papers, silks, furs, lace, and similar items of high value and small size.

(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)*
30503	46 App.:181.	R.S. § 4281.

In subsection (a), the words ''load'' and ''loading'' are substituted for ''lade'' and ''lading'' to use more common terminology. The words ''person receiving the item'' are substituted for ''master, clerk, agent, or owner of such vessel receiving the same'' to eliminate unnecessary words. The words ''thereof in any form or manner'' and ''and according to the character thereof so notified and'' are omitted as unnecessary.

In subsection (b), the words ''precious metals'' are substituted for ''platina, gold, gold dust, silver, . . . or other precious metals, . . . gold or silver in a manufactured or unmanufactured state'', the words ''precious stones'' are substituted for ''diamonds, or other precious stones'', the words ''watches, clocks'' are substituted for ''watches, clocks, or timepieces of any description'', the words ''coins, bills, securities'' are substituted for ''bullion, . . . coins, . . . bills of any bank or public body, . . . orders, notes, or securities for the payment of money'', the word ''papers'' is substituted for ''writings, title deeds'', and the word ''silks'' is substituted for ''silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material'', to eliminate unnecessary words. The words ''and similar items of high value and small size'' are added to ensure that any of the items specifically named in the source but omitted in the revised section, or similar items, will be covered by this section.

§ 30504. Loss by fire

The owner of a vessel is not liable for loss or damage to merchandise on the vessel caused by a fire on the vessel unless the fire resulted from the design or neglect of the owner.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30504	46 App.:182.	R.S. § 4282.

The words ''liable for'' are substituted for ''liable to answer for or make good to any person'', the words ''merchandise on the vessel'' are substituted for ''any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel'', and the words ''caused by a fire on the vessel'' are substituted for ''by reason or by means of any fire happening to or on board the vessel'', to eliminate unnecessary words.

§ 30505. General limit of liability

(a) IN GENERAL.—Except as provided in section 30506 of this title, the liability of the owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner's proportionate interest in the vessel and pending freight.

(b) CLAIMS SUBJECT TO LIMITATION.—Unless otherwise excluded by law, claims, debts, and liabilities subject to limitation under subsection (a) are those arising from any embezzlement, loss, or destruction of any property, goods, or merchandise shipped or put on board the vessel, any loss, damage, or injury by collision, or any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of the owner.

(c) WAGES.—Subsection (a) does not apply to a claim for wages.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30505	46 App.:183(a).	R.S. § 4283(a); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479.
	46 App.:189	June 26, 1884, ch. 121, § 18, 23 Stat. 57.

In subsection (a), the words ''Except as provided in section 30506 of this title'' are substituted for ''except in the cases provided for in subsection (b) of this section'' because 46 App. U.S.C. 183(b) is restated in section 30506 of the revised title. The words ''whether American or foreign'' are omitted as unnecessary because of section 30502 of the revised title. The words ''shall not exceed the value of the vessel and pending freight'' are substituted for ''shall not . . . exceed the amount or value of . . . such vessel, and her freight then pending'' in 46 App. U.S.C. 183(a) and for ''the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending'' in 46 App. U.S.C. 189 for consistency and to eliminate unnecessary words. The last sentence is substituted for ''the interest of such owner in'' in 46 App. U.S.C. 183(a) and for ''The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole'' in 46 App. U.S.C. 189 for clarity and consistency. The words ''*Provided*, That this provision shall not prevent any claimant from joining all the owners in one action'' in 46 App. U.S.C. 189 are omitted as unnecessary.

Subsection (c) is substituted for ''nor shall the same apply to wages due to persons employed by said shipowners'' in 46 App. U.S.C. 189 because of the reorganization of the source provisions.

§ 30506. Limit of liability for personal injury or death

(a) APPLICATION.—This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or nondescript vessels.

(b) MINIMUM LIABILITY.—If the amount of the vessel owner's liability determined under section 30505 of this title is insufficient to pay all losses in full, and the portion available to pay claims for personal injury or death is less than $420 times the tonnage of the vessel, that portion shall be increased to $420 times the tonnage of the vessel. That portion may be used only to pay claims for personal injury or death.

(c) CALCULATION OF TONNAGE.—Under subsection (b), the tonnage of a self-propelled vessel is the gross tonnage without deduction for engine room, and the tonnage of a sailing vessel is the tonnage for documentation. However, space for the use of seamen is excluded.

