

(b) This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37 of this title.

(Added Pub. L. 98-364, title IV, §402(7)(C), July 17, 1984, 98 Stat. 446; amended Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1585.)

AMENDMENTS

1988—Pub. L. 100-424 amended section generally, in subsec. (a) substituting provisions which related to uninspected fish processing vessel entered into service after Dec. 31, 1987, having more than 16 individuals on board primarily employed in preparation of fish on navigable waters of United States or owned in United States and operating on high seas, for provisions which related to uninspected fishing vessel, fish processing vessel, or fish tender vessel, and in subsec. (b) substituting “carriage of bulk” for “carriage of liquid bulk”.

FOREIGN BUILT VESSELS, EQUIVALENT COMPLIANCE UNTIL JULY 28, 1990

Pub. L. 100-424, §7, Sept. 9, 1988, 102 Stat. 1592, provided that: “Until July 28, 1990, a foreign built fish processing vessel subject to chapter 45 of title 46, United States Code, is deemed to comply with the requirements of that chapter if—

- “(1) it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is a party; and
“(2) it is in compliance with the safety requirements of that foreign country that apply to that vessel.”

§ 4502. Safety standards

(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with—

- (1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;
- (2) at least one readily accessible life preserver or other lifesaving device for each individual on board;
- (3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;
- (4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;
- (5) visual distress signals;
- (6) a buoyant apparatus, if the vessel is of a type required by regulations prescribed by the Secretary to be equipped with that apparatus;
- (7) alerting and locating equipment, including emergency position indicating radio beacons, on vessels that operate beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States or beyond 3 nautical miles from the coastline of the Great Lakes; and

(8) a placard as required by regulations prescribed under section 10603(b) of this title.

(b)(1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for documented vessels to which this chapter applies that—

- (A) operate beyond the Boundary Line;
- (B) operate with more than 16 individuals on board; or
- (C) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The equipment to be required is as follows:

- (A) alerting and locating equipment, including emergency position indicating radio beacons;
- (B) lifeboats or liferafts sufficient to accommodate all individuals on board;
- (C) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;
- (D) radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;
- (E) navigation equipment, including compasses, radar reflectors, nautical charts, and anchors;
- (F) first aid equipment, including medicine chests; and
- (G) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.

(c)(1) In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing the standards in paragraph (2) of this subsection for vessels to which this chapter applies that—

- (A)(i) were built after December 31, 1988, or undergo a major conversion completed after that date; and
- (ii) operate with more than 16 individuals on board; or
- (B) in the case of a fish tender vessel, engage in the Aleutian trade.

(2) The standards shall be minimum safety standards, including standards relating to—

- (A) navigation equipment, including radars and fathometers;
- (B) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;
- (C) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;
- (D) use and installation of insulation material;
- (E) storage methods for flammable or combustible material; and
- (F) fuel, ventilation, and electrical systems.

(d)(1) The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies—

- (A) that was built after December 31, 1989; or
- (B) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel's operating stability.

(2) The Secretary may accept, as evidence of compliance with this subsection, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.

(e) In prescribing regulations under this chapter, the Secretary—

(1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and

(2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of the regulation.

(f) To ensure compliance with the requirements of this chapter, at least once every 2 years the Secretary shall examine—

(1) a fish processing vessel; and

(2) a fish tender vessel engaged in the Aleutian trade.

(Added Pub. L. 98-364, title IV, §402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 98-557, §33(a), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1585; Pub. L. 101-595, title VI, §602(c), Nov. 16, 1990, 104 Stat. 2990; Pub. L. 104-324, title III, §307, Oct. 19, 1996, 110 Stat. 3918; Pub. L. 105-383, title III, §301(b)(5), Nov. 13, 1998, 112 Stat. 3417.)

AMENDMENTS

1998—Subsec. (a)(7). Pub. L. 105-383 substituted “beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States” for “on the high seas”.

1996—Subsec. (a)(7). Pub. L. 104-324 inserted “or beyond 3 nautical miles from the coastline of the Great Lakes” after “high seas”.

1990—Subsec. (b). Pub. L. 101-595, §602(c)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations for documented vessels to which this chapter applies that operate beyond the Boundary Line or that operate with more than 16 individuals on board, for the installation, maintenance, and use of—

“(1) alerting and locating equipment, including emergency position indicating radio beacons;

“(2) lifeboats or liferafts sufficient to accommodate all individuals on board;

“(3) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

“(4) radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

“(5) navigation equipment, including compasses, radar reflectors, nautical charts, and anchors;

“(6) first aid equipment, including medicine chests; and

“(7) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.”

Subsec. (c). Pub. L. 101-595, §602(c)(1), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing minimum safety standards for vessels to which this chapter applies that were built after December 31, 1988, or that undergo a major conversion completed after that date, and that operate with more than 16 individuals on board, including standards relating to—

“(1) navigation equipment, including radars and fathometers;

“(2) life saving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

“(3) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

“(4) use and installation of insulation material;

“(5) storage methods for flammable or combustible material; and

“(6) fuel, ventilation, and electrical systems.”

Subsec. (f). Pub. L. 101-595, §602(c)(2), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “The Secretary shall examine a fish processing vessel at least once every two years to ensure that the vessel complies with the requirements of this chapter.”

1988—Pub. L. 100-424 amended section generally, substituting “Safety standards” for “Regulations” in section catchline, adding subsections (a) and (b), redesignating former subsec. (a) as (c) and establishing list of standards as minimum safety standards, in addition to requirements of subsections (a) and (b), for vessels built after Dec. 31, 1988, or that undergo major conversion completed after that date, that operate with more than 16 individuals on board, adding subsec. (d), redesignating former subsec. (b) as (e) and striking out provisions which required Secretary to consult with representatives of private sector, experienced in operation of these vessels, to ensure practicability of regulations, and adding subsec. (f).

