(4) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, the history of prior offenses, the ability to pay, and such other matters as justice may require.

(5) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

(Added Pub. L. 109–241, title III, § 312(a), July 11, 2006, 120 Stat. 530.)

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

CHAPTER 83—MASTERS AND OFFICERS

Sec.
8301. Minimum number of licensed individuals.
8302. Staff department.
8303. Service under licenses issued without examination.
8304. Implementing the Officers' Competency Certificates Convention, 1936.

HISTORICAL AND REVISION NOTES

For certain vessels of the United States, chapter 83 prescribes the minimum number of licensed individuals (including masters), establishes the staff department consisting of medical and clerical personnel, restricts service under certain licenses issued without examination, and implements the Officers' Competency Certificates Convention of 1936.

§ 8301. Minimum number of licensed individuals

(a) Except as provided in chapter 89 of this title and except for a vessel operating only on rivers, harbors, lakes (except the Great Lakes), bays, sounds, bayous, and canals, a vessel subject to inspection under chapter 33 of this title shall engage a minimum of licensed individuals as follows:

(1) Each of those vessels propelled by machinery or carrying passengers shall have a licensed master.

(2) A vessel of at least 1,000 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 and propelled by machinery shall have 3 licensed mates, except—

(A) in the case of a vessel other than a mobile offshore drilling unit, if on a voyage of less than 400 miles from port of departure to port of final destination, the vessel shall have 2 licensed mates; and

(B) in the case of a mobile offshore drilling unit, the vessel shall have licensed individuals as provided by regulations prescribed by the Secretary under section 8101 of this title.

(3) A vessel of at least 200 gross tons but less than 1,000 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 and propelled by machinery shall have 2 licensed mates.

(4) A vessel of at least 100 gross tons but less than 200 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 and propelled by machinery shall have one licensed mate. However, if the vessel is on a voyage of more than 24 hours, it shall have 2 licensed mates.

(5) A freight vessel or a passenger vessel of at least 300 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 and propelled by machinery shall have a licensed engineer.

(b) An offshore supply vessel on a voyage of less than 600 miles shall have a licensed mate. However, if the vessel is on a voyage of at least 600 miles, the vessel shall have 2 licensed mates. An offshore supply vessel of more than 200 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 may not be operated without a licensed engineer.

(c) Subsection (a) of this section does not apply to a fishing or whaling vessel, a mobile offshore drilling unit when on location, or a yacht.

(d) The Secretary may—

(1) suspend any part of this chapter during a national emergency proclaimed by the President; and

(2) increase the number of licensed individuals on a vessel to which this chapter applies if, in the Secretary's judgment, the vessel is not sufficiently manned for safe operation.

(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 550; Pub. L. 98–557, § 29(c), (d), Oct. 30, 1984, 98 Stat. 2873, 2874; Pub. L. 99–640, § 11(d), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 100–448, § 7, Sept. 28, 1988, 102 Stat. 1842; Pub. L. 103–206, title III, § 322(b), Dec. 20, 1993, 107 Stat. 2428; Pub. L. 104–324, title VII, § 729, title XI, § 1104(d), Oct. 19, 1996, 110 Stat. 3940, 3967.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8301	46:223 46:404–1(8)

Section 8301 prescribes the minimum number of licensed individuals on board certain vessels based on the vessel's size or propulsion, length of voyage by distance or time, or any combination of these factors.

Subsection (a) applies to certain merchant and passenger carrying vessels of the United States, each of which must have a licensed master regardless of the factors listed above. Subsection (b) applies to offshore supply vessels. Subsection (c) exempts fishing or whaling vessels or yachts from these requirements.

Subsection (d) permits the Secretary to suspend any part of this chapter during a declared national emergency or to increase the number of licensed individuals required by this chapter if required for safe operation of a vessel.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104–324, § 729(1), inserted ''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'' after ''1,000 gross tons''.

Subsec. (a)(3). Pub. L. 104–324, § 729(2), inserted ''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'' after ''1,000 gross tons''.

Subsec. (a)(4). Pub. L. 104–324, § 729(3), inserted ''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'' after ''200 gross tons''.

Subsec. (a)(5). Pub. L. 104–324, § 729(4), inserted ''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'' after ''300 gross tons''.

Subsec. (b). Pub. L. 104–324, § 729(5), inserted ''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'' after ''200 gross tons''.

