

AMENDMENTS

2006—Subsec. (f). Pub. L. 109-304 struck out period after “felony”.

1996—Subsec. (a). Pub. L. 104-324, §713(1), 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 “100 gross tons”.

Subsec. (b)(1). Pub. L. 104-324, §310, designated existing provisions as par. (1) and added par. (2).

Subsec. (j)(1). Pub. L. 104-324, §713(2), 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 “1,600 gross tons”.

1990—Subsec. (b). Pub. L. 101-380, §4302(b)(1), substituted “commits a class D felony” for “shall be fined not more than \$10,000, imprisoned for not more than 5 years, or both”.

Subsec. (c). Pub. L. 101-380, §4302(b)(2), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (d). Pub. L. 101-380, §4302(b)(3), substituted “commits a class D felony” for “shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both”.

Subsec. (e). Pub. L. 101-380, §4302(b)(4), substituted “commits a class A misdemeanor” for “shall be fined not more than \$10,000, imprisoned for not more than 2 years, or both”.

Subsec. (f). Pub. L. 101-380, §4302(b)(5), substituted “commits a class D felony.” for “shall be fined not less than \$1,000 but not more than \$10,000, and imprisoned for not less than 2 years but not more than 5 years.”.

1986—Subsec. (f). Pub. L. 99-307 in provision preceding par. (1) substituted “than” for “then” in two places.

1984—Subsec. (a). Pub. L. 98-498, §211(c)(1), substituted “Except as otherwise provided in this part, the” for “The” and “not more than \$5,000” for “\$1,000, except that when the violation involves operation of a barge, the penalty is \$500”.

Subsec. (c). Pub. L. 98-498, §211(c)(2), substituted “\$5,000” for “\$2,000”.

Subsec. (d). Pub. L. 98-498, §211(c)(3), substituted “\$5,000” for “\$2,000”.

Subsec. (e). Pub. L. 98-498, §211(c)(4), substituted “\$10,000” for “\$2,000”.

Subsec. (f). Pub. L. 98-498, §211(c)(5), substituted “\$10,000” for “\$5,000”.

Subsec. (g). Pub. L. 98-498, §211(c)(6), substituted “is liable to the Government for a civil penalty of not more than \$5,000” for “shall be fined not more than \$10,000, imprisoned for not more than one year, or both”.

Subsec. (h). Pub. L. 98-498, §211(c)(7), substituted “Government for a civil penalty of not more than \$1,000.” for “United States Government for a civil penalty of not more than \$500.”

Subsecs. (i) to (l). Pub. L. 98-498, §211(c)(8), added subsecs. (i) to (l).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 35—CARRIAGE OF PASSENGERS

- Sec. 3501. Number of passengers.
- 3502. List or count of passengers.
- 3503. Fire-retardant materials.
- 3504. Notification to passengers.
- 3505. Prevention of departure.
- 3506. Copies of laws.
- 3507. Passenger vessel security and safety requirements<sup>1</sup>

<sup>1</sup> So in original. Probably should be followed by a period.

- Sec. 3508. Crime scene preservation training for passenger vessel crewmembers<sup>1</sup>

HISTORICAL AND REVISION NOTES

Chapter 35 consolidates the laws that have specific application to the carriage of passengers. They provide special provisions for listing and counting the number of passengers on board a vessel, for notifying the general public of the safety standards that are applicable, and for related control measures.

AMENDMENTS

2010—Pub. L. 111-207, §3(b), July 27, 2010, 124 Stat. 2251, added items 3507 and 3508.

§ 3501. Number of passengers

(a) Each certificate of inspection issued to a vessel carrying passengers (except a ferry) shall include a statement on the number of passengers that the vessel is permitted to carry.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel is liable to a person suing them for carrying more passengers than the number of passengers permitted by the certificate of inspection in an amount equal to—

- (1) passage money; and
- (2) \$100 for each passenger in excess of the number of passengers permitted.

(c) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that knowingly carries more passengers than the number of passengers permitted by the certificate of inspection also shall be fined not more than \$100, imprisoned for not more than 30 days, or both.

(d) The vessel also is liable in rem for a penalty under this section.

