first time a provision for assessing civil penalties in addition to criminal penalties. It dropped the word ''reckless'' because of redundancy. It also combined the two classes of vessels; ''any motorboat or any vessel'' into one class by using the word ''vessel'' and defined vessel as including every description of watercraft.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–295 substituted ''$5,000 in the case of a recreational vessel, or $25,000 in the case of any other vessel'' for ''$1,000''

1998—Pub. L. 105–383, § 302(a)(1), substituted ''Penalties for negligent operations and interfering with safe operation'' for ''Penalties for negligent operations'' in section catchline.

Subsec. (a). Pub. L. 105–383, § 302(a)(2), substituted ''or interfering with the safe operation of a vessel, so as to endanger'' for ''that endangers''.

Subsec. (c)(1). Pub. L. 105–383, § 304(c), substituted ''$5,000; or'' for ''$1,000 for a first violation and not more than $5,000 for a subsequent violation; or''.

Subsec. (e). Pub. L. 105–383, § 408(a), added subsec. (e).

1992—Subsec. (c)(1). Pub. L. 102–587 substituted ''$1,000 for a first violation and not more than $5,000 for a subsequent violation'' for ''$1,000''.

1990—Subsec. (b). Pub. L. 101–380, § 4302(a)(1), substituted ''commits a class A misdemeanor'' for ''shall

be fined not more than $5,000, imprisoned for not more than one year, or both''.

Subsec. (c). Pub. L. 101–380, §§ 4105(b)(2), 4302(a)(2)(A), substituted ''under the influence of alcohol, or a dangerous drug in violation of a law of the United States'' for ''intoxicated'' and struck out '', shall be'' after ''by the Secretary by regulation''.

Subsec. (c)(1). Pub. L. 101–380, § 4302(a)(2)(B), substituted ''is liable'' for ''liable''.

Subsec. (c)(2). Pub. L. 101–380, § 4302(a)(2)(C), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''fined not more than $5,000, imprisoned for not more than one year, or both.''

1984—Subsecs. (c), (d). Pub. L. 98–557 added subsec. (c) and redesignated former subsec. (c) as (d).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–383, title IV, § 408(b), Nov. 13, 1998, 112 Stat. 3431, provided that: ''The amendment made by subsection (a) [amending this section] takes effect January 1, 1999.''

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.

§ 2303. Duties related to marine casualty assistance and information

(a) The master or individual in charge of a vessel involved in a marine casualty shall—

(1) render necessary assistance to each individual affected to save that affected individual from danger caused by the marine casualty, so far as the master or individual in charge can do so without serious danger to the master's or individual's vessel or to individuals on board; and

(2) give the master's or individual's name and address and identification of the vessel to the master or individual in charge of any other vessel involved in the casualty, to any individual injured, and to the owner of any property damaged.

(b) An individual violating this section or a regulation prescribed under this section shall be fined not more than $1,000 or imprisoned for not more than 2 years. The vessel also is liable in rem to the United States Government for the fine.

(c) An individual complying with subsection (a) of this section or gratuitously and in good faith rendering assistance at the scene of a marine casualty without objection by an individual assisted, is not liable for damages as a result of rendering assistance or for an act or omission in providing or arranging salvage, towage, medical treatment, or other assistance when the individual acts as an ordinary, reasonable, and prudent individual would have acted under the circumstances.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 509.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2303(a)	33:367 46:1465(a)
2303(b)	33:368
2303(c)	46:1465(b)

Section 2303 requires a master or anyone in charge of a vessel to provide assistance and render aid to those involved in a marine casualty and to exchange information in a manner similar to automobile accident cases. It also includes a ''Good Samaritan'' clause that exonerates anyone from liability when rendering assistance in an ordinary, reasonable, or prudent manner.

§ 2303a. Post serious marine casualty alcohol testing

(a) The Secretary shall establish procedures to ensure that after a serious marine casualty occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such casualty is conducted no later than 2 hours after the casualty occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the casualty.

(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the casualty, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the casualty occurs.

(Added Pub. L. 105–383, title III, § 304(d)(1), Nov. 13, 1998, 112 Stat. 3419.)

§ 2304. Duty to provide assistance at sea

(a)(1) A master or individual in charge of a vessel shall render assistance to any individual found at sea in danger of being lost, so far as the master or individual in charge can do so without serious danger to the master's or individual's vessel or individuals on board.

(2) Paragraph (1) does not apply to a vessel of war or a vessel owned by the United States Government appropriated only to a public service.

(b) A master or individual violating this section shall be fined not more than $1,000, imprisoned for not more than 2 years, or both.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 509; Pub. L. 109–304, § 15(8), Oct. 6, 2006, 120 Stat. 1703.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2304	46:728

Section 2304 requires a master or individual in charge of a vessel to render assistance to those in danger at sea if able to do so without seriously endangering the vessel or crew.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–304 designated existing provisions as par. (1) and added par. (2).

§ 2305. Injunctions

(a) The district courts of the United States have jurisdiction to enjoin the negligent operation of vessels prohibited by this chapter on the petition of the Attorney General for the United States Government.

(b) When practicable, the Secretary shall—

(1) give notice to any person against whom an action for injunctive relief is considered under this section an opportunity to present that person's views; and