(b) BEYOND 12 NAUTICAL MILES.—In an action under this chapter, if the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of the United States, additional compensation is recoverable for nonpecuniary damages, but punitive damages are not recoverable.

(c) WITHIN 12 NAUTICAL MILES.—This chapter does not apply if the death resulted from a commercial aviation accident occurring on the high seas 12 nautical miles or less from the shore of the United States.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30307(a)	46 App.:762(b)(2).	Mar. 30, 1920, ch. 111, §§1(b), 2(b); as added Pub. L. 106–181, title IV, § 404(a)(2), (b)(2), Apr. 5, 2000, 114 Stat. 131.
30307(b)	46 App.:762(b)(1).	
30307(c)	46 App.:761(b).	

In subsections (b) and (c), the words ''the United States'' are substituted for ''any State, or the District of Columbia, or the Territories or dependencies of the United States'' because of the definition of ''United States'' in chapter 1 of the revised title.

In subsection (b), the words ''of a decedent'' are omitted as unnecessary.

In subsection (c), the words ''if the death resulted from a commercial aviation accident occurring on the high seas'' are substituted for ''In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas'' for consistency with subsection (b) and to eliminate unnecessary words. The words ''and the rules applicable under Federal, State, and other appropriate law shall apply'' are omitted as unnecessary.

§ 30308. Nonapplication

(a) STATE LAW.—This chapter does not affect the law of a State regulating the right to recover for death.

(b) INTERNAL WATERS.—This chapter does not apply to the Great Lakes or waters within the territorial limits of a State.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30308	46 App.:767.	Mar. 30, 1920, ch. 111, § 7, 41 Stat. 538.

In subsection (a), the words ''law of a State'' are substituted for ''any State statute'' for consistency in the revised title. The words ''regulating the right to recover for death'' are substituted for ''giving or regulating rights of action or remedies for death'' to eliminate unnecessary words.

In subsection (b), the words ''or to any navigable waters in the Panama Canal Zone'' are omitted because the Panama Canal Zone was transferred to the Republic of Panama.

CHAPTER 305—EXONERATION AND LIMITATION OF LIABILITY

Sec.
30501. Definition.
30502. Application.
30503. Declaration of nature and value of goods.
30504. Loss by fire.
30505. General limit of liability.
30506. Limit of liability for personal injury or death.
30507. Apportionment of losses.
30508. Provisions requiring notice of claim or limiting time for bringing action.
30509. Provisions limiting liability for personal injury or death.
30510. Vicarious liability for medical malpractice with regard to crew.
30511. Action by owner for limitation.
30512. Liability as master, officer, or seaman not affected.

§ 30501. Definition

In this chapter, the term ''owner'' includes a charterer that mans, supplies, and navigates a vessel at the charterer's own expense or by the charterer's own procurement.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30501	46 App.:186.	R.S. § 4286.

The words ''In this chapter'' are substituted for ''within the meaning of the provisions of title 48 of the Revised Statutes relating to the limitation of the liability of the owners of vessels'' because of the codification of title 46, United States Code. The word ''supplies'' is substituted for ''victual'' for clarity. The words ''and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof'' are omitted as unnecessary.

§ 30502. Application

Except as otherwise provided, this chapter (except section 30503) applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30502	46 App.:188.	R.S. § 4289; Feb. 18, 1875, ch. 80, § 1 (related to R.S. § 4289), 18 Stat. 320; June 19, 1886, ch. 421, § 4, 24 Stat. 80; June 5, 1936, ch. 521, § 4, 49 Stat. 1481.

§ 30503. Declaration of nature and value of goods

(a) IN GENERAL.—If a shipper of an item named in subsection (b), contained in a parcel, package, or trunk, loads the item as freight or baggage on a vessel, without at the time of loading giving to the person receiving the item a written notice of the true character and value of the item and having that information entered on the bill of lading, the owner and master of the vessel are not liable as carriers. The owner and master are not liable beyond the value entered on the bill of lading.

(b) ITEMS.—The items referred to in subsection (a) are precious metals, gold or silver plated articles, precious stones, jewelry, trinkets, watches, clocks, glass, china, coins, bills, securities, printings, engravings, pictures, stamps, maps,

papers, silks, furs, lace, and similar items of high value and small size.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30503	46 App.:181.	R.S. § 4281.

