required by a contract, the failure to give the notice is not a bar to recovery if—

(1) the court finds that the owner, master, or agent of the vessel had knowledge of the injury or death and the owner has not been prejudiced by the failure;

(2) the court finds there was a satisfactory reason why the notice could not have been given; or

(3) the owner of the vessel fails to object to the failure to give the notice.

(d) TOLLING OF PERIOD TO GIVE NOTICE.—If a claimant is a minor or mental incompetent, or if a claim is for wrongful death, any period provided by a contract for giving notice of the claim is tolled until the earlier of—

(1) the date a legal representative is appointed for the minor, incompetent, or decedent's estate; or

(2) 3 years after the injury or death.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1514.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30508(a)	46 App.:183(f) (related to 46 App.:183b).	R.S. § 4283(f) (related to R.S. § 4283A); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1480.
30508(b)	46 App.:183b(a).	R.S. § 4283A, as added Aug. 29, 1935, ch. 804, § 3, 49 Stat. 960.
30508(c)	46 App.:183b(b).	
30508(d)	46 App.:183b(c).	

For an explanation of subsection (a), see the revision notes for section 30506(a), where 46 App. U.S.C. 183(f) is also restated.

In subsection (b), before paragraph (1), the words ''sea-going vessel (other than tugs, barges, fishing vessels and their tenders)'' are omitted because of subsection (a) of this section. The word ''merchandise'' is omitted as covered by ''property''. The words ''between ports in the United States, or between a port in the United States and a port in a foreign country'' are substituted for ''from or between ports of the United States and foreign ports'' for clarity and for consistency with section 30509(a)(1) of the revised title. See *Burstein v. United States Lines Co.*, 43 F. Supp. 226 (S.D.N.Y. 1942), rev'd on other grounds, 134 F.2d 89 (2d Cir. 1943). The word ''rule'' is omitted as covered by ''regulation''. In paragraph (1), the words ''after the date of the injury or death'' are added for clarity and consistency with paragraph (2).

In subsection (c), before paragraph (1), the words ''When notice of a claim for personal injury or death is required by a contract, the failure to give the notice'' are substituted for ''Failure to give such notice, where lawfully prescribed in such contract'' for clarity. In paragraph (1), the words ''the court finds'' are stated at the beginning rather than the middle to be more precise. The word ''damage'' is omitted as unnecessary. In paragraph (2), the words ''the court finds there was a satisfactory reason'' are substituted for ''the court excuses such failure on the ground that for some satisfactory reason'' to eliminate unnecessary words.

In subsection (d), before paragraph (1), the word ''claimant'' is substituted for ''person who is entitled to recover on any such claim'' to eliminate unnecessary words. The word ''lawful'' is omitted as unnecessary. The words ''is tolled until'' are substituted for ''shall not be applicable so long as'' and ''but shall be applicable from'' for clarity and to eliminate unnecessary words.

§ 30509. Provisions limiting liability for personal injury or death

(a) PROHIBITION.—

(1) IN GENERAL.—The owner, master, manager, or agent of a vessel transporting passengers between ports in the United States, or between a port in the United States and a port in a foreign country, may not include in a regulation or contract a provision limiting—

(A) the liability of the owner, master, or agent for personal injury or death caused by the negligence or fault of the owner or the owner's employees or agents; or

(B) the right of a claimant for personal injury or death to a trial by court of competent jurisdiction.

(2) VOIDNESS.—A provision described in paragraph (1) is void.

(b) EMOTIONAL DISTRESS, MENTAL SUFFERING, AND PSYCHOLOGICAL INJURY.—

(1) IN GENERAL.—Subsection (a) does not prohibit a provision in a contract or in ticket conditions of carriage with a passenger that relieves an owner, master, manager, agent, operator, or crewmember of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as the provision does not limit such liability when the emotional distress, mental suffering, or psychological injury is—

(A) the result of physical injury to the claimant caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator;

(B) the result of the claimant having been at actual risk of physical injury, and the risk was caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator; or

(C) intentionally inflicted by a crewmember or the owner, master, manager, agent, or operator.

(2) SEXUAL OFFENSES.—This subsection does not limit the liability of a crewmember or the owner, master, manager, agent, or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1514.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30509	46 App.:183c.	R.S. § 4283B, as added June 5, 1936, ch. 521, § 2, 49 Stat. 1480; Oct. 19, 1996, Pub. L. 104–324, § 1129(b), 110 Stat. 3984.

