

has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith.

(June 19, 1934, ch. 652, title III, § 361, formerly § 359, as added May 20, 1937, ch. 229, § 10(b), 50 Stat. 195; renumbered § 361 and amended Aug. 13, 1954, ch. 729, § 2(a)(1), (f), 68 Stat. 706, 707; Pub. L. 89-121, § 10, Aug. 13, 1965, 79 Stat. 516.)

REFERENCES IN TEXT

This part, referred to in subsec. (b), commences with section 351 of this title.

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-121 substituted "Cargo ship safety radio telegraphy certificates, cargo ship safety radiotelephony certificates, and exemption certificates with respect to radio particulars shall be issued" for "Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates, as prescribed by the said Convention, and Exemption Certificates issued in lieu of such certificates, shall be issued."

1954—Act Aug. 13, 1954, § 2(a)(1), amended credit to section by changing section number from "359" to "361" of act June 19, 1934.

Subsec. (b). Act Aug. 13, 1954, § 2(f), amended subsection generally to provide, among other changes, that certificates of compliance be issued "upon request to any vessel" and to provide that safety radiotelegraph certificates and safety radiotelephony certificates and certain exemption certificates be issued by the Federal Communications Commission.

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Coast Guard transferred to Department of Transportation, and functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of all other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

§ 360. Station licenses; inspection of equipment by Commission

(a) In addition to any other provisions required to be included in a radio station license, the station license of each ship of the United States subject to this subchapter shall include particulars with reference to the items specifically required by this subchapter.

(b) Every ship of the United States that is subject to this part shall have the equipment and

apparatus prescribed therein inspected at least once each year by the Commission or an entity designated by the Commission. If, after such inspection, the Commission is satisfied that all relevant provisions of this chapter and the station license have been complied with, the fact shall be so certified on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as the Commission determines may be necessary to ensure compliance with the requirements of this chapter. The Commission may, upon a finding that the public interest could be served there—

(1) waive the annual inspection required under this section for a period of up to 90 days for the sole purpose of enabling a vessel to complete its voyage and proceed to a port in the United States where an inspection can be held; or

(2) waive the annual inspection required under this section for a vessel that is in compliance with the radio provisions of the Safety Convention and that is operating solely in waters beyond the jurisdiction of the United States: *Provided*, That such inspection shall be performed within 30 days of such vessel's return to the United States.

(June 19, 1934, ch. 652, title III, § 362, formerly § 360, as added May 20, 1937, ch. 229, § 10(b), 50 Stat. 196; renumbered § 362, Aug. 13, 1954, ch. 729, § 2(a)(1), 68 Stat. 706; amended Pub. L. 87-811, Oct. 15, 1962, 76 Stat. 922; Pub. L. 104-104, title IV, § 403(n), Feb. 8, 1996, 110 Stat. 132.)

REFERENCES IN TEXT

This part, referred to in subsec. (b), commences with section 351 of this title.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-104 amended subsec. (b) generally, revising structure of subsec. so as to contain 2 pars. and adding provisions relating to inspection by an entity designated by Commission, waiver of inspection for up to 90 days, and waiver for vessels in compliance with radio provisions of Safety Convention that are outside the jurisdiction of the United States.

1962—Subsec. (b). Pub. L. 87-811 empowered the Commission to waive the annual inspection from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held, and limiting such waiver to not more than a period of 30 days.

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

§ 361. Control by Commission; review of decisions

Nothing in this subchapter shall be interpreted as lessening in any degree the control of the Commission over all matters connected with the radio equipment and its operation on shipboard and its decision and determination in regard to the radio requirements, installations, or exemptions from prescribed radio requirements shall be final, subject only to review in accordance with law.

(June 19, 1934, ch. 652, title III, § 363, formerly § 361, as added May 20, 1937, ch. 229, § 10(b), 50

Stat. 196; renumbered § 363, Aug. 13, 1954, ch. 729, §2(a)(1), 68 Stat. 706.)

