son except a person authorized by the Secretary. An official violating this subsection is liable to disciplinary action under applicable law.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 516.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3315	46:234

Section 3315 requires an individual holding a license issued by the Coast Guard to assist inspection authorities and to make defects and imperfections known to those authorities. Anyone licensed also has a duty to report any marine casualty producing serious injury to the vessel, its equipment, or individuals on board the vessel. These licensed individuals who have this statutorily imposed duty to disclose are also protected by prohibiting any government official from disclosing the identity or source of the information except as authorized by the Secretary.

§ 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.

(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless—

(A) the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2); or

(B) the society is a full member of the International Association of Classification Societies.

(2) The Secretary may approve a person for purposes of paragraph (1) only if the Secretary determines that—

(A) the vessels surveyed by the person while acting as a classification society have an adequate safety record; and

(B) the person has an adequate program to—

(i) develop and implement safety standards for vessels surveyed by the person;

(ii) make the safety records of the person available to the Secretary in an electronic format;

(iii) provide the safety records of a vessel surveyed by the person to any other classification society that requests those records for the purpose of conducting a survey of the vessel; and

(iv) request the safety records of a vessel the person will survey from any classification society that previously surveyed the vessel.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 516; Pub. L. 104–324, title VI, § 607(a), (b)(1), Oct. 19, 1996, 110 Stat. 3931, 3932; Pub. L. 108–293, title IV, § 413(a), Aug. 9, 2004, 118 Stat. 1046.)

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

2004—Subsec. (c). Pub. L. 108–293 added subsec. (c).

1996—Pub. L. 104–324, § 607(b)(1), substituted ''Classification societies'' for ''United States classification societies'' in section catchline.

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

Subsec. (d). Pub. L. 104–324, § 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.''

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–293, title IV, § 413(b), Aug. 9, 2004, 118 Stat. 1046, provided that: ''Section 3316(c)(1) of title 46, United States Code, shall apply with respect to operation as a classification society on or after January 1, 2005.''

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.

§ 3317. Fees

(a) The Secretary may prescribe by regulation fees for inspecting or examining a small passenger vessel or a sailing school vessel.

(b) When an inspection or examination under this part of a documented vessel or a foreign vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 517; Pub. L. 102–587, title V, § 5211, Nov. 4, 1992, 106 Stat. 5076.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3317	46:390a(b) 46:382b–1

Section 3317 provides the regulatory authority for prescribing fees for the inspection of small passenger vessels and sailing school vessels. Although section 2110 generally prohibits fees of this nature, this provision is consistent with the exception that permits specific statutory authorization for fee collection. Subsection (b) requires the reimbursement of expenses for the conduct of an inspection or examination at a foreign port or place when done there for the convenience of the owner or operator of the vessel.

AMENDMENTS

1992—Subsec. (b). Pub. L. 102–587 substituted ''under this part of a documented vessel or a foreign vessel'' for ''under this chapter of a documented vessel''.

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.

§ 3318. Penalties

(a) Except as otherwise provided in this part, the owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this part or a regulation prescribed under this part, and a person violating a regulation that applies to a small passenger vessel, freight vessel of less than 100 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, or sailing school vessel, are liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

(b)(1) A person that knowingly manufactures, sells, offers for sale, or possesses with intent to sell, any equipment subject to this part, and the equipment is so defective as to be insufficient to accomplish the purpose for which it is intended, commits a class D felony.

(2) A person commits a class D felony if the person—

(A) alters or services lifesaving, fire safety, or any other equipment subject to this part for compensation; and

(B) by that alteration or servicing, intentionally renders that equipment unsafe and unfit for the purpose for which it is intended.

(c) A person that employs a means or device whereby a boiler may be subjected to a pressure