In subsection (a)(1), before subparagraph (A), the words ''may not'' are substituted for ''It shall be unlawful'' for consistency in the revised title and with other titles of the United States Code. The words ''rule'' and ''agreement'' are omitted as covered by ''regulation'' and ''contract'', respectively. The words ''a provision limiting'' are substituted for ''any provision or limitation (1) purporting . . . to relieve . . . , or (2) purporting . . . to lessen, weaken, or avoid'' to eliminate unnecessary words. In subparagraph (A), the words ''the owner's employees or agents'' are substituted for ''his servants'' for consistency in the revised title. In subparagraph (B), the words ''on the question of liability for such loss or injury, or the measure of damages therefor'' are omitted as unnecessary.

Subsection (b)(2) is substituted for 46 App. U.S.C. 183c (last sentence) for consistency and to eliminate unnecessary words.

§ 30510. Vicarious liability for medical malpractice with regard to crew

In a civil action by any person in which the owner or operator of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, the owner, operator, or employer is entitled to rely on any statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1515.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30510	46 App.:183(g).	R.S. § 4283(g); Pub. L. 104–324, § 1129(a), Oct. 19, 1996, 110 Stat. 3984.

The words ''civil action'' are substituted for ''suit'' for consistency in the revised title. The words ''is entitled to rely on any statutory'' are substituted for ''shall be entitled to rely upon any and all statutory'' to eliminate unnecessary words.

§ 30511. Action by owner for limitation

(a) IN GENERAL.—The owner of a vessel may bring a civil action in a district court of the United States for limitation of liability under this chapter. The action must be brought within 6 months after a claimant gives the owner written notice of a claim.

(b) CREATION OF FUND.—When the action is brought, the owner (at the owner's option) shall—

(1) deposit with the court, for the benefit of claimants—

(A) an amount equal to the value of the owner's interest in the vessel and pending freight, or approved security; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter; or

(2) transfer to a trustee appointed by the court, for the benefit of claimants—

(A) the owner's interest in the vessel and pending freight; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter.

(c) CESSATION OF OTHER ACTIONS.—When an action has been brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question shall cease.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1515.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30511	46 App.:185.	R.S. § 4285; June 5, 1936, ch. 521, § 3, 49 Stat. 1480.

In subsection (a), the words ''bring a civil action . . . in a district court of the United States'' are substituted for ''petition a district court of the United States'' for consistency in the revised title and with other titles of the United States Code. See rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''of competent jurisdiction'' are omitted as unnecessary.

In subsection (b), the word ''pending'' before ''freight'' is added for consistency in the chapter. The words ''to carry out this chapter'' are substituted for ''to carry out the provisions of section 183 of this Appendix'' because of the reorganization of the source provisions.

§ 30512. Liability as master, officer, or seaman not affected

This chapter does not affect the liability of an individual as a master, officer, or seaman, even though the individual is also an owner of the vessel.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1516.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30512	46 App.:187.	R.S. § 4287.

This section is substituted for the source provision for consistency with the restatement of 46 App. U.S.C. 183(a) and 189 in section 30505 and to eliminate unnecessary words. The reference in the source to particular sections is extended to include the entire chapter to simplify the reference and to conform to the obvious original policy and intent of the source provision.

CHAPTER 307—LIABILITY OF WATER CARRIERS

Sec.
30701. Definition.
30702. Application.
30703. Bills of lading.
30704. Loading, stowage, custody, care, and delivery.
30705. Seaworthiness.
30706. Defenses.
30707. Criminal penalty.

§ 30701. Definition

In this chapter, the term ''carrier'' means the owner, manager, charterer, agent, or master of a vessel.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1516.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30701	(no source).	

This chapter codifies the Act of February 13, 1893 (ch. 105, 27 Stat. 445) (commonly known as the Harter Act). Changes are made to simplify, clarify, and modernize the language and style, but the intent is that these changes should not result in changes in substance.

A definition of ''carrier'' is added based on language appearing in various provisions of the Harter Act. The definition avoids the need to repeat in various sections of this chapter the list of persons to whom the requirements and restrictions of this chapter apply, and it ensures that the list of persons is consistent in the chapter.

CARRIAGE OF GOODS BY SEA ACT

Act Apr. 16, 1936, ch. 229, 49 Stat. 1207, as amended by Pub. L. 97–31, § 12(146), Aug. 6, 1981, 95 Stat. 166, provided:

''That every bill of lading or similar document of title which is evidence of a contract for the carriage of