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

§ 362. Forfeitures; recovery

The following forfeitures shall apply to this part, in addition to the penalties and forfeitures provided by subchapter V of this chapter:

(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, shall forfeit to the United States the sum of \$5,000, recoverable by way of suit or libel. Each such departure or attempted departure, and in the case of a ship of the United States each day during which such navigation occurs shall constitute a separate offense.

(b) Every willful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of this chapter or the rules and regulations of the Commission as to equipment, operators, watches, or radio service shall cause him to forfeit to the United States the sum of \$1,000.

(June 19, 1934, ch. 652, title III, §364, formerly §362, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 196; renumbered §364, Aug. 13, 1954, ch. 729, §2(a)(1), 68 Stat. 706; amended Pub. L. 101-239, title III, §3002(g), Dec. 19, 1989, 103 Stat. 2131.)

REFERENCES IN TEXT

This part, referred to in text, commences with section 351 of this title.

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-239, §3002(g)(1), substituted “\$5,000” for “\$500”.

Subsec. (b). Pub. L. 101-239, §3002(g)(2), substituted “\$1,000” for “\$100”.

EFFECTIVE DATE

Section effective May 20, 1937, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

§ 363. Automated ship distress and safety systems

Notwithstanding any provision of this chapter or any other provision of law or regulation, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators. This section shall take effect for each vessel upon a determination by the United States Coast Guard that such vessel has the equipment required to implement the Global Maritime Distress and Safety System installed and operating in good working condition.

(June 19, 1934, ch. 652, title III, §365, as added Pub. L. 104-104, title II, §206, Feb. 8, 1996, 110 Stat. 114.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PART III—RADIO INSTALLATIONS ON VESSELS
CARRYING PASSENGERS FOR HIRE

§ 381. Vessels transporting more than six passengers for hire required to be equipped with radiotelephone

Except as provided in section 382 of this title, it shall be unlawful for any vessel of the United States, transporting more than six passengers for hire, to be navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, unless such vessel is equipped with an efficient radiotelephone installation in operating condition.

(June 19, 1934, ch. 652, title III, §381, as added Aug. 6, 1956, ch. 973, §1, 70 Stat. 1047; amended Pub. L. 103-414, title III, §303(a)(20)(A), Oct. 25, 1994, 108 Stat. 4295.)

AMENDMENTS

1994—Pub. L. 103-414 inserted section catchline.

EFFECTIVE DATE

Section 4 of act Aug. 6, 1956, provided that: “The amendments made herein [enacting this part and amending sections 153 and 504 of this title] shall take effect March 1, 1957.”

§ 382. Vessels excepted from radiotelephone requirement

The provisions of this part shall not apply to—

(1) vessels which are equipped with a radio installation in accordance with the provisions of part II of this subchapter, or in accordance with the radio requirements of the Safety Convention; and

(2) vessels of the United States belonging to and operated by the Government, and

(3) vessels navigating on the Great Lakes.

(June 19, 1934, ch. 652, title III, §382, as added Aug. 6, 1956, ch. 973, §1, 70 Stat. 1048; amended Pub. L. 103-414, title III, §303(a)(20)(B), Oct. 25, 1994, 108 Stat. 4295; Pub. L. 104-104, title IV, §403(h)(2), Feb. 8, 1996, 110 Stat. 131.)

REFERENCES IN TEXT

Part II of this subchapter, referred to in par. (1), is classified to section 351 et seq. of this title.

AMENDMENTS

1996—Par. (2). Pub. L. 104-104 struck out “except a vessel of the United States Maritime Administration, the Inland and Coastwise Waterways Service, or the Panama Canal Company,” after “the Government,”.

1994—Pub. L. 103-414 inserted section catchline.

EFFECTIVE DATE

Section effective Mar. 1, 1957, see section 4 of act Aug. 6, 1956, set out as a note under section 381 of this title.