(5) the topsides of the vessel are adequate in design, arrangement, and equipment to protect crewmembers performing outside tasks necessary for safe operation of the vessel.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5105

Section 5105 authorizes the Secretary of Transportation to provide for load line surveys and requires that while conducting a load line survey, the Secretary must consider various strength, stability, design, and construction features of the vessel.

§ 5106. Load line certificate

(a) On finding that a load line survey of a vessel under this chapter is satisfactory and that the vessel's load lines are marked correctly, the Secretary shall issue the vessel a load line certificate and deliver it to the owner, master, or individual in charge of the vessel.

(b) The certificate shall be maintained as required by the Secretary.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5106

Source: Section (U.S. Code) 46 App. U.S.C. 86c.

Section 5106(a) requires the Secretary to issue a load line certificate upon finding that a vessel has received a satisfactory load line survey and that the vessel's load line is marked correctly.

Section 5106(b) requires that the load line certificate be maintained as required by the Secretary of Transportation. It is expected that the Secretary will require in most cases that the certificate be carried on board the vessel. However, certain types of vessels such as barges do not have facilities for the carriage of certificates. In this case, this provision would give the Secretary the discretion to require that the certificates for the barges be carried on the towing vessels.

§ 5107. Delegation of authority

(a) The Secretary shall delegate to the American Bureau of Shipping or other similarly qualified organizations the authority to assign load lines, survey vessels, determine that load lines are marked correctly, and issue load line certificates under this chapter.

(b) Under regulations prescribed by the Secretary, a decision of an organization delegated authority under subsection (a) of this section related to the assignment of a load line may be appealed to the Secretary.

(c) For a vessel intended to be engaged on a foreign voyage, the Secretary may delegate to another country that is a party to the International Convention on Load Lines, 1966, the authority to assign load lines, survey vessels, determine that the load lines are marked correctly, and issue an International Load Line Certificate (1966).

(d) The Secretary may terminate a delegation made under this section after giving written notice to the organization.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5107

Source: Section (U.S. Code) 46 App. U.S.C. 86d, 88b.

Section 5107(a) requires the Secretary to delegate the performance of various load line functions to the American Bureau of Shipping or other similarly qualified organizations. In providing for the delegation to a ''similarly qualified organization,'' the Committee expects that the Secretary will ensure that that organization complies with the same stringent standards and requirements for conducting business that apply to the American Bureau of Shipping.

Section 5107(b) permits an appeal to the Secretary of a decision by an organization that has received delegated authority. This ensures that the Secretary has full oversight of the delegated load line functions.

Section 5107(c) permits the Secretary to delegate various load line functions to another country for vessels that are engaged on a foreign voyage, provided that the country is a party to the International Convention on Load Lines, 1966.

Section 5107(d) clarifies the Secretary's authority to revoke a delegation at any time without cause. This authority is given so that no delay occurs administratively in revoking a delegation whenever the Secretary decides a revocation is warranted.

§ 5108. Special exemptions

(a) The Secretary may exempt a vessel from any part of this chapter when—

(1) the vessel is entitled to an exemption under an international agreement to which the United States Government is a party; or

(2) under regulations (including regulations on special operations conditions) prescribed by the Secretary, the Secretary finds that good cause exists for granting an exemption.

(b) When the Secretary grants an exemption under this section, the Secretary may issue a certificate of exemption stating the extent of the exemption.

(c) A certificate of exemption issued under subsection (b) of this section shall be maintained as required by the Secretary.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5108

Source: Section (U.S. Code) 46 App. U.S.C. 86e, 88a.

Section 5108(a) authorizes the Secretary to exempt a vessel from load line requirements if the vessel is entitled to an exemption under an international agreement to which the United States is a party. It also provides the Secretary with the new authority to exempt a vessel from load line requirements if the Secretary finds that there is good reason for granting the exemption. A specific exemption from load line requirements was authorized in Public Law 98–557 for barges operating close to shore between Calumet Harbor, Illinois and Burns Harbor, Indiana, because the geographic area and type of operation in this case did not warrant a requirement for load lines. Additional exemptions currently must be made by an Act of Congress. Section 5108(a) authorizes the Secretary to make such exemptions through regulation, and the Committee expects the Secretary to continue the exemption under this provision for vessels operating close to shore between Calumet Harbor, Illinois and Burns Harbor, Indiana.

Section 5108(b) authorizes the Secretary to issue a certificate of exemption when an exemption is granted.

