(6) seagoing barges.
(7) seagoing motor vessels.
(8) small passenger vessels.
(9) steam vessels.
(10) tank vessels.
(11) fish processing vessels.
(12) fish tender vessels.
(13) Great Lakes barges.
(14) oil spill response vessels.
(15) towing vessels.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 510; Pub. L. 98–364, title IV, § 402(2), July 17, 1984, 98 Stat. 445; Pub. L. 102–587, title V, § 5208(b), Nov. 4, 1992, 106 Stat. 5076; Pub. L. 104–324, title XI, § 1104(g), Oct. 19, 1996, 110 Stat. 3967; Pub. L. 108–293, title IV, § 415(a), Aug. 9, 2004, 118 Stat. 1047.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3301(1)	46:391
	46:404
3301(2)	46:1295f(c)
3301(3)	46:404–1
3301(4)	46:390a
	46:391
3301(5)	46:390a
3301(6)	46:395
3301(7)	46:367
3301(8)	46:390a
3301(9)	46:362
	46:391
	46:405
3301(10)	46:391a

Section 3301 lists all classes of vessels that are subject to inspection and certification by the Coast Guard. This section represents one of the sought-after advantages of the bill to simplify access to the provisions of law governing the regulation of vessels. Under the present law, a vessel's inspection status must be determined by examining a table appearing at section 2.01–7A of title 46, Code of Federal Regulations that divides all vessels into more than 70 separate classes.

It is important to note that while the classes of vessels are now limited to ten, there is no prohibition against developing regulations to meet the special needs of various size vessels within any one category. For example, it is expected that the Coast Guard will continue the practice of establishing standards for freight vessels of not more than 100 gross tons and other standards for larger freight vessels.

It should also be noted that a particular vessel can, when engaged in various types of operations, be subject to varying inspection laws. For example, an offshore supply vessel could be classed as a small passenger vessel or a passenger vessel when it operates as a crew boat carrying individuals other than those defined in section 2101(21). If the offshore supply vessel is 500 gross tons and over it would then be subject to inspection as a seagoing motor vessel, a freight vessel, or a passenger vessel.

AMENDMENTS

2004—Par. (15). Pub. L. 108–293 added par. (15).
1996—Par. (14). Pub. L. 104–324 added par. (14).
1992—Par. (13). Pub. L. 102–587 added par. (13).
1984—Pars. (11), (12). Pub. L. 98–364 added pars. (11) and (12).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–587 effective Nov. 4, 1992, for Great Lakes barges placed in operation after Nov. 4, 1992, and effective one year after Nov. 4, 1992, for Great Lakes barges in operation on Nov. 4, 1992, with provision for interim safety requirements, see section 5208(c), (d) of Pub. L. 102–587, set out as a note under section 2101 of this title.

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98–89, set out as a note under section 3101 of this title.

PILOT PROGRAM

Pub. L. 105–383, title IV, § 412(b), Nov. 13, 1998, 112 Stat. 3432, provided that:

''(1) IN GENERAL.—The Secretary may establish a pilot program to exempt a vessel of at least 300 gross tons as measured under chapter 143 or chapter 145 of title 46, United States Code, from the requirement to be inspected under section 3301(7) of title 46, United States Code, as a seagoing motor vessel, if—

''(A) the vessel does not carry any cargo or passengers for hire;

''(B) the vessel does not engage in commercial service, commercial fisheries, or oceanographic research; and

''(C) the vessel does not engage in towing.

''(2) EXPIRATION OF AUTHORITY.—The authority to grant the exemptions under this subsection expires 2 years after the date of the enactment of this Act [Nov. 13, 1998]. Any specific exemptions granted under this subsection shall nonetheless remain in effect.''

SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH STATE OF MINNESOTA

Pub. L. 104–324, title XI, § 1122, Oct. 19, 1996, 110 Stat. 3979, provided that:

''(a) IN GENERAL.—The Secretary may enter into an agreement with the State under which the State may inspect small passenger vessels operating in waters of that State designated by the Secretary, if—

''(1) the State plan for the inspection of small passenger vessels meets such requirements as the Secretary may require to ensure the safety and operation of such vessels in accordance with the standards that would apply if the Coast Guard were inspecting such vessels; and

''(2) the State will provide such information obtained through the inspection program to the Secretary annually in such form and in such detail as the Secretary may require.

