in rem, for all expenses that the United States incurs in removing an abandoned barge under this chapter.

(c)(1) The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned barge.

(2) After solicitation under paragraph (1) the Secretary may award a contract. The contract—

(A) may be subject to the condition that the barge and all property on the barge is the property of the barge removal contractor; and

(B) must require the barge removal contractor to submit to the Secretary a plan for the removal.

(3) Removal of an abandoned barge may begin thirty days after the Secretary completes the procedures under subsection (a)(1).

(Added Pub. L. 102–587, title V, § 5302, Nov. 4, 1992, 106 Stat. 5082.)

§ 4705. Liability of barge removal contractors

(a) A barge removal contractor and its subcontractor are not liable for damages that result from actions taken or omitted to be taken in the course of removing a barge under this chapter.

(b) Subsection (a) does not apply—

(1) with respect to personal injury or wrongful death; or

(2) if the contractor or subcontractor is grossly negligent or engages in willful misconduct.

(Added Pub. L. 102–587, title V, § 5302, Nov. 4, 1992, 106 Stat. 5083; amended Pub. L. 109–304, § 15(19), Oct. 6, 2006, 120 Stat. 1703.)

AMENDMENTS

2006—Pub. L. 109–304 in subsec. (a) struck out par. (1) designation before ''A barge removal'' and substituted ''subcontractor are not'' for ''subcontractor not'', redesignated par. (2) as subsec. (b) and subpars. (A) and (B) of former par. (2) as pars. (1) and (2) of subsec. (b), respectively, and substituted ''Subsection (a)'' for ''Paragraph (1)''.

PART C—LOAD LINES OF VESSELS

HISTORICAL AND REVISION NOTES

Part C contains provisions that apply to load lines. A load line is a mark drawn on a vessel that indicates whether a vessel is overloaded. Load line requirements for international voyages are based not only on domestic law but also the 1966 International Load Line Convention.

CHAPTER 51—LOAD LINES

Sec.
5101. Definitions.
5102. Application.
5103. Load line requirements.
5104. Assignment of load lines.
5105. Load line surveys.
5106. Load line certificate.
5107. Delegation of authority.
5108. Special exemptions.
5109. Reciprocity for foreign vessels.
5110. Submersible vessels.
5111. Providing loading information.
5112. Loading restrictions.
5113. Detention of vessels.
5114. Use of Customs Service officers and employees for enforcement.
[5115. Repealed.]
5116. Penalties.

HISTORICAL AND REVISION NOTES

Chapter 51 provides for the assignment of load lines and issuance of load line certificates to vessels, and requires that certain classes of vessels be marked with load lines.

AMENDMENTS

1990—Pub. L. 101–595, title VI, § 603(5)(B), Nov. 16, 1990, 104 Stat. 2993, struck out item 5115 ''Regulations''.

§ 5101. Definitions

In this chapter—

(1) ''domestic voyage'' means movement of a vessel between places in, or subject to the jurisdiction of, the United States, except movement between—

(A) a place in a territory or possession of the United States or the Trust Territory of the Pacific Islands; and

(B) a place outside that territory, possession, or Trust Territory.

(2) ''economic benefit of the overloading'' means the amount obtained by multiplying the weight of the overload (in tons) by the lesser of—

(A) the average freight rate value of a ton of the vessel's cargo for the voyage; or

(B) $50.

(3) ''existing vessel'' means—

(A) a vessel on a domestic voyage, the keel of which was laid, or that was at a similar stage of construction, before January 1, 1986; and

(B) a vessel on a foreign voyage, the keel of which was laid, or that was at a similar stage of construction, before July 21, 1968.

(4) ''freeboard'' means the distance from the mark of the load line assigned under this chapter to the freeboard deck.

(5) ''freeboard deck'' means the deck or other structure the Secretary prescribes by regulation.

(6) ''minimum safe freeboard'' means the freeboard that the Secretary decides cannot be reduced safely without limiting the operation of the vessel.

(7) ''weight of the overload'' means the amount obtained by multiplying the number of inches that the vessel is submerged below the applicable assigned freeboard by the tons-an-inch immersion factor for the vessel at the assigned minimum safe freeboard.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1913.)

HISTORICAL AND REVISION NOTES

Revised section 5101

Source: Section (U.S. Code) 46 App. U.S.C. 86a.

Section 5101 contains definitions that are limited to Chapter 51—Load Lines. Existing Section 46 App. U.S.C. 86a (which defines only the terms ''new ship'' and ''existing ship'') will be replaced by section 5101. Definitions of technical terms (''freeboard'', ''freeboard deck'', and ''minimum safe freeboard'') have been added for clarity. The definition of the term ''new ship'' has been deleted because the term is not used in Chapter 51. The definition of ''domestic voyage'' includes the