Section 5108(c) requires that the certificate of exemption be maintained as required by the Secretary in a similar manner as under section 5106(b).

§ 5109. Reciprocity for foreign vessels

(a) When the Secretary finds that the laws and regulations of a foreign country related to load

lines are similar to those of this chapter and the regulations prescribed under this chapter, or when a foreign country is a party to an international load line agreement to which the United States Government is a party, the Secretary shall accept the load line marks and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter. The Secretary may control the vessel as provided for in the applicable international agreement.

(b) Subsection (a) of this section does not apply to a vessel of a foreign country that does not recognize load lines assigned under this chapter.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1917.)

HISTORICAL AND REVISION NOTES

Revised section 5109

Source: Section (U.S. Code) 46 App. U.S.C. 86f, 88d.

Section 5109(a) requires the Secretary to accept the load line mark and load line certificate of a vessel of a foreign country if the Secretary finds that the load line laws and regulations of that country are similar to those of this chapter, or if that country is a party to an international load line agreement to which the United States is a party.

§ 5110. Submersible vessels

Notwithstanding sections 5103–5105 of this title, the Secretary may prescribe regulations for submersible vessels to provide a minimum level of safety. In developing the regulations, the Secretary shall consider factors relevant to submersible vessels, including the structure, stability, and watertight integrity of those vessels.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1917.)

HISTORICAL AND REVISION NOTES

Revised section 5110

Section 5110 authorizes the Secretary to prescribe regulations for the marking of load lines of submersible vessels. This general authority has been included in anticipation of the commercial development of submersibles.

§ 5111. Providing loading information

The Secretary may prescribe regulations requiring the owner, charterer, managing operator, and agent of a vessel to provide loading information (including information on loading distribution, stability, and margin of strength) to the master or individual in charge of the vessel in a language the master or individual understands.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1917.)

HISTORICAL AND REVISION NOTES

Section 5111 authorizes the Secretary to prescribe regulations requiring that the master of a vessel be provided with loading and stability information for the vessel that the master understands.

§ 5112. Loading restrictions

(a) A vessel may not be loaded in a way that submerges the assigned load line or the place at which the load line is required to be marked on the vessel.

(b) If the loading or stability conditions of a vessel change, the master or individual in charge of the vessel, before moving the vessel, shall record in the official logbook or other permanent record of the vessel—

(1) the position of the assigned load line relative to the water surface; and

(2) the draft of the vessel fore and aft.

(c) A vessel may be operated only if the loading distribution, stability, and margin of strength are adequate for the voyage or movement intended.

(d) Subsections (a) and (b) of this section do not apply to a submersible vessel.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1917.)

HISTORICAL AND REVISION NOTES

Revised section 5112

Source: Section (U.S. Code) 46 App. U.S.C. 86g, 88c, 88e.

Section 5112(a) prohibits a vessel from being loaded in a manner that submerges its load line.

Section 5112(b) requires that whenever the loading or stability conditions of a vessel change, the master or individual in charge of the vessel must record in the official logbook the position of the load line and the draft of the vessel.

Section 5112(c) is a new provision that provides that a vessel may be operated only if the loading distribution, stability, and margin of strength are adequate for the intended voyage or movement.

Section 5112(d) provides that subsections (a) and (b) do not apply to a submersible vessel.

§ 5113. Detention of vessels

(a) When the Secretary believes that a vessel is about to leave a place in the United States in violation of this chapter or a regulation prescribed under this chapter, the Secretary may detain the vessel by giving notice to the owner, charterer, managing operator, agent, master, or individual in charge of the vessel.

(b) A detained vessel may be cleared under section 60105 of this title only after the violation has been corrected. If the vessel was cleared before being detained, the clearance shall be withdrawn.

(c) Under regulations prescribed by the Secretary, the owner, charterer, managing operator, agent, master, or individual in charge of a detained vessel may petition the Secretary to review the detention order.

(d) After reviewing a petition, the Secretary may affirm, withdraw, or change the detention order. Before acting on the petition, the Secretary may require any independent survey that may be necessary to determine the condition of the vessel.

(e) The owner of a vessel is liable for the cost incident to a petition for review and any required survey if the vessel is found to be in violation of this chapter or a regulation prescribed under this chapter.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1918; Pub. L. 109–304, § 15(20), Oct. 6, 2006, 120 Stat. 1703.)

HISTORICAL AND REVISION NOTES

Revised section 5113

Source: Section (U.S. Code) 46 App. U.S.C. 86h, 88f.