''(b) FEES.—The Secretary may adjust or waive the user fee imposed under section 3317 of title 46, United States Code, for the inspection of small passenger vessels inspected under the State program.

''(c) TERMINATION.—The authority provided by subsection (a) terminates on December 31, 1999.

''(d) DEFINITIONS.—For purposes of this section—

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

''(2) STATE.—The term 'State' means the State of Minnesota.

''(3) SMALL PASSENGER VESSEL.—The term 'small passenger vessel' means a small passenger vessel (as defined in section 2101(35) of title 46, United States Code) of not more than 40 feet overall in length.''

[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.]

§ 3302. Exemptions

(a) A vessel is not excluded from one category only because the vessel is—

(1) included in another category of section 3301 of this title; or

(2) excluded by this section from another category of section 3301 of this title.

(b) Except as provided in subsection (c)(3) of this section, a fishing vessel, including a vessel chartered part-time as a fish tender vessel, is exempt from section 3301(1), (7), (11), and (12) of this title.

(c)(1) Except as provided in paragraph (3) of this subsection, a fish processing vessel of not more than 5,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title is exempt from section 3301(1), (6), (7), (11), and (12) of this title.

(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.

(3)(A) A fishing vessel or fish processing vessel is exempt from section 3301(1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska if—

(i) that place does not receive weekly common carrier service by water from a place in the United States;

(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

(B) A fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title, which is qualified to engage in the Aleutian trade is exempt from section 3301(1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska outside the Aleutian trade geographic area if—

(i) that place does not receive weekly common carrier service by water from a place in the United States;

(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

(C) In this paragraph, the term ''proprietary cargo'' means cargo that—

(i) is used by the owner of the vessel or any affiliated entity or subsidiary in activities directly related to fishing or the processing of fish;

(ii) is consumed by employees of the owner of the vessel or any affiliated entity or subsidiary who are engaged in fishing or in the processing of fish; or

(iii) consists of fish or fish products harvested or processed by the owner of the vessel or any affiliated entity or subsidiary.

(D) Notwithstanding the restrictions in subparagraph (B) of this paragraph, vessels qualifying under subparagraph (B) may transport cargo (including fishery-related products) from a place in Alaska receiving weekly common carrier service by water to a final destination in Alaska not receiving weekly service by water from common carriers.

(4) A fish tender vessel is exempt from section 3301(1), (6), and (7) of this title when engaged in the Aleutian trade if the vessel—

(A) is not more than 500 gross tons as measured under section 14502 of this title, or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title;

(B) has an incline test performed by a marine surveyor; and

(C) has written stability instructions posted on board the vessel.

(d)(1) A motor vessel of less than 150 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, constructed before August 23, 1958, is not subject to inspection under section 3301(1) of this title if the vessel is owned or demise chartered to a cooperative or association that only transports cargo owned by at least one of its members on a nonprofit basis between places within the waters of—

(A) southeastern Alaska shoreward of the Boundary Line; or

(B) southeastern Alaska shoreward of the Boundary Line and—

(i) Prince Rupert, British Columbia; or

(ii) waters of Washington shoreward of the Boundary Line, via sheltered waters, as defined in article I of the treaty dated December 9, 1933, between the United States and Canada defining certain waters as sheltered waters.

(2) The transportation authorized under this subsection is limited to and from places not receiving annual weekly transportation service from any part of the United States by an established water common carrier. However, the limitation does not apply to transporting cargo of a character not accepted for transportation by that carrier.

(e) A vessel laid up, dismantled, or out of commission is exempt from inspection.

(f) Section 3301(4) and (8) of this title does not apply to an oceanographic research vessel because it is carrying scientific personnel.

