safety standards of the Government or that the person was not advised by the Secretary or the manufacturer of that vessel, equipment or component that the vessel, equipment or component contains a defect which creates a substantial risk of personal injury to the public; or

(2) holds a certificate issued by the manufacturer of that recreational vessel or associated equipment to the effect that the recreational vessel or associated equipment conforms to all applicable recreational vessel safety standards of the Government, unless the person knows or reasonably should have known that the recreational vessel or associated equipment does not so conform.

(g) Compliance with this chapter or standards, regulations, or orders prescribed under this chapter does not relieve a person from liability at common law or under State law.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 534; Pub. L. 98–557, § 8(b), (c), Oct. 30, 1984, 98 Stat. 2862; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 108–293, title IV, § 406, Aug. 9, 2004, 118 Stat. 1043; Pub. L. 109–241, title IX, § 901(e), July 11, 2006, 120 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
4311(a)	46:1483
4311(b)	46:1484(a)
4311(c)	46:1484(b)
4311(d)	46:1484(d)
4311(e)	46:1485
4311(f)	46:1461(b)
4311(g)	46:1489

Section 4311 provides penalties for violating any of the provisions of this chapter or a regulation prescribed under this chapter. For a willful violation the penalty is a criminal fine; all other penalties are civil in nature.

A person violating any of the prohibited acts specified in section 4307(a)(1) is subject to a maximum civil penalty that can go as high as a $100,000 for a related series of violations. However, the section provides for no liability for good faith reliance on certifications of compliance by others within the chain of responsibility and for defects that are not within an individual's responsibility or control.

This section also contains an alternate procedure for the collection of a civil penalty of not more than $200 through a U.S. magistrate in lieu of the civil penalty procedures of the Coast Guard. It also directs the district courts of the United States to restrain the sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a recreational vessel or associated equipment that does not conform to applicable safety standards. Finally, compliance with this chapter or standards, regulations, or orders does not relieve a person from liability at common law or under State law.

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109–241 inserted a space after ''4307(a)''.

2004—Subsec. (b). Pub. L. 108–293 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''A person violating section 4307(a)(1) of this title is liable to the United States Government for a civil penalty of not more than $2,000, except that the maximum civil penalty may be not more than $100,000 for a related series of violations. When a corporation violates section 4307(a)(1), any director, officer, or executive employee of the corporation who knowingly and willfully ordered, or knowingly and willfully authorized, a violation is individually liable to the Government for the penalty, in addition to the corporation. However, the director, officer, or executive employee is not liable individually under this subsection if the director, officer, or executive employee can demonstrate by a preponderance of the evidence that—

''(1) the order or authorization was issued on the basis of a decision, in exercising reasonable and prudent judgment, that the defect or the nonconformity with standards and regulations constituting the violation would not cause or constitute a substantial risk of personal injury to the public; and

''(2) at the time of the order or authorization, the director, officer, or executive employee advised the Secretary in writing of acting under this clause and clause (1) of this subsection.''

1984—Subsec. (b)(1). Pub. L. 98–557, § 8(b), inserted ''defect or the'' before ''nonconformity''.

Subsec. (f)(1). Pub. L. 98–557, § 8(c), inserted provisions relating to advice by the Secretary or manufacturer of the vessel, equipment or component respecting defects creating substantial risk of personal injury to the public.

CHANGE OF NAME

''United States magistrate judge'' substituted for ''United States magistrate'' in subsec. (d) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Sec.
4501. Application.
4502. Safety standards.
4503. Fishing, fish tender, and fish processing vessel certification.
4504. Prohibited acts.
4505. Termination of unsafe operations.
4506. Exemptions.
4507. Penalties.
4508. Commercial Fishing Safety Advisory Committee.

AMENDMENTS

2010—Pub. L. 111–281, title VI, § 604(c)(4), (e)(2), Oct. 15, 2010, 124 Stat. 2965, 2966, substituted ''Fishing, fish tender, and fish processing vessel certification'' for ''Fish processing vessel certification'' in item 4503 and ''Commercial Fishing Safety Advisory Committee'' for ''Commercial Fishing Industry Vessel Safety Advisory Committee'' in item 4508.

2002—Pub. L. 107–295, title III, § 331(b), Nov. 25, 2002, 116 Stat. 2105, inserted ''Safety'' before ''Advisory Committee'' in item 4508.

1988—Pub. L. 100–424, § 2(a), Sept. 9, 1988, 102 Stat. 1585, in chapter heading substituted ''UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS'' for ''FISH PROCESSING VESSELS'', substituted ''Safety standards'' for ''Regulations'' in item 4502, ''Fish processing vessel certification'' for ''Equivalency'' in item 4503, ''Prohibited acts'' for ''Penalties'' in item 4504, and added items 4505 to 4508.

§ 4501. Application

(a) This chapter applies to an uninspected vessel which is a fishing vessel, fish processing vessel, or fish tender vessel.

(b) This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37 of this title.

(Added Pub. L. 98–364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 446; amended Pub. L. 100–424, § 2(a), Sept. 9, 1988, 102 Stat. 1585.)

AMENDMENTS

1988—Pub. L. 100–424 amended section generally, in subsec. (a) substituting provisions which related to un-