Subsec. (e). Pub. L. 104–324, § 1104(d), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: ''A vessel used only to respond to a discharge of oil or a hazardous substance shall have—

''(1) two licensed mates when the vessel is engaged in an operation over 12 hours in duration;

''(2) one licensed mate when the vessel is engaged in an operation less than 12 hours in duration; and

''(3) if the vessel is more than 200 gross tons, a licensed engineer when the vessel is operating.''

1993—Subsec. (e). Pub. L. 103–206 added subsec. (e).

1988—Subsec. (a)(2). Pub. L. 100–448 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''A vessel of at least 1,000 gross tons and propelled by machinery shall have 3 licensed mates. However, if the vessel is on a voyage of less than 400 miles from port of departure to port of final destination, it shall have 2 licensed mates.''

1986—Subsec. (c). Pub. L. 99–640 inserted '', a mobile offshore drilling unit when on location,''.

1984—Subsec. (a). Pub. L. 98–557, § 29(c), in provisions preceding par. (1) inserted exception for the Great Lakes and substituted provisions relating to inspection under chapter 33 of this title for provisions relating to applicability of part B of this subtitle.

Subsec. (a)(1). Pub. L. 98–557, § 29(d), inserted ''propelled by machinery or carrying passengers''.

§ 8302. Staff department

(a) This section applies to a vessel of the United States except—

(1) a fishing or whaling vessel or a yacht;

(2) a vessel operated only on bays, sounds, inland waters, and lakes (except the Great Lakes); and

(3) a vessel ferrying passengers and cars on the Great Lakes.

(b) The staff department on a vessel is a separate and independent department. It consists of individuals registered under section 7101 of this title, clerks, and individuals assigned to the senior registered medical doctor.

(c) The staff department is composed of a medical division and a purser's division. The officer in charge of each division is responsible only to the master. The senior registered medical doctor is in charge of the medical division. The senior registered purser is in charge of the purser's division.

(d) The officer in charge of the purser's division of the staff department on an oceangoing passenger vessel licensed to carry more than 100 passengers shall be a registered chief purser. When more than 3 persons are employed in the purser's division of that vessel, there also shall be at least one registered senior assistant purser and one registered junior assistant purser.

(e) A person may not employ an individual to serve in, and an individual may not serve in, a grade of staff officer on a vessel, when that staff officer is required by this section to be registered, if the individual does not have a certificate of registry as staff officer in that grade. A person (including an individual) violating this subsection is liable to the United States Government for a civil penalty of $100. However, if a registered staff officer is not available at the time of sailing, the vessel may sail with an unregistered staff officer or without a staff officer.

(f) A staff officer may not be included in a vessel's certificate of inspection.

(g) A registered staff officer serving under this section who is a member of the Navy Reserve may wear on the officer's uniform special distinguishing insignia prescribed by the Secretary of the Navy.

(h) The uniform stripes, decoration, or other insignia worn by a staff officer shall be of gold braid or woven gold or silver material. A crewmember (except a staff officer) may not wear any uniform with a staff officer's identifying insignia.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 551; Pub. L. 99–36, § 1(a)(4), May 15, 1985, 99 Stat. 67; Pub. L. 109–163, div. A, title V, § 515(f)(3)(A), Jan. 6, 2006, 119 Stat. 3236.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8302(a)–(d)	46:242 46:248
8302(e), (f)	46:246(a)
8302(g)	46:245(a)
8302(h)	46:245(b)

Section 8302 sets forth the organization and manning requirements of the staff department of a vessel. The staff department has medical and clerical responsibilities.

Subsection (a) applies this section to every United States vessel except a yacht, a fishing, whaling, or certain types of inland waterway vessel, and a ferry carrying passengers or cars on the Great Lakes. A ferry is a vessel that primarily carries passengers, cars, or trains from shore to shore as a means to connect existing points on a transportation route so that the same type of transportation mode may continue to be used upon arrival at either point. Vessels carrying cars as cargo would not be included in this type of vessel.

Subsection (b) establishes the staff department as a separate one consisting of registered individuals (pursers, medical doctors, and professional nurses), clerks, and medical assistants. Subsection (c) divides the department into a medical division and a purser's division and designates the individual in charge of each division. Subsection (d) prescribes particular requirements of the purser's division based on size of the vessel or number of individuals employed in the division.

Subsection (e) prohibits the employment or service of an individual who is not registered or of the grade as required under this section and prescribes a penalty for violation of the subsection. This penalty applies to both the employer and the individual employed. If a registered staff officer is unavailable at the time of departure for a voyage, the vessel may proceed on its voyage with either an unregistered staff officer or without a staff officer.