## CHAPTER 303—DEATH ON THE HIGH SEAS

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### § 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 of the former Appendix to this title, was popularly known as the ''Death on the High Seas Act'', prior to being repealed and restated in this chapter by Pub.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-

tion, without abatement of the amount for which recovery is authorized.

(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)* |
|---|---|---|
| 30306 ..... | 46 App.:764. | Mar. 30, 1920, ch. 111, § 4, 41 Stat. 537. |

The words ''a civil action in admiralty may be brought in a court of the United States based on the foreign cause of action'' are substituted for ''such right may be maintained in an appropriate action in admiralty in the courts of the United States'' for clarity and consistency. The words ''any statute of the United States to the contrary notwithstanding'' are omitted as unnecessary.

### § 30307. Commercial aviation accidents

(a) DEFINITION.—In this section, the term ''nonpecuniary damages'' means damages for loss of care, comfort, and companionship.

(b) BEYOND 12 NAUTICAL MILES.—In an action under this chapter, if the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of the United States, additional compensation is recoverable for nonpecuniary damages, but punitive damages are not recoverable.

(c) WITHIN 12 NAUTICAL MILES.—This chapter does not apply if the death resulted from a commercial aviation accident occurring on the high seas 12 nautical miles or less from the shore of the United States.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

| *Revised Section* | *Source (U.S. Code)* | *Source (Statutes at Large)* |
|---|---|---|
| 30307(a) ..... | 46 App.:762(b)(2). | Mar. 30, 1920, ch. 111, §§ 1(b), 2(b); as added Pub. L. 106–181, title IV, § 404(a)(2), (b)(2), Apr. 5, 2000, 114 Stat. 131. |
| 30307(b) ..... | 46 App.:762(b)(1). | |
| 30307(c) ..... | 46 App.:761(b). | |

In subsections (b) and (c), the words ''the 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.

In subsection (b), the words ''of a decedent'' are omitted as unnecessary.

In subsection (c), the words ''if the death resulted from a commercial aviation accident occurring on the high seas'' are substituted for ''In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas'' for consistency with subsection (b) and to eliminate unnecessary words. The words ''and the rules applicable under Federal, State, and other appropriate law shall apply'' are omitted as unnecessary.

### § 30308. Nonapplication

(a) STATE LAW.—This chapter does not affect the law of a State regulating the right to recover for death.

(b) INTERNAL WATERS.—This chapter does not apply to the Great Lakes or waters within the territorial limits of a State.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

| *Revised Section* | *Source (U.S. Code)* | *Source (Statutes at Large)* |
|---|---|---|
| 30308 ..... | 46 App.:767. | Mar. 30, 1920, ch. 111, § 7, 41 Stat. 538. |

In subsection (a), the words ''law of a State'' are substituted for ''any State statute'' for consistency in the revised title. The words ''regulating the right to recover for death'' are substituted for ''giving or regulating rights of action or remedies for death'' to eliminate unnecessary words.

In subsection (b), the words ''or to any navigable waters in the Panama Canal Zone'' are omitted because the Panama Canal Zone was transferred to the Republic of Panama.

## CHAPTER 305—EXONERATION AND LIMITATION OF LIABILITY

Sec.
30501. Definition.
30502. Application.
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30509. Provisions limiting liability for personal injury or death.
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30511. Action by owner for limitation.
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### § 30501. Definition

In this chapter, the term ''owner'' includes a charterer that mans, supplies, and navigates a vessel at the charterer's own expense or by the charterer's own procurement.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

| *Revised Section* | *Source (U.S. Code)* | *Source (Statutes at Large)* |
|---|---|---|
| 30501 ..... | 46 App.:186. | R.S. § 4286. |

The words ''In this chapter'' are substituted for ''within the meaning of the provisions of title 48 of the Revised Statutes relating to the limitation of the liability of the owners of vessels'' because of the codification of title 46, United States Code. The word ''supplies'' is substituted for ''victual'' for clarity. The words ''and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof'' are omitted as unnecessary.

### § 30502. Application

Except as otherwise provided, this chapter (except section 30503) applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)