(e) An offshore supply vessel may not carry passengers except in an emergency.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99-36, §1(a)(2), May 15, 1985, 99 Stat. 67.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3501 .....	46:404-1 46:451 46:452 46:462

Section 3501 requires that a vessel carrying passengers, including a passenger vessel as well as a small passenger vessel (except a ferry), shall have on the certificate of inspection a statement as to the number of passengers the vessel is permitted to carry. It also provides penalties for carrying passengers in excess of the number permitted.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36, §1(a)(2)(A), struck out the comma after “(except a ferry)”.

Subsec. (c). Pub. L. 99-36, §1(a)(2)(B), substituted “carries more passengers than the number of passengers permitted by the certificate of inspection” for “violates subsection (b) of this section”.

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.

§ 3502. List or count of passengers

(a) The owner, charterer, managing operator, master, or individual in charge of the following

categories of vessels carrying passengers shall keep a correct list of passengers received and delivered from day to day:

(1) vessels arriving from foreign ports (except at United States Great Lakes ports from Canadian Great Lakes ports).

(2) seagoing vessels in the coastwise trade.

(3) passenger vessels making voyages of more than 300 miles on the Great Lakes except from a Canadian to a United States port.

(b) The master of a vessel carrying passengers (except a vessel listed in subsection (a) of this section) shall keep a correct count of all passengers received and delivered.

(c) Lists and counts required under this section shall be open to the inspection of designated officials of the Coast Guard and the Customs Service at all times. The total number of passengers shall be provided to the Coast Guard when requested.

(d) This section applies to a foreign vessel arriving at a United States port.

(e) The owner, charterer, managing operator, master, or individual in charge of a passenger vessel failing to make a list or count of passengers as required by this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3502 .....	46:460 46:460a 46:461 46:462

Section 3502 is related to section 3501 and requires the listing or counting of passengers on certain vessels. This requirement applies to large as well as small passenger vessels when operating on the types of voyages enumerated. This section also applies to a foreign vessel arriving at a port or place in the United States.

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.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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.

§ 3503. Fire-retardant materials

(a) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if the vessel is constructed of fire-retardant materials. Before November 1, 2008, this section does not apply to

any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

(b)(1) When a vessel is exempted from the fire-retardant standards of this section—

(A) the owner or managing operator of the vessel shall notify prospective passengers that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

(B) the owner or managing operator of the vessel may not disclaim liability to a passenger for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator;

(C) the penalties provided in section 3504(c) of this title apply to a violation of this subsection; and

(D) the owner or managing operator of the vessel shall notify the Coast Guard of structural alterations to the vessel, and with regard to those alterations comply with any non-combustible material requirements that the Coast Guard prescribes for nonpublic spaces. Coast Guard requirements shall be consistent with preservation of the historic integrity of the vessel in areas carrying or accessible to passengers or generally visible to the public.

(2) The Secretary shall prescribe regulations under this subsection on the manner in which prospective passengers are to be notified.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99-307, §1(7)(A), May 19, 1986, 100 Stat. 445; Pub. L. 102-241, §20, Dec. 19, 1991, 105 Stat. 2216; Pub. L. 104-324, title XI, §1133, Oct. 19, 1996, 110 Stat. 3985.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3503 .....	46:369(b)

Section 3503 requires the use of fire retardant materials on a vessel having berthing facilities for at least 50 passengers. This requirement in the case of vessels engaged in foreign trade is consistent with our international treaty obligations, which impose extensive and additional fire safety standards. A waiver that grandfathers existing inland river passenger vessels is also included.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-324 substituted “Before November 1, 2008, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.” for “Before November 1, 1998, this section does not apply to a vessel in operation before January 1, 1968, and operating only on the inland rivers.”

1991—Subsec. (a). Pub. L. 102-241, §20(1), substituted “1998” for “1993”.

Subsec. (b)(1)(D). Pub. L. 102-241, §20(2), added subpar. (D).

1986—Pub. L. 99-307 designated existing provision as subsec. (a), substituted “November 1, 1993” for “November 1, 1988” and inserted “in operation before January 1, 1968, and” after “to a vessel”, and added subsec. (b).

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.