(g)(1) Except when compliance with major structural or major equipment requirements is necessary to remove an especially hazardous condition, an offshore supply vessel is not subject to regulations or standards for those requirements if the vessel—

(A) was operating as an offshore supply vessel before January 2, 1979; or

(B) was contracted for before January 2, 1979, and entered into service as an offshore supply vessel before October 6, 1980.

(2) After December 31, 1988, this subsection does not apply to an offshore supply vessel that is at least 20 years of age.

(h) An offshore supply vessel operating on January 1, 1979, under a certificate of inspection is-

sued by the Secretary, is subject to an inspection standard or requirement only if the standard or requirement could have been prescribed for the vessel under authority existing under law on October 5, 1980.

(i)(1) The Secretary may issue a permit exempting a vessel from any part of the requirements of this part for vessels transporting cargo, including bulk fuel, from one place in Alaska to another place in Alaska only if the vessel—

(A) is not more than 300 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

(B) is in a condition that does not present an immediate threat to the safety of life or the environment; and

(C) was operating in the waters off Alaska as of June 1, 1976, or the vessel is a replacement for a vessel that was operating in the waters off Alaska as of June 1, 1976, if the vessel being replaced is no longer in service.

(2) Except in a situation declared to be an emergency by the Secretary, a vessel operating under a permit may not transport cargo to or from a place if the cargo could be transported by another commercial vessel that is reasonably available and that does not require exemptions to operate legally or if the cargo could be readily transported by overland routes.

(3) A permit may be issued for a specific voyage or for not more than one year. The permit may impose specific requirements about the amount or type of cargo to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters. The duration of the permit and restrictions contained in the permit shall be at the sole discretion of the Secretary.

(4) A designated Coast Guard official who has reason to believe that a vessel issued a permit is in a condition or is operated in a manner that creates an immediate threat to the safety of life or the environment or is operated in a manner that is inconsistent with the terms of the permit, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

(5) If a vessel issued a permit creates an immediate threat to the safety of life or the environment, or is operated in a manner inconsistent with the terms of the permit or the requirements of paragraph (2) of this subsection, the permit may be revoked. The owner, charterer, managing operator, agent, master, or individual in charge of a vessel issued a permit, that willfully permits the vessel to be operated, or operates, the vessel in a manner inconsistent with the terms of the permit, is liable to the United States Government for a civil penalty of not more than $1,000.

(j) Notwithstanding another provision of this chapter, the Secretary is not required to inspect or prescribe regulations for a nautical school vessel of not more than 15 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—

(1) when used in connection with a course of instruction dealing with any aspect of maritime education or study; and

(2) operated by—

(A) the United States Merchant Marine Academy; or

(B) a State maritime academy assisted under chapter 515 of this title.

(k) Only the boiler, engine, and other operating machinery of a steam vessel that is a recreational vessel of not more than 65 feet overall in length are subject to inspection under section 3301(9) of this title.

(*l*)(1) The Secretary may issue a permit exempting the following vessels from the requirements of this part for passenger vessels so long as the vessels are owned by nonprofit organizations and operated as nonprofit memorials to merchant mariners:

(A) The steamship John W. Brown (United States official number 242209), owned by Project Liberty Ship Baltimore, Incorporated, located in Baltimore, Maryland.

(B) The steamship Lane Victory (United States official number 248094), owned by the United States Merchant Marine Veterans of World War II, located in San Pedro, California.

(C) The steamship Jeremiah O'Brien (United States official number 243622), owned by the National Liberty Ship Memorial, Inc.

(D) The SS Red Oak Victory (United States official number 249410), owned by the Richmond Museum Association, located in Richmond, California.

(E) The SS American Victory (United States official number 248005), owned by Victory Ship, Inc., of Tampa, Florida.

(F) The LST–325, owned by USS LST Ship Memorial, Incorporated, located in Mobile, Alabama.

(2) The Secretary may issue a permit for a specific voyage or for not more than one year. The Secretary may impose specific requirements about the number of passengers to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters.

