to enforce this chapter and the regulations prescribed under this chapter.

(b) The Secretary shall consult with the Secretary of the Treasury before prescribing a regulation that affects the enforcement responsibilities of an officer or employee of the Customs Service.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1918; Pub. L. 101–595, title VI, § 603(4), Nov. 16, 1990, 104 Stat. 2993.)

HISTORICAL AND REVISION NOTES

Revised section 5114

Source: Section (U.S. Code) 46 App. U.S.C. 86

Section 5114(a) authorizes the Secretary to use a Customs Service officer or employee to enforce load line requirements. The expected role of a Customs Service officer or employee in this regard is to ensure that a vessel is carrying a load line certificate and that the load line is not submerged.

Section 5114(b) requires the Secretary to consult with the Secretary of the Treasury before prescribing a regulation that affects the enforcement responsibilities of a Customs Service officer or employee.

AMENDMENTS

1990—Pub. L. 101–595 substituted ''officers and employees'' for ''officers employees'' in section catchline.

TRANSFER OF FUNCTIONS

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.

[§ 5115. Repealed. Pub. L. 101–595, title VI, § 603(5)(A), Nov. 16, 1990, 104 Stat. 2993]

Section, Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1918, authorized Secretary to prescribe regulations to carry out this chapter.

§ 5116. Penalties

(a) Except as otherwise provided in this section, the owner, charterer, managing operator, agent, master, and individual in charge of a vessel violating this chapter or a regulation prescribed under this chapter are each liable to the United States Government for a civil penalty of not more than $5,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(b) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel allowing, causing, attempting to cause, or failing to take reasonable care to prevent a violation of section 5112(a) of this title are each liable to the Government for a civil penalty of not more than $10,000 plus an additional amount equal to twice the economic benefit of the overloading. The vessel also is liable in rem for the penalty.

(c) The master or individual in charge of a vessel violating section 5112(b) of this title is liable to the Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

(d) A person causing or allowing the departure of a vessel from a place within the jurisdiction of the United States in violation of a detention order issued under section 5113 of this title commits a class A misdemeanor.

(e) A person causing or allowing the alteration, concealment, or removal of a mark placed on a vessel under section 5103(b) of this title and the regulations prescribed under this chapter, except to make a lawful change or to escape enemy capture in time of war, commits a class A misdemeanor.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1918; Pub. L. 101–380, title IV, § 4302(d), Aug. 18, 1990, 104 Stat. 538.)

HISTORICAL AND REVISION NOTES

Revised section 5116

Source: Section (U.S. Code) 46 App. U.S.C. 86i, 88g.

Section 5116 provides penalties for violations of load line requirements. The penalties are raised substantially from existing law to provide a sufficient deterrence against violations of the load line requirements and to conform with the level of penalties throughout the subtitle. The monetary penalties have not been changed since the 1930's.

Section 5116(a) raises from $1,000 to $5,000 the maximum penalty for violation of a load line provision under this chapter or a regulation promulgated under this chapter.

Section 5116(b) raises from $1,000 to $10,000 the maximum penalty for loading a vessel in such a way as to submerge the load line. In addition, a violator must pay up to two times the amount of the economic benefit of the overloading.

Section 5116(c) raises from $500 to $5,000 the maximum penalty for a violation of the requirement in section 5112(b) that the load line position and draft of a vessel be noted in the logbook.

Section 5116(a)–(c) also states that the vessel is liable in rem for the penalty.

Section 5116(d) raises from $1,000 to $10,000 the maximum penalty for a violation of a detention order and may also include imprisonment for up to one year.

Section 5116(e) raises from $2,000 to $10,000 the maximum penalty for the alteration, removal, or concealment of a load line mark and may also include imprisonment for two years.

AMENDMENTS

1990—Subsec. (d). Pub. L. 101–380, § 4302(d)(1), substituted ''commits a class A misdemeanor'' for ''shall be fined not more than $10,000, imprisoned for not more than one year, or both''.

Subsec. (e). Pub. L. 101–380, § 4302(d)(2), substituted ''commits a class A misdemeanor'' for ''shall be fined not more than $10,000, imprisoned for not more than 2 years, or both''.

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.

PART D—MARINE CASUALTIES

CHAPTER 61—REPORTING MARINE CASUALTIES

Sec.
6101. Marine casualties and reporting.
6102. State marine casualty reporting system.
6103. Penalty.
6104. Commercial fishing industry vessel casualty statistics.

HISTORICAL AND REVISION NOTES

Chapter 61 provides for the reporting of marine casualties and incidents involving all United States flag