Sec.
30106. Time limit on bringing maritime action for personal injury or death.

PRIOR PROVISIONS

A prior chapter 301, consisting of section 30101, provided definitions for purposes of this subtitle, prior to repeal by Pub. L. 109–304, § 6(b), Oct. 6, 2006, 120 Stat. 1509.

§ 30101. Extension of jurisdiction to cases of damage or injury on land

(a) IN GENERAL.—The admiralty and maritime jurisdiction of the United States extends to and includes cases of injury or damage, to person or property, caused by a vessel on navigable waters, even though the injury or damage is done or consummated on land.

(b) PROCEDURE.—A civil action in a case under subsection (a) may be brought in rem or in personam according to the principles of law and the rules of practice applicable in cases where the injury or damage has been done and consummated on navigable waters.

(c) ACTIONS AGAINST UNITED STATES.—

(1) EXCLUSIVE REMEDY.—In a civil action against the United States for injury or damage done or consummated on land by a vessel on navigable waters, chapter 309 or 311 of this title, as appropriate, provides the exclusive remedy.

(2) ADMINISTRATIVE CLAIM.—A civil action described in paragraph (1) may not be brought until the expiration of the 6-month period after the claim has been presented in writing to the agency owning or operating the vessel causing the injury or damage.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1509.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30101	46 App.:740.	June 19, 1948, ch. 526, 62 Stat. 496.

In subsections (b) and (c), the words ''civil action'' are substituted for ''suit'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (c)(1), the words ''for all causes of action arising after June 19, 1948, and for all causes of action where suit has not been hitherto filed under the Federal Tort Claims Act'' are omitted as obsolete.

PRIOR PROVISIONS

A prior section 30101, Pub. L. 100–710, title I, § 102(c), Nov. 23, 1988, 102 Stat. 4738, provided definitions for purposes of this subtitle, prior to repeal by Pub. L. 109–304, § 6(b), Oct. 6, 2006, 120 Stat. 1509.

SHORT TITLE

This section is popularly known as the Admiralty Extension Act.

§ 30102. Liability to passengers

(a) LIABILITY.—The owner and master of a vessel, and the vessel, are liable for personal injury to a passenger or damage to a passenger's baggage caused by—

(1) a neglect or failure to comply with part B or F of subtitle II of this title; or

(2) a known defect in the steaming apparatus or hull of the vessel.

(b) NOT SUBJECT TO LIMITATION.—A liability imposed under this section is not subject to limitation under chapter 305 of this title.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1509.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30102	46 App.:491 (words before semicolon).	R.S. § 4493 (words before semicolon).

In subsection (a), before paragraph (1), the words ''or either of them'' are omitted as unnecessary. The words ''are liable for personal injury to a passenger or damage to a passenger's baggage'' are substituted for ''Whenever damage is sustained by any passenger or his baggage'' and ''shall be liable to each and every person so injured'' for clarity and to eliminate unnecessary words. The words ''from explosion, fire, collision, or other cause'' are omitted as unnecessary. The words ''caused by'' are substituted for ''if it happens through'' to eliminate unnecessary words. In paragraph (1), the words ''part B or F of subtitle II of this title'' are substituted for ''title 52 of the Revised Statutes'' because of the prior codification of subtitle II of title 46. In paragraph (2), the word ''imperfections'' is omitted as included in ''defect''.

Subsection (b) is substituted for ''to the full amount of damage'' for clarity. See *Hines v. Butler*, 278 F. 877, 880, 881 (4th Cir. 1921), cert. denied, 257 U.S. 659 (1922); *The Annie Faxon*, 75 F. 312, 317–319 (9th Cir. 1896).

§ 30103. Liability of master, mate, engineer, and pilot

A person may bring a civil action against a master, mate, engineer, or pilot of a vessel, and recover damages, for personal injury or loss caused by the master's, mate's, engineer's, or pilot's—

(1) negligence or willful misconduct; or

(2) neglect or refusal to obey the laws governing the navigation of vessels.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1510.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30103	46 App.:491 (words after semicolon).	R.S. § 4493 (words after semicolon).

Before paragraph (1), the words ''bring a civil action'' are substituted for ''sue'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). In paragraph (1), the word ''carelessness'' is omitted as included in ''negligence''.

§ 30104. Personal injury to or death of seamen

A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may elect to bring a civil action at law, with the right of trial by jury, against the employer. Laws of the United States regulating recovery for personal injury to, or death of, a railway employee apply to an action under this section.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1510; Pub. L. 110–181, div. C, title XXXV, § 3521(a), Jan. 28, 2008, 122 Stat. 596.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30104(a)	46 App.:688(a) (1st sentence).	Mar. 4, 1915, ch. 153, § 20(a), 38 Stat. 1185; June 5, 1920, ch. 250, § 33, 41 Stat. 1007; Pub. L. 97–389, title V, § 503(a)(1), Dec. 29, 1982, 96 Stat. 1955.
30104(b)	46 App.:688(a) (last sentence).	

