

Par. (4)(D). Pub. L. 111-281, §303(a)(5), substituted “that makes” for “making”.

[§ 14102. Repealed. Pub. L. 101-595, title VI, § 603(12)(A), Nov. 16, 1990, 104 Stat. 2993]

Section, Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1919, authorized Secretary to prescribe regulations to carry out this part.

§ 14103. Delegation of authority

(a) The Secretary may delegate to a qualified person the authority to measure a vessel and issue an International Tonnage Certificate (1969) or other appropriate certificate of measurement under this part.

(b) Under regulations prescribed by the Secretary, a decision of the person delegated authority under subsection (a) of this section related to measuring a vessel or issuing a certificate may be appealed to the Secretary.

(c) For a vessel that engages on a foreign voyage, the Secretary may delegate to another country that is a party to the Convention the authority to measure the vessel and issue an International Tonnage Certificate (1969) under chapter 143 of this title.

(d) The Secretary may terminate a delegation made under this section after giving written notice to the person.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1919; Pub. L. 111-281, title III, §303(b), Oct. 15, 2010, 124 Stat. 2924.)

HISTORICAL AND REVISION NOTES

Revised section 14103

Source: International Convention on Tonnage Measurement of Ships.

Section 14103(a) authorizes the Secretary to delegate to a qualified person the authority to measure a vessel and issue an International Tonnage Certificate or other certificate of measurement. The term “qualified person” means an organization that the Secretary believes has the necessary qualifications to measure a vessel competently, such as the American Bureau of Shipping.

The conferees intend that in section 14103 the term “qualified person” includes not only organizations that the Secretary finds to be qualified to perform measurement duties, but any person as that term is defined in section 1 of title 1, United States Code (including individuals), that the Secretary determines qualified to perform measurement duties. The House and Senate conferees also agree that, where authorized, in addition to information required by the Secretary, regulatory tonnage should be used on all certificates and documents related to a vessel unless the owner otherwise requests.

Section 14103(b) provides for the appeal to the Secretary of a decision made by a person that has received delegated authority. This ensures that the Secretary has full oversight of delegated tonnage measurement functions.

Section 14103(c) authorizes the Secretary to delegate to a country that is a party to the International Convention on Tonnage Measurement of Ships, 1969, the authority to measure a vessel and issue an International Tonnage Certificate.

Section 14103(d) clarifies the Secretary’s authority to revoke at any time and without cause a delegation of authority to measure a vessel or issue a certificate. This authority is given so that no delay occurs administratively in revoking a delegation wherever the Secretary decides a revocation is warranted.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-281 substituted “that engages on” for “intended to be engaged on”.

§ 14104. Measurement to determine application of a law

(a) When the application of a law of the United States to a vessel depends on the vessel’s tonnage, the vessel shall be measured under this part.

(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.

(c) The head of each Federal agency shall ensure that regulations issued by the agency that specify particular tonnages comply with the alternate tonnages implemented by the Secretary.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1920; Pub. L. 104-324, title VII, §702, Oct. 19, 1996, 110 Stat. 3933.)

HISTORICAL AND REVISION NOTES

Revised section 14104

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14104 requires that a vessel be measured under Part J of this subtitle when the application of a U.S. law to the vessel depends on its tonnage.

AMENDMENTS

1996—Pub. L. 104-324 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

CHAPTER 143—CONVENTION MEASUREMENT

Sec.

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HISTORICAL AND REVISION NOTES

Chapter 143 provides implementing legislation for the International Convention on Tonnage Measurement of Ships (Convention) which came into effect in the United States on February 10, 1983. Chapter 143, therefore, is based primarily on the Convention, not on provisions in existing U.S. law.

AMENDMENTS

2010—Pub. L. 111-281, title III, §303(e)(3), Oct. 15, 2010, 124 Stat. 2925, substituted “Tonnage Certificate” for “International Tonnage Certificate (1969)” in item 14303.

§ 14301. Application

(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel’s tonnage.

(b) This chapter does not apply to the following:

(1) a vessel of war, unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.

(2) a vessel of less than 24 meters (79 feet) overall in length.

(3) a vessel of United States or Canadian registry or nationality, or a vessel operated under

the authority of the United States or Canada, and that is operating only on the Great Lakes, unless the owner requests.

