Subsec. (a)(6), (7). Pub. L. 98–364, § 402(12)(B)(ii)– (iv), added pars. (6) and (7).

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by section 602(e)(2)(A) of Pub. L. 101–595 effective Nov. 16, 1990, and requirements imposed by subsec. (b)(2), as amended by section 602(e)(2)(B) of Pub. L. 101–595, effective 1 year after Nov. 16, 1990, see section 602(f) of Pub. L. 101–595, set out as a note under section 4502 of this title.

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.

EXEMPTION OF CERTAIN FISH PROCESSING VESSELS

Certain fish processing vessels exempt from crew requirements of subsec. (b) of this section, see section 403(b) of Pub. L. 98–364, as amended, set out as a note under section 3302 of this title.

§ 8703. Tankermen on tank vessels

(a) A vessel of the United States to which chapter 37 of this title applies, that has on board oil or hazardous material in bulk as cargo or cargo residue, shall have a specified number of the crew certified as tankermen as required by the Secretary. This requirement shall be noted on the certificate of inspection issued to the vessel.

[(b) Repealed. Pub. L. 98–557, § 18, Oct. 30, 1984, 98 Stat. 2869.]

(c) A vessel to which section 3702(b) of this title applies shall have on board as a crewmember in charge of the transfer operation an individual certified as a tankerman (qualified for the grade of fuel transferred), unless a master, mate, pilot, engineer, or operator licensed under section 7101 of this title is present in charge of the transfer. If the vessel does not have that individual on board, chapter 37 of this title applies to the vessel.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 98–557, § 18, Oct. 30, 1984, 98 Stat. 2869.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8703(a)	46:391a(10)(A)
8703(b)	46:391a(10)(C)
8703(c)	46:391a(4)(B)

Section 8703 sets requirements for tankermen on board vessels carrying oil or hazardous material in bulk as cargo or cargo residue.

Subsection (a) requires a specified number of the crew certified as tankermen on board these vessels and a notation be made to that effect on the vessel's certificate of inspection. A tankerman is an individual who is experienced and trained in the procedures for transferring oil or hazardous material to or from a vessel and is responsible for carrying out these duties and responsibilities.

Subsection (b) authorizes the Secretary to regulate tankermen and restrict the types of oil or hazardous materials on the basis of safety to the vessel and the marine environment.

Subsection (c) requires a tankerman or licensed master, pilot, engineer, or operator to be present and in charge of a transfer of oil or hazardous material on certain vessels in the service of oil exploitation. If this individual is not on board, then the tank vessel requirements of chapter 37 apply to the vessel.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98–557 repealed subsec. (b) which contained duplicate tankerman manning requirements. See section 7317(a) of this title.

§ 8704. Alien deemed to be employed in the United States

An alien is deemed to be employed in the United States for purposes of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) if the alien is an unlicensed individual employed on a fishing, fish processing, or fish tender vessel that—

(1) is a vessel of the United States engaged in the fisheries in the navigable waters of the United States or the exclusive economic zone; and

(2) is not engaged in fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(Added Pub. L. 100–239, § 5(f)(1), Jan. 11, 1988, 101 Stat. 1781; amended Pub. L. 104–208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41.)

AMENDMENTS

1996—Par. (2). Pub. L. 104–208 substituted ''Magnuson-Stevens Fishery'' for ''Magnuson Fishery''.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

CONSTRUCTION

Pub. L. 100–239, § 5(f)(3), Jan. 11, 1988, 101 Stat. 1781, provided that: ''With respect to an alien who is deemed to be employed in the United States under section 8704 of title 46, United States Code (as amended by this subsection), the term 'date of the enactment of this section' [translated as ''November 6, 1986''] as used in section 274A(i) of the Immigration and Nationality Act [former 8 U.S.C. 1324a(i)] means the date 180 days after the enactment of this section [Jan. 11, 1988].''

CHAPTER 89—SMALL VESSEL MANNING

Sec.
8901. Freight vessels.
8902. Small passenger vessels.
8903. Self-propelled, uninspected passenger vessels.
8904. Towing vessels.
8905. Exemptions.
8906. Penalty.

HISTORICAL AND REVISION NOTES

Chapter 89 provides for the manning of freight vessels, small passenger vessels, uninspected passenger vessels, and towing vessels. It permits a licensed operator to be in charge of a vessel in lieu of a licensed master or pilot. It also sets forth exemption and civil penalties.

AMENDMENTS

1986—Pub. L. 99–307, § 1(14)(A), May 19, 1986, 100 Stat. 446, substituted ''Self-propelled, uninspected'' for ''Uninspected'' in item 8903.

§ 8901. Freight vessels

A 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 shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 104–324, title VII, § 733, Oct. 19, 1996, 110 Stat. 3941.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8901	46:390b

Section 8901 requires that a freight vessel of less than 100 gross tons be operated by a licensed individual for that type vessel and for a particular geographic area.

AMENDMENTS

1996—Pub. L. 104–324 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 ''100 gross tons''.

§ 8902. Small passenger vessels

A small passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 555.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8902	46:390b

Section 8902 requires that a small passenger vessel of less than 100 gross tons be operated by a licensed individual for that type vessel and for a particular geographic area.

§ 8903. Self-propelled, uninspected passenger vessels

A self-propelled, uninspected passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel, under prescribed regulations.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 99–307, § 1(14)(B), (C), May 19, 1986, 100 Stat. 446.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8903	46:1461(e), (f)

Section 8903 requires that an uninspected passenger vessel be operated by a licensed individual for that type of vessel.

AMENDMENTS

1986—Pub. L. 99–307 substituted ''Self-propelled, uninspected'' for ''Uninspected'' in section catchline and ''A self-propelled,'' for ''An'' in text.

§ 8904. Towing vessels

(a) A towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding sheer), shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(b) A vessel that tows a disabled vessel for consideration shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 99–640, § 12(a), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 108–293, title IV, § 409(a), Aug. 9, 2004, 118 Stat. 1044.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8904	46:405(b)(2)

Section 8904 requires that a 26-foot or larger towing vessel be operated by a licensed individual for that type of vessel and for a particular geographic area.

AMENDMENTS

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

1986—Pub. L. 99–640 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99–640, § 12(b), Nov. 10, 1986, 100 Stat. 3551, provided that: ''The amendments made by subsection (a) of this section [amending this section] shall take effect on January 1, 1988.''

DEMONSTRATION PROJECT

Pub. L. 108–293, title IV, § 409(b), Aug. 9, 2004, 118 Stat. 1045, provided that: ''Prior to prescribing regulations under this section [amending this section] the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of Crew Endurance Management Systems on all United States-flag towing vessels.''

§ 8905. Exemptions

(a) Section 8903 of this title applies to a recreational vessel operated in dealer demonstrations only if the Secretary decides that the application of section 8903 is necessary for recreational vessel safety under section 4302(d) of this title.

(b) Section 8904 of this title does not apply to a vessel of 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 engaged in the offshore mineral and oil industry if the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure.

(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 104–324, title VII, § 734, title XI, § 1104(f), Oct. 19, 1996, 110 Stat. 3941, 3967.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8905(a)	46:1461(f)
8905(b)	46:405(b)(3)

Section 8905 provides for certain exemptions from the requirements of this chapter.