PLAN TO INCREASE MARINE CASUALTY REPORTING

Pub. L. 104–324, title III, § 314(a), Oct. 19, 1996, 110 Stat. 3922, provided that: ''Not later than one year after enactment of this Act [Oct. 19, 1996], the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.''

§ 6103. Penalty

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to report a casualty as required under section 6101 of this title or a regulation prescribed under section 6101 or 6102 is liable to the United States Government for a civil penalty of not more than $25,000.

(b) A person failing to comply with section 6104 of this title or a regulation prescribed under that section is liable to the Government for a civil penalty of not more than $5,000.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98–498, title II, § 212(b)(2), Oct. 19, 1984, 98 Stat. 2306; Pub. L. 100–424, § 4(b), Sept. 9, 1988, 102 Stat. 1590; Pub. L. 104–324, title III, §§ 306(a), 314(b), Oct. 19, 1996, 110 Stat. 3918, 3922.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6103	33:361 33:362

Section 6103 provides for a civil penalty of $1,000 for any owner, charterer, managing operator, agent, master, or individual in charge of a vessel that fails to report a casualty required to be reported under subsection (b) of section 6101 or an incident required to be reported under subsection (c) of section 6101.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–324 inserted ''or 6102'' before ''is liable'' and substituted ''not more than $25,000'' for ''$1,000''.

1988—Pub. L. 100–424 designated existing provisions as subsec. (a) and added subsec. (b).

1984—Pub. L. 98–498 struck out ''or incident'' after ''a casualty''.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98–498, set out as an Effective Date note under section 2306 of this title.

§ 6104. Commercial fishing industry vessel casualty statistics

(a) The Secretary shall compile statistics concerning marine casualties from data compiled from insurers of fishing vessels, fish processing vessels, and fish tender vessels.

(b) A person underwriting primary insurance for a fishing vessel, fish processing vessel, or fish tender vessel shall submit periodically to the Secretary data concerning marine casualties that is required by regulations prescribed by the Secretary.

(c) After consulting with the insurance industry, the Secretary shall prescribe regulations under this section to gather a statistical base for analyzing vessel risks.

(d) The Secretary may delegate to a qualified person that has knowledge and experience in the collection of statistical insurance data the authority of the Secretary under this section to compile statistics from insurers.

(Added Pub. L. 100–424, § 4(a), Sept. 9, 1988, 102 Stat. 1590.)

CHAPTER 63—INVESTIGATING MARINE CASUALTIES

Sec.
6301. Investigation of marine casualties.
6302. Public investigations.
6303. Rights of parties in interest.
6304. Subpena authority.
6305. Reports of investigations.
6306. Penalty.
6307. Notifications to Congress.
6308. Information barred in legal proceedings.

HISTORICAL AND REVISION NOTES

Chapter 63 sets forth the scope and procedures for the investigation of marine casualties and incidents that are required to be reported by Chapter 61, as well as the rights of parties involved in a casualty.

AMENDMENTS

1996—Pub. L. 104–324, title III, § 313(b), Oct. 19, 1996, 110 Stat. 3922, added item 6308.

§ 6301. Investigation of marine casualties

The Secretary shall prescribe regulations for the immediate investigation of marine casualties under this part to decide, as closely as possible—

(1) the cause of the casualty, including the cause of any death;

(2) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any individual licensed, certificated, or documented under part E of this subtitle has contributed to the cause of the casualty, or to a death involved in the casualty, so that appropriate remedial action under chapter 77 of this title may be taken;

(3) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any person, including an officer, employee, or member of the Coast Guard, contributed to the cause of the casualty, or to a death involved in the casualty;

(4) whether there is evidence that an act subjecting the offender to a civil penalty under the laws of the United States has been committed, so that appropriate action may be undertaken to collect the penalty;

(5) whether there is evidence that a criminal act under the laws of the United States has been committed, so that the matter may be referred to appropriate authorities for prosecution; and

(6) whether there is need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 537.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6301	46:239