(4) a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages on a foreign voyage) the keel of which was laid or that was at a similar stage of construction before January 1, 1986, unless—

(A) the owner requests; or

(B) the vessel undergoes a change that the Secretary finds substantially affects the vessel's gross tonnage.

(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.

(c) An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply) may retain its tonnages existing on July 18, 1994, for the application of relevant requirements under international agreements (except the Convention) and other laws of the United States. However, if the vessel undergoes a change substantially affecting its tonnage after July 18, 1994, the vessel shall be remeasured under this chapter.

(d) This chapter does not affect an international agreement to which the United States Government is a party that is not in conflict with the Convention or the application of IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, and A.541 (XIII) of November 17, 1983.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1920; Pub. L. 101-595, title III, § 305, Nov. 16, 1990, 104 Stat. 2985; Pub. L. 111-281, title III, § 303(c), Oct. 15, 2010, 124 Stat. 2924.)

HISTORICAL AND REVISION NOTES

Revised section 14301

Source: International Convention on Tonnage Measurement of Ships.

Section 14301 delineates which vessels must be measured in compliance with the standards of the Convention.

Section 14301(a) provides that a vessel must be measured under the standards of the Convention if it is documented or required by law to be documented under chapter 121 of this subtitle or if it is engaged on a foreign voyage, unless the vessel is specifically exempted under section 14301(b).

Section 14301(b) provides the following exemptions from the requirement in section 14301(a) to be measured under the Convention:

1. A vessel of war;
2. A vessel of less than 24 meters (79 feet) overall in length ("overall in length" is defined in section 2101);
3. A vessel that operates only on the Great Lakes (although the owner may request that it be measured under the Convention);
4. A vessel whose keel was laid or was at a similar stage of construction before January 1, 1986, and is on a domestic voyage, unless the vessel undergoes a change that significantly changes its tonnage or the owner requests that the vessel be measured under the Convention; and
5. A vessel whose keel was laid or was at a similar stage of construction before July 18, 1982, unless the

vessel undergoes a change that significantly changes the vessel's tonnage or the owner requests that the vessel be measured under the Convention.

Together, subsections (b)(4) and (5) provide that, unless the owner requests measurement under the Convention, unaltered vessels built before 1986 engaging only on domestic voyages do not have to be measured under the Convention or use Convention measurement for the application of any domestic laws. Further, these subsections provide that unaltered vessels that are built before July 18, 1982, engaging on foreign voyages do not have to be measured under the Convention until 1994 and are not required to use Convention measurement as a basis for the application of any domestic laws.

Section 14301(c) provides that if a vessel owner requests that the vessel be measured under the Convention, the vessel may only be remeasured under the Convention.

Section 14301(d) provides that after July 18, 1994, a vessel whose keel was laid or was at a similar stage of construction before July 18, 1982 may retain its regulatory tonnage for the application of requirements under U.S. laws or international agreements, except the International Convention on Tonnage Measurement of Ships. However, if the vessel was not required to be measured under the Convention, but the vessel's owner requested that the vessel be measured under the Convention system before July 19, 1994, or if the vessel undergoes a change affecting its tonnage, the vessel may not use its regulatory tonnage for the application of U.S. laws or international agreements after July 19, 1994.

Section 14301(e) provides that this chapter does not affect any international agreement to which the United States is a party that is not in conflict with the International Convention on Tonnage Measurement of Ships, 1969. It further provides that this chapter does not affect the application of the three interim schemes of the International Maritime Organization, which are discussed under section 14305 below.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-281, § 303(c)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Except as otherwise provided in this section, this chapter applies to the following:

"(1) a documented vessel.

"(2) a vessel that is to be documented under chapter 121 of this title.

"(3) a vessel engaged on a foreign voyage."

Subsec. (b)(1). Pub. L. 111-281, § 303(c)(2)(A), substituted " , unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter." for period at end.

Subsec. (b)(3). Pub. L. 111-281, § 303(c)(2)(B), inserted "of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is" after "a vessel".

Subsec. (b)(4). Pub. L. 111-281, § 303(c)(2)(C), substituted "a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages" for "a vessel (except a vessel engaged".