(3) A designated Coast Guard official who has reason to believe that a vessel operating under this subsection is in a condition or is operated in a manner that creates an immediate threat to life or the environment or is operated in a manner that is inconsistent with this section, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

(m) A seagoing barge is not subject to inspection under section 3301(6) of this title if the vessel is unmanned and does not carry—

(1) a hazardous material as cargo; or

(2) a flammable or combustible liquid, including oil, in bulk.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 510; Pub. L. 98–364, title IV, § 402(3), July 17, 1984, 98 Stat. 445; Pub. L. 99–307, § 1(3), (4), May 19, 1986, 100 Stat. 444; Pub. L. 101–595, title III, § 303(a), title VI, §§ 602(b), 603(2), Nov. 16, 1990, 104 Stat. 2983, 2990, 2993; Pub. L. 103–206, title III, § 311, Dec. 20, 1993, 107 Stat. 2426; Pub. L. 104–324, title VII, § 711,

title XI, § 1110, Oct. 19, 1996, 110 Stat. 3935, 3969; Pub. L. 106–65, div. C, title XXXVI, § 3604, Oct. 5, 1999, 113 Stat. 976; Pub. L. 107–295, title II, § 208, Nov. 25, 2002, 116 Stat. 2098; Pub. L. 109–241, title III, § 311, July 11, 2006, 120 Stat. 530; Pub. L. 109–304, § 15(11), Oct. 6, 2006, 120 Stat. 1703.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3302	46:367 46:390 46:391(e) 46:404 46:420 46:442

Section 3302 does three things. It makes clear that a vessel included in one of the ten categories of vessels subject to inspection is not necessarily excluded from another category of vessel that is subject to inspection. For example, a vessel inspected and certified as a small passenger vessel would, when carrying oil or hazardous materials in bulk as cargo or cargo residue, also have to be inspected as a tank vessel. It makes it clear that a vessel excluded by section 3302 from the requirements of inspection in any one of the ten categories is not necessarily excluded from inspection as a vessel in another category. This section also contains a number of exemptions for certain classes of vessels and for those vessels engaged in a specific trade that have been considered to be of a special circumstance.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–304, § 15(11)(A), inserted comma after ''fishing vessel''.

Subsec. (c)(2). Pub. L. 109–241, § 311(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''Except as provided in paragraphs (3) and (4) of this subsection, a fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title is exempt from section 3301(1), (6), (7), (11), and (12) of this title.''

Subsec. (c)(3)(B), (4)(A). Pub. L. 109–241, § 311(b), substituted ''or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title'' for ''or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

Subsec. (j)(2)(B). Pub. L. 109–304, § 15(11)(B), substituted ''chapter 515 of this title'' for ''section 1304 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c)''.

Subsec. (*l*)(1)(C). Pub. L. 109–304, § 15(11)(C), substituted ''Inc.'' for ''Inc..''.

2002—Subsec. (*l*)(1)(D) to (F). Pub. L. 107–295 added subpars. (D) to (F).

1999—Subsec. (*l*)(1)(C). Pub. L. 106–65 substituted ''owned by the National Liberty Ship Memorial, Inc.'' for ''owned by the United States Maritime Administration''.

1996—Subsec. (b). Pub. L. 104–324, § 1110(1), substituted ''Except as provided in subsection (c)(3) of this section, a fishing vessel'' for ''A fishing vessel,''.

Subsec. (c)(1). Pub. L. 104–324, §§ 711(1), 1110(2), substituted ''Except as provided in paragraph (3) of this subsection, a fish processing vessel'' for ''A fish processing vessel'' and inserted ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''5,000 gross tons''.

Subsec. (c)(2). Pub. L. 104–324, §§ 711(2), 1110(3), substituted ''Except as provided in paragraphs (3) and (4) of this subsection, a fish tender vessel'' for ''A fish tender vessel'' and inserted ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''500 gross tons''.

Subsec. (c)(3). Pub. L. 104–324, § 1110(4), amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''A fishing, fish processing, or fish tender vessel of not more than 500 gross tons is exempt from section 3301(1), (6), and (7) of this title if—

''(A) when transporting cargo to or from a place in Alaska—

''(i) that place does not receive weekly common carrier service by water from a place in the United States; or

''(ii) the cargo is of a type not accepted by that common carrier service; or

''(B) in the case of a fish tender vessel, the vessel is not engaged in the Aleutian trade.''