(d) CLAIMS ARISING ON DISTINCT OCCASIONS.—Separate limits of liability apply to claims for personal injury or death arising on distinct occasions.

(e) PRIVITY OR KNOWLEDGE.—In a claim for personal injury or death, the privity or knowledge of the master or the owner's superintendent or managing agent, at or before the beginning of each voyage, is imputed to the owner.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30506(a)	46 App.:183(f) (related to 46 App.:183(b)–(e)).	
30506(b)	46 App.:183(b) (1st sentence).	R.S. § 4283(b) (1st sentence); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479; Pub. L. 98–498, title II, § 213(a), Oct. 19, 1984, 98 Stat. 2306.
30506(c)	46 App.:183(c).	R.S. § 4283(c)–(f) (related to R.S. § 4283(b)–(e)); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1480.
30506(d)	46 App.:183(d).	
30506(e)	46 App.:183(e).	

Subsection (a) is written as an application provision rather than as a definition to be more direct and to avoid having to repeat the word ''seagoing'' throughout the section. The words ''fishing vessel, fish tender vessel'' are substituted for ''fishing vessels or their tenders'' for clarity. The words ''nondescript vessel'' are substituted for ''nondescript self-propelled vessels'' and ''nondescript non-self-propelled vessels'' to eliminate unnecessary words. The words ''self-propelled lighters'' are omitted as covered by ''lighter''. The words ''even though the same may be seagoing vessels within the meaning of such term as used in section 188 of this Appendix, as amended'' are omitted as unnecessary. This provision is restated also at section 30508(a) of the revised title.

In subsection (b), the words ''is such that the portion available to pay claims for personal injury or death'' are substituted for ''is insufficient to pay all losses in full, and the portion of such amount applicable to the payment of losses in respect of loss of life or bodily injury'' to eliminate unnecessary words.

In subsection (c), the words ''self-propelled vessel'' are substituted for ''steam or motor vessel'', and the words ''tonnage for documentation'' are substituted for ''registered tonnage'', for consistency in the revised title. The words ''space for the use of seamen'' are substituted for ''space occupied by seamen or apprentices and appropriated to their use'' to eliminate unnecessary words.

In subsection (d), the words ''Separate limits of liability apply'' are substituted for ''The owner . . . shall be liable . . . to the same extent as if no other loss of life or bodily injury had arisen'' to eliminate unnecessary words.

In subsection (e), the words ''the privity or knowledge . . . is imputed to the owner'' are substituted for ''shall be deemed conclusively the privity or knowledge of the owner'' for consistency and to eliminate unnecessary words.

§ 30507. Apportionment of losses

If the amounts determined under sections 30505 and 30506 of this title are insufficient to pay all claims—

(1) all claimants shall be paid in proportion to their respective losses out of the amount determined under section 30505 of this title; and

(2) personal injury and death claimants, if any, shall be paid an additional amount in proportion to their respective losses out of the additional amount determined under section 30506(b) of this title.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30507	46 App.:183(b) (last sentence).	R.S. § 4283(b) (last sentence); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479; Pub. L. 98–498, title II, § 213(a), Oct. 19, 1984, 98 Stat. 2306.
	46 App.:184.	R.S. § 4284; Feb. 27, 1877, ch. 69, § 1 (related to R.S. § 4284), 19 Stat. 251.

This section is substituted for 46 App. U.S.C. 183(b) (last sentence) and 184 (words before semicolon) for clarity and consistency and to eliminate unnecessary words. The text of 46 App. U.S.C. 184 (words after semicolon) is omitted as unnecessary. See G. Gilmore & C. Black, *The Law of Admiralty*, § 10–8 (2d ed. 1975).

§ 30508. Provisions requiring notice of claim or limiting time for bringing action

(a) APPLICATION.—This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or nondescript vessels.

(b) MINIMUM TIME LIMITS.—The owner, master, manager, or agent of a vessel transporting passengers or property between ports in the United States, or between a port in the United States and a port in a foreign country, may not limit by regulation, contract, or otherwise the period for—

(1) giving notice of, or filing a claim for, personal injury or death to less than 6 months after the date of the injury or death; or

(2) bringing a civil action for personal injury or death to less than one year after the date of the injury or death.

(c) EFFECT OF FAILURE TO GIVE NOTICE.—When notice of a claim for personal injury or death is 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.