CHAPTER 303—DEATH ON THE HIGH SEAS

Sec.
30301. Short title.
30302. Cause of action.
30303. Amount and apportionment of recovery.
30304. Contributory negligence.
30305. Death of plaintiff in pending action.
30306. Foreign cause of action.
30307. Commercial aviation accidents.
30308. Nonapplication.

§ 30301. Short title

This chapter may be cited as the ''Death on the High Seas Act''.

(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)*
30301	46 App.:761 note.	

SHORT TITLE

Act Mar. 30, 1920, ch. 111, 41 Stat. 537, which enacted chapter 21 (§ 761 et seq.) of the former Appendix to this title, was popularly known as the ''Death on the High Seas Act'', prior to being repealed and restated in this chapter by Pub. L. 109–304, §§ 6(c), 19, Oct. 6, 2006, 120 Stat. 1509, 1710.

§ 30302. Cause of action

When the death of an individual is caused by wrongful act, neglect, or default occurring on the high seas beyond 3 nautical miles from the shore of the United States, the personal representative of the decedent may bring a civil action in admiralty against the person or vessel responsible. The action shall be for the exclusive benefit of the decedent's spouse, parent, child, or dependent relative.

(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)*
30302	46 App.:761(a).	Mar. 30, 1920, ch. 111, § 1(a), 41 Stat. 537; Pub. L. 106–181, title IV, § 404(a)(1), Apr. 5, 2000, 114 Stat. 131.

The words ''Subject to subsection (b) of this section'' are omitted as unnecessary. The words ''3 nautical miles'' are substituted for ''a marine league'' for clarity. The words ''United States'' are substituted for ''any State, or the District of Columbia, or the Territories or dependencies of the United States'' because of the definition of ''United States'' in chapter 1 of the revised title. The words ''bring a civil action'' are substituted for ''maintain a suit'' 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 ''in the district courts of the United States'' are omitted as unnecessary because of 28 U.S.C. 1333. The words ''person or vessel'' are substituted for ''vessel, person, or corporation'' because of 1 U.S.C. 1. The word ''responsible'' is substituted for ''which would have been liable if death had not ensued'' to eliminate unnecessary words.

§ 30303. Amount and apportionment of recovery

The recovery in an action under this chapter shall be a fair compensation for the pecuniary loss sustained by the individuals for whose benefit the action is brought. The court shall apportion the recovery among those individuals in proportion to the loss each has sustained.

(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)*
30303	46 App.:762(a).	Mar. 30, 1920, ch. 111, § 2(a), 41 Stat. 537; Pub. L. 106–181, title IV, § 404(b)(1), Apr. 5, 2000, 114 Stat. 131.

The words ''and just'' are omitted as redundant to ''fair''. The words ''each has sustained'' are substituted for ''they may severally have suffered by reason of the death of the person by whose representative the suit is brought'' to eliminate unnecessary words.

§ 30304. Contributory negligence

In an action under this chapter, contributory negligence of the decedent is not a bar to recovery. The court shall consider the degree of negligence of the decedent and reduce the recovery accordingly.

(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)*
30304	46 App.:766.	Mar. 30, 1920, ch. 111, § 6, 41 Stat. 537.

§ 30305. Death of plaintiff in pending action

If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default, the personal representative of the decedent may be substituted as the plaintiff and the action may proceed under this chapter for the recovery authorized by this chapter.

(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)*
30305	46 App.:765.	Mar. 30, 1920, ch. 111, § 5, 41 Stat. 537.

The words ''If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default'' are substituted for ''If a person die [sic] as the result of such wrongful act, neglect, or default as is mentioned in section 761 of this Appendix during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default'' to eliminate unnecessary words. The words ''the plaintiff'' are substituted for ''a party'' to be more precise.

§ 30306. Foreign cause of action

When a cause of action exists under the law of a foreign country for death by wrongful act, neglect, or default on the high seas, a civil action in admiralty may be brought in a court of the United States based on the foreign cause of ac-