HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2106	46:170(14) 46:216e(e) 46:390d 46:391a(14)(C) 46:436 46:462 46:481(c) 46:497 46:526*o* 46:672(j) 46:1484(b)

Section 2106 provides that when a vessel is made liable in rem the vessel may be libeled and proceeded against in a United States district court.

AMENDMENTS

2006—Pub. L. 109–304 substituted ''the district court of the United States for any district'' for ''a district court of the United States''.

§ 2107. Civil penalty procedures

(a) After notice and an opportunity for a hearing, a person found by the Secretary to have violated this subtitle or subtitle VII or a regulation prescribed under this subtitle or subtitle VII for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty under this subtitle or subtitle VII until the assessment is referred to the Attorney General.

(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 506; Pub. L. 109–241, title III, § 306(b), July 11, 2006, 120 Stat. 528.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2107	33:364 46:7 46:65u 46:216e(d) 46:391a(14) 46:526*o* 46:526p 46:1484(c)

Section 2107 provides for standard procedures for the handling of civil penalties for infractions of law or regulation. Some changes were made to increase some antiquated and inadequate penalties.

The assessment of civil penalties under this section should not require an ''on the record'' hearing within the meaning of the Administrative Procedures Act (APA). It is intended that these civil penalties be assessed in a fair manner. However, the Committee recognizes that statutes passed in the last decade have involved the Coast Guard in tens of thousands of civil penalty enforcement cases and that it is necessary that the penalties be assessed efficiently. The Coast Guard's procedural regulations for assessing civil penalties ensure that the essential elements of due process, notice, and opportunity to be heard, are provided to alleged violators (see 33 CFR Subpart 1.07). The more rigid and time-consuming procedures applicable to APA adjudications are unwarranted in the case of Coast Guard civil penalty assessment procedures and would seriously hamper the orderly enforcement of these administrative penalties.

AMENDMENTS

2006—Pub. L. 109–241 substituted ''this subtitle or subtitle VII'' for ''this subtitle'' in two places in subsec. (a) and in one place in subsec. (b).

[§ 2108. Repealed. Pub. L. 109–304, § 15(5), Oct. 6, 2006, 120 Stat. 1702]

Section, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 507, related to refund of penalties unlawfully, improperly, or excessively imposed. See section 504 of this title.

§ 2109. Public vessels

Except as otherwise provided, this subtitle does not apply to a public vessel of the United States. However, this subtitle does apply to a vessel (except a Saint Lawrence Seaway Development Corporation vessel) owned or operated by the Department of Transportation or by any corporation organized or controlled by the Department.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 507; Pub. L. 99–509, title V, § 5102(b)(3), Oct. 21, 1986, 100 Stat. 1927; Pub. L. 109–241, title IX, § 902(e)(1), July 11, 2006, 120 Stat. 567; Pub. L. 111–281, title IX, § 903(a)(5)(A), Oct. 15, 2010, 124 Stat. 3010.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2109	46:362 46:363 46:391a(4)

Section 2109 exempts public vessels from the applicability of the maritime safety and seamen's welfare laws of this subtitle although some public vessels are inspected under interagency voluntary agreements.

AMENDMENTS

2010—Pub. L. 111–281 amended directory language of Pub. L. 109–241, § 902(e)(1). See 2006 Amendment note below.

2006—Pub. L. 109–241, § 902(e)(1), as amended by Pub. L. 111–281, struck out ''a Coast Guard or'' after ''(except''.

1986—Pub. L. 99–509 substituted ''Except as otherwise provided, this'' for ''This''.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–281, title IX, § 903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section 903(a)(5)(A) is effective with enactment of Pub. L. 109–241.

§ 2110. Fees

(a)(1) Except as otherwise provided in this title, the Secretary shall establish a fee or charge for a service or thing of value provided by the Secretary under this subtitle, in accordance with section 9701 of title 31.

(2) The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a non-self-propelled tank vessel under part B of this subtitle that is more than