Subsec. (c)(4)(A). Pub. L. 104–324, § 711(3), inserted ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''500 gross tons''.

Subsec. (d)(1). Pub. L. 104–324, § 711(4), inserted ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''150 gross tons''.

Subsec. (i)(1)(A). Pub. L. 104–324, § 711(5), inserted ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''300 gross tons''.

Subsec. (j). Pub. L. 104–324, § 711(6), inserted ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''15 gross tons''.

1993—Subsec. (m). Pub. L. 103–206 added subsec. (m).

1990—Subsec. (c)(3), (4). Pub. L. 101–595, § 602(b), added pars. (3) and (4).

Subsec. (j)(2)(B). Pub. L. 101–595, § 603(2), substituted ''(46 App. U.S.C. 1295c)'' for ''(46 App. U.S.C. 1295(c))''.

Subsec. (*l*). Pub. L. 101–595, § 303(a), added subsec. (*l*).

1986—Subsec. (i)(5). Pub. L. 99–307, § 1(3), substituted ''charterer'' for ''charter''.

Subsec. (k). Pub. L. 99–307, § 1(4), added subsec. (k).

1984—Subsec. (b). Pub. L. 98–364 amended subsec. (b) generally, which prior to amendment read as follows: ''A motor vessel engaged in fishing as a regular business, including oystering, clamming, crabbing, or the kelp or sponge industry, is exempt from section 3301(1), (4), and (7) of this title.''

Subsec. (c). Pub. L. 98–364 amended subsec. (c) generally, which prior to amendment read as follows:

''(1) Before January 1, 1988, a motor vessel is exempt from section 3301(1), (4), and (7) of this title if the vessel is not more than 500 gross tons and—

''(A) is a cannery tender or a fishing tender in the salmon or crab fisheries of Alaska, Oregon, and Washington; and

''(B) only carries cargo to or from vessels in those fisheries or a facility used in processing or assembling fishery products, or transports cannery or fishing personnel to or from operating locations.

''(2) Before January 1, 1988, a vessel is exempt from section 3301(1), (4), (6), and (7) of this title if the vessel is not more than 5,000 gross tons and is used only in processing and assembling fishery products in the fisheries of Alaska, Oregon, and Washington.''

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 602(b) of Pub. L. 101–595 effective Nov. 16, 1990, except that requirements imposed by subsec. (c)(4)(B) and (C), effective six months after Nov. 16, 1990, see section 602(f) of Pub. L. 101–595, set out as a note under section 4502 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.

VESSELS REPAIRED OR RETROFITTED FOR MOBILE TRADE FAIR PURPOSES DEEMED OUT OF COMMISSION

Pub. L. 100–418, title X, § 10003(b), Aug. 23, 1988, 102 Stat. 1573, provided that: ''For one year after the date of enactment of this Act [Aug. 23, 1988], a vessel that is undergoing repair or retrofitting for use solely for mobile trade fair purposes is deemed to be out of commission under section 3302(e) of title 46, United States Code, during the repair or retrofitting.''

EXEMPTION OF CERTAIN FISHING AND FISH PROCESSING VESSELS

Pub. L. 98–364, title IV, § 403, July 17, 1984, 98 Stat. 450, as amended by Pub. L. 99–36, § 3, May 15, 1985, 99 Stat. 68; Pub. L. 101–225, title III, § 306, Dec. 12, 1989, 103 Stat. 1925, provided that:

''(a) Except as provided in chapter 37 of title 46, United States Code, and before January 1, 1991, a fishing, fish processing, or fish tender vessel, that is (1) not more than 500 gross tons and (2) in operation, or contracted for purchase to be used as a vessel of this type, before July 1, 1984, may transport cargo to or from a place in Alaska not receiving weekly transportation service from a port of the United States by an established water common carrier, except that the service limitation does not apply to transporting cargo of a type not accepted by that carrier.