In subsection (a), the words ''load'' and ''loading'' are substituted for ''lade'' and ''lading'' to use more common terminology. The words ''person receiving the item'' are substituted for ''master, clerk, agent, or owner of such vessel receiving the same'' to eliminate unnecessary words. The words ''thereof in any form or manner'' and ''and according to the character thereof so notified and'' are omitted as unnecessary.

In subsection (b), the words ''precious metals'' are substituted for ''platina, gold, gold dust, silver, . . . or other precious metals, . . . gold or silver in a manufactured or unmanufactured state'', the words ''precious stones'' are substituted for ''diamonds, or other precious stones'', the words ''watches, clocks'' are substituted for ''watches, clocks, or timepieces of any description'', the words ''coins, bills, securities'' are substituted for ''bullion, . . . coins, . . . bills of any bank or public body, . . . orders, notes, or securities for the payment of money'', the word ''papers'' is substituted for ''writings, title deeds'', and the word ''silks'' is substituted for ''silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material'', to eliminate unnecessary words. The words ''and similar items of high value and small size'' are added to ensure that any of the items specifically named in the source but omitted in the revised section, or similar items, will be covered by this section.

§ 30504. Loss by fire

The owner of a vessel is not liable for loss or damage to merchandise on the vessel caused by a fire on the vessel unless the fire resulted from the design or neglect of the owner.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30504	46 App.:182.	R.S. § 4282.

The words ''liable for'' are substituted for ''liable to answer for or make good to any person'', the words ''merchandise on the vessel'' are substituted for ''any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel'', and the words ''caused by a fire on the vessel'' are substituted for ''by reason or by means of any fire happening to or on board the vessel'', to eliminate unnecessary words.

§ 30505. General limit of liability

(a) IN GENERAL.—Except as provided in section 30506 of this title, the liability of the owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner's proportionate interest in the vessel and pending freight.

(b) CLAIMS SUBJECT TO LIMITATION.—Unless otherwise excluded by law, claims, debts, and liabilities subject to limitation under subsection (a) are those arising from any embezzlement, loss, or destruction of any property, goods, or merchandise shipped or put on board the vessel, any loss, damage, or injury by collision, or any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of the owner.

(c) WAGES.—Subsection (a) does not apply to a claim for wages.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30505	46 App.:183(a).	R.S. § 4283(a); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479.
	46 App.:189	June 26, 1884, ch. 121, § 18, 23 Stat. 57.

In subsection (a), the words ''Except as provided in section 30506 of this title'' are substituted for ''except in the cases provided for in subsection (b) of this section'' because 46 App. U.S.C. 183(b) is restated in section 30506 of the revised title. The words ''whether American or foreign'' are omitted as unnecessary because of section 30502 of the revised title. The words ''shall not exceed the value of the vessel and pending freight'' are substituted for ''shall not . . . exceed the amount or value of . . . such vessel, and her freight then pending'' in 46 App. U.S.C. 183(a) and for ''the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending'' in 46 App. U.S.C. 189 for consistency and to eliminate unnecessary words. The last sentence is substituted for ''the interest of such owner in'' in 46 App. U.S.C. 183(a) and for ''The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole'' in 46 App. U.S.C. 189 for clarity and consistency. The words ''*Provided*, That this provision shall not prevent any claimant from joining all the owners in one action'' in 46 App. U.S.C. 189 are omitted as unnecessary.

Subsection (c) is substituted for ''nor shall the same apply to wages due to persons employed by said shipowners'' in 46 App. U.S.C. 189 because of the reorganization of the source provisions.

§ 30506. Limit of liability for personal injury or death

(a) APPLICATION.—This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or nondescript vessels.

(b) MINIMUM LIABILITY.—If the amount of the vessel owner's liability determined under section 30505 of this title is insufficient to pay all losses in full, and the portion available to pay claims for personal injury or death is less than $420 times the tonnage of the vessel, that portion shall be increased to $420 times the tonnage of the vessel. That portion may be used only to pay claims for personal injury or death.

(c) CALCULATION OF TONNAGE.—Under subsection (b), the tonnage of a self-propelled vessel is the gross tonnage without deduction for engine room, and the tonnage of a sailing vessel is the tonnage for documentation. However, space for the use of seamen is excluded.

(d) CLAIMS ARISING ON DISTINCT OCCASIONS.—Separate limits of liability apply to claims for personal injury or death arising on distinct occasions.