In subsection (a), the words ''A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman'' are substituted for ''Any seaman who shall suffer personal injury in the course of his employment'' and ''in case of the death of any seaman as a result of any such personal injury the personal representative'' to eliminate unnecessary words. The words ''bring a civil action'' are substituted for ''maintain an action'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''for damages'' are omitted as unnecessary. The words ''against the employer'' are added for clarity. The words ''Laws of the United States regulating recovery for personal injury to, or death of, a railway employee'' are substituted for ''all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees'' and ''all statutes of the United States conferring or regulating the right of action for death in the case of railway employees'' to eliminate unnecessary words.

In subsection (b), the words ''An action under this section shall be brought'' are substituted for ''Jurisdiction in such actions shall be under'' because 46 App. U.S.C. 688(a) (last sentence) provides for venue, not jurisdiction. *Panama R.R. Co. v. Johnson*, 264 U.S. 375 (1924). As to the relationship between 46 App. U.S.C. 688(a) (last sentence) and 28 U.S.C. 1391(c), see *Pure Oil Co. v. Suarez*, 384 U.S. 202 (1966).

AMENDMENTS

2008—Pub. L. 110–181 struck out subsec. (a) designation and heading before ''A seaman injured'' and struck out heading and text of subsec. (b). Text read as follows: ''An action under this section shall be brought in the judicial district in which the employer resides or the employer's principal office is located.''

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–181, div. C, title XXXV, § 3521(b), Jan. 28, 2008, 122 Stat. 596, provided that: ''The amendment made by subsection (a) [amending this section] shall be effective as if included in the enactment of Public Law 109–304.''

§ 30105. Restriction on recovery by non-citizens and non-resident aliens for incidents in waters of other countries

(a) DEFINITION.—In this section, the term ''continental shelf'' has the meaning given that term in article I of the 1958 Convention on the Continental Shelf.

(b) RESTRICTION.—Except as provided in subsection (c), a civil action for maintenance and cure or for damages for personal injury or death may not be brought under a maritime law of the United States if—

(1) the individual suffering the injury or death was not a citizen or permanent resident alien of the United States at the time of the incident giving rise to the action;

(2) the incident occurred in the territorial waters or waters overlaying the continental shelf of a country other than the United States; and

(3) the individual suffering the injury or death was employed at the time of the incident by a person engaged in the exploration, development, or production of offshore mineral or energy resources, including drilling, mapping, surveying, diving, pipelaying, maintaining, repairing, constructing, or transporting supplies, equipment, or personnel, but not including transporting those resources by a vessel constructed or adapted primarily to carry oil in bulk in the cargo spaces.

(c) NONAPPLICATION.—Subsection (b) does not apply if the individual bringing the action establishes that a remedy is not available under the laws of—

(1) the country asserting jurisdiction over the area in which the incident occurred; or

(2) the country in which the individual suffering the injury or death maintained citizenship or residency at the time of the incident.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1510.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30105(a)	46 App.:688(b)(1) (last sentence).	Mar. 4, 1915, ch. 153, § 20(b), as added Pub. L. 97–389, title V, § 503(a)(2), Dec. 29, 1982, 96 Stat. 1955.
30105(b)	46 App.:688(b)(1) (less last sentence).	
30105(c)	46 App.:688(b)(2).	

In subsection (b), before paragraph (1), the words ''civil action'' are substituted for ''action'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''under subsection (a) of this section or under any other'' are omitted as unnecessary. In paragraph (2), the words ''its territories, or possessions'' are omitted as unnecessary because of the definition of ''United States'' in chapter 1 of the revised title. In paragraph (3), the word ''person'' is substituted for ''enterprise'' for consistency in the revised title.

REFERENCES IN TEXT

The 1958 Convention on the Continental Shelf, referred to in subsec. (a), was done at Geneva, April 29, 1958, and entered into force for the United States, June 10, 1964. See 15 UST 471; TIAS 5578.

§ 30106. Time limit on bringing maritime action for personal injury or death

Except as otherwise provided by law, a civil action for damages for personal injury or death arising out of a maritime tort must be brought within 3 years after the cause of action arose.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30106	46 App.:763a.	Pub. L. 96–382, § 1, Oct. 6, 1980, 94 Stat. 1525.

The words ''civil action'' are substituted for ''suit'' for consistency with rule 2 of the Federal Rules or Civil Procedure (28 App. U.S.C.). The words ''or both'' are omitted as unnecessary. The words ''must be brought'' are substituted for ''shall not be maintained unless commenced'' for clarity and consistency. The word ''arose'' is substituted for ''accrued'' for consistency in the revised title.