''(b) A fish processing vessel entered into service before January 1, 1988, and more than 1,600 gross tons or entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products is exempt from section 8702(b) of title 46, United States Code, until 18 months after the date of enactment of this Act [July 17, 1984].

''(c) As used in subsections (a) and (b) of this section, the terms 'fishing vessel', 'fish processing vessel' and 'fish tender vessel' shall have the meaning given to such terms in section 2101 of title 46, United States Code.''

OFFSHORE SUPPLY VESSELS; TRANSITION PERIOD FOR COMPLIANCE WITH VESSEL INSPECTION PROVISIONS

Pub. L. 98–89, § 2(i), Aug. 26, 1983, 97 Stat. 599, provided that: ''Each offshore supply vessel described in section 3302(g) of title 46 (as enacted by section 1 of this Act), that was registered with the Secretary of Transportation under section 4426a(7) of the Revised Statutes [former 46 U.S.C. 404–1(7)] but that has not been inspected by the Secretary shall be held to be in compliance with all applicable vessel inspection laws pending verification by actual inspection or until one year after the date of enactment of this Act [Aug. 26, 1983], whichever is earlier.''

§ 3303. Reciprocity for foreign vessels

Except as provided in chapter 37 and section 3505 of this title, a foreign vessel of a country having inspection laws and standards similar to those of the United States and that has an unexpired certificate of inspection issued by proper authority of its respective country, is subject to an inspection to ensure that the condition of the vessel is as stated in its current certificate of inspection. A foreign country is considered to have inspection laws and standards similar to those of the United States when it is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party. A foreign certificate of inspection may be accepted as evidence of lawful inspection only when presented by a vessel of a country that has by its laws accorded to vessels of the United States visiting that country the same privileges accorded to vessels of that country visiting the United States.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 512; Pub. L. 102–587, title V, § 5210(a), Nov. 4, 1992, 106 Stat. 5076; Pub. L. 104–324, title XI, § 1111, Oct. 19, 1996, 110 Stat. 3970; Pub. L. 108–293, title IV, § 411(b), Aug. 9, 2004, 118 Stat. 1046.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
3303	46:362(a) 46:390c 46:391a(3)

Section 3303 acknowledges the international concept of comity with respect to recognizing inspection laws and standards for foreign flag vessels that are similar to those of the United States. If a foreign nation is signatory to the International Convention for Safety of Life at Sea, it is presumed to have similar standards. However, reciprocity requirements for foreign flag tank vessels are included in chapter 37. Subsection (b) provides for a mutual waiver of fees for the inspection of foreign vessels carrying passengers from the United States.

AMENDMENTS

2004—Pub. L. 108–293 inserted ''and section 3505'' after ''chapter 37''.

1996—Pub. L. 104–324 struck out subsec. (a) designation and subsec. (b) which read as follows: ''The Secretary shall collect and pay to the Treasury the same fees for the inspection of foreign vessels carrying passengers from the United States that a foreign country charges vessels of the United States trading to the ports of that country. The Secretary may waive at any time the collection of the fees on notice of the proper authorities of any country concerned that the collection of fees for the inspection of vessels of the United States has been discontinued.''

1992—Subsec. (a). Pub. L. 102–587, in first sentence, struck out ''only'' after ''is subject'' and substituted ''the condition of the vessel is'' for ''the condition of the vessel's propulsion equipment and lifesaving equipment are''.

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

§ 3304. Transporting individuals in addition to crew

(a) A documented vessel transporting cargo that transports not more than 12 individuals in addition to the crew on international voyages, or not more than 16 individuals in addition to the crew on other voyages, is not subject to inspection as a passenger vessel or a small passenger vessel if the vessel is otherwise subject to inspection under this chapter.

(b) Except when subsection (e) of this section applies, before an individual in addition to the crew is transported on a vessel as permitted by this section, the owner, charterer, managing operator, agent, master, or individual in charge of the vessel first shall notify the individual of the presence on board of dangerous articles as defined by law, and of other conditions or circum-