1984—Subsec. (b)(3). Pub. L. 98-557 substituted “this chapter” for “the exemption”.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-595, title VI, §602(f), Nov. 16, 1990, 104 Stat. 2992, provided that: “This section [amending this section and sections 2102, 3302, 5102, 8104, and 8702 of this title, and enacting provisions set out as a note under section 7306 of this title] is effective on the date of enactment of this section [Nov. 16, 1990] except as follows:

“(1) The requirements imposed by section 3302(c)(4)(B) and (C) of title 46, United States Code, (as enacted by subsection (b) of this section) is effective 6 months after the date of enactment of this Act.

“(2) Before January 1, 1993, section 4502(c) (as amended by subsection (c) of this section) does not apply to a fish tender vessel engaged in the Aleutian trade, if the vessel—

“(A)(i) before September 8, 1990, operated in that trade; or

“(ii) before September 8, 1990, was purchased to be used in that trade and, before June 1, 1992, entered into service in that trade; and

“(B) does not undergo a major conversion.

“(3) Before January 1, 2003, a fish tender vessel is exempt from chapter 51 of title 46, United States Code, (as amended by subsection (d) of this section) when engaged in the Aleutian trade, if the vessel—

“(A)(i) before September 8, 1990, operated in that trade; or

“(ii) before September 8, 1990, was purchased to be used in this trade and, before June 1, 1992, entered into service in that trade;

“(B) does not undergo a major conversion; and

“(C) did not have a load line assigned at any time before the date of enactment of this Act.

“(4) The requirements imposed by section 8702(b)(2) of title 46, United States Code, (as amended by subsection (e)(2)(B) of this section) are effective 1 year after the date of enactment of this Act.”

STUDIES REGARDING SAFETY OF FISHING VESSELS

Pub. L. 100-424, §5(a), Sept. 9, 1988, 102 Stat. 1591, directed Secretary of Transportation, utilizing National Academy of Engineering and in consultation with National Transportation Safety Board, Commercial Fishing Industry Vessel Advisory Committee, and fishing industry, to conduct a study of safety problems on fishing industry vessels, and to make recommendations regarding whether a vessel inspection program could be implemented for fishing vessels, fish tender vessels, and fish processing vessels, including recommendations on

nature and scope of that inspection, and further provided for submission of the study and recommendations to Congress before Jan. 1, 1990.

Pub. L. 100-424, §5(b), Sept. 9, 1988, 102 Stat. 1591, directed Secretary of department in which Coast Guard is operating, in consultation with Commercial Fishing Industry Vessel Advisory Committee established under section 4508 of this title, and with representatives of persons operating fish processing vessels to conduct a study of fish processing vessels that are not surveyed and classed by an organization approved by Secretary, and to make recommendations regarding what hull and machinery requirements could apply to such vessels to ensure that those vessels are operated and maintained in a condition in which they are safe to operate at sea, and further provided for submission of such study and recommendations to Congress before July 28, 1991.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 4503. Fish processing vessel certification

(a) A fish processing vessel to which this section applies may not be operated unless the vessel—

(1) meets all survey and classification requirements prescribed by the American Bureau of Shipping or another similarly qualified organization approved by the Secretary; and

(2) has on board a certificate issued by the American Bureau of Shipping or that other organization evidencing compliance with this subsection.

(b) This section applies to a fish processing vessel to which this chapter applies that—

(1) is built after July 27, 1990; or

(2) undergoes a major conversion completed after that date.

(Added Pub. L. 98-364, title IV, §402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 98-557, §33(b), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587.)

AMENDMENTS

1988—Pub. L. 100-424 amended section generally, substituting “Fish processing vessel certification” for “Equivalency” in section catchline, and provisions which require certification issued by American Bureau of Shipping or similar organization for fish processing vessel built after July 27, 1990, or undergoes major conversion completed after that date, for provisions which deemed compliance with this chapter if vessel has unexpired certificate of inspection issued by foreign country that is party to International Convention for Safety of Life at Sea to which United States is party.

1984—Pub. L. 98-557 substituted “is deemed” for “shall be deemed”.

§ 4504. Prohibited acts

A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

(Added Pub. L. 98-364, title IV, §402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587.)

AMENDMENTS

1988—Pub. L. 100-424 amended section generally, substituting “Prohibited acts” for “Penalties” in section catchline, and provisions prohibiting operation of vessel in violation of this chapter, for provisions which im-

posed civil penalty not more than \$1,000 for operation of vessel in violation of chapter, and liability in rem for penalty.

§ 4505. Termination of unsafe operations

An official authorized to enforce this chapter—

(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(1) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section.

(Added Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587.)

§ 4506. Exemptions

(a) The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

(1) good cause exists for granting an exemption; and

(2) the safety of the vessel and those on board will not be adversely affected.

(b) A vessel to which this chapter applies is exempt from section 4502(b)(2)(B) of this title if it—

(1) is less than 36 feet in length; and

(2) is operating—

(A) in internal waters of the United States; or

(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.

(Added Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587; amended Pub. L. 102-587, title V, §5222, Nov. 4, 1992, 106 Stat. 5081; Pub. L. 105-383, title III, §301(b)(6), Nov. 13, 1998, 112 Stat. 3417.)

AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-383 added par. (2) and struck out former par. (2) which read as follows: “is not operating on the high seas.”

1992—Subsec. (b). Pub. L. 102-587 substituted “4502(b)(2)(B)” for “4502(b)(2)”.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 4507. Penalties

(a) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies which is operated in violation of this chapter or a regulation prescribed under this chapter may each be as-