Subsec. (b)(5). Pub. L. 111-281, § 303(c)(2)(F), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "a barge (except a barge engaged on a foreign voyage) unless the owner requests."

Pub. L. 111-281, § 303(c)(2)(D), (E), redesignated par. (6) as (5) and struck out former par. (5) which read as follows: "before July 19, 1994, an existing vessel unless—

"(A) the owner requests; or

"(B) the vessel undergoes a change that the Secretary finds substantially affects the vessel's gross tonnage."

Subsec. (b)(6). Pub. L. 111-281, § 303(c)(2)(E), redesignated par. (6) as (5). Former par. (5) struck out.

Subsec. (c). Pub. L. 111-281, § 303(c)(5), substituted "An existing vessel that has not undergone a change that the Secretary finds substantially affects the ves-

sel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)" for "After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)".

Pub. L. 111-281, §303(c)(3), (4), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "A vessel made subject to this chapter at the request of the owner may be remeasured only as provided by this chapter."

Subsecs. (d), (e). Pub. L. 111-281, §303(c)(4), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

1990—Subsec. (b)(6). Pub. L. 101-595 added par. (6).

REPORT TO CONGRESS

Pub. L. 99-509, title V, §5103(g), Oct. 21, 1986, 100 Stat. 1927, provided that: "The Secretary of Transportation shall—

"(1) before July 19, 1990, submit to Congress—

"(A) a study of—

"(i) the impact of applying vessel tonnage determined under chapter 143 of title 46 (as enacted by section 5101 of this subtitle), United States Code, in laws of the United States that contain provisions based on tonnage, including an analysis of the number and types of vessels that would become subject to additional laws or more stringent requirements because of that application; and

"(ii) the extent to which the tonnage thresholds in laws of the United States whose application is based on tonnage would have to be raised so that additional vessels would not become subject to those laws if their application is based on tonnage determined under chapter 143; and

"(B) a recommendation of the levels to which the tonnage thresholds in laws of the United States whose application is based on tonnage should be raised if a complete conversion to the International Convention measurement system under chapter 143 is made;

"(2) in conducting the study under clause (1) of this subsection, consult with representatives of the private sector having experience with the operation of vessels likely to be affected by laws of the United States whose application is based on tonnage; and

"(3) before July 19, 1988, submit to Congress an interim progress report on the study conducted under clause (1) of this subsection."

§ 14302. Measurement

(a) The Secretary shall measure a vessel to which this chapter applies in the way provided by this chapter and the Convention.

(b) A vessel measured under this chapter may not be required to be measured under another law.

(c) Unless otherwise provided by law, the measurement of a vessel under this chapter applies to a law of the United States whose applicability depends on a vessel's tonnage, if that law—

(1) becomes effective after July 18, 1994; or

(2) is in effect before July 19, 1994, is not enumerated in section 14305 of this title, and is identified by the Secretary by regulation as a law to which this chapter applies.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 111-281, title III, §303(d), Oct. 15, 2010, 124 Stat. 2924.)

HISTORICAL AND REVISION NOTES

Revised section 14302

Source: International Convention on Tonnage Measurement of Ships.

Section 14302(a) requires the Secretary to measure a vessel to which this chapter applies, in the way provided by this chapter and by the Convention. Section 14302(b) provides that a vessel that is required to be measured under this chapter can not also be required to be measured under another law. The exception allows the Panama Canal Commission to continue to use the Canal measurement system for calculation of tolls. Section 14302(c) provides that the applicability of tonnage-based laws that become effective after July 18, 1994, will be based on Convention tonnage measurements. The applicability of tonnage-based laws in effect before July 19, 1994, which are listed by the Secretary, will also be based on Convention tonnage. Therefore, the laws that will be based on regulatory tonnage are those not listed by the Secretary by regulation and those listed in section 14305 of this legislation.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-281 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Except as provided in section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792(a)), a vessel measured under this chapter may not be required to be measured under another law."

§ 14303. Tonnage Certificate

(a) After measuring a vessel under this chapter, the Secretary shall issue, on request of the owner, an International Tonnage Certificate (1969) and deliver it to the owner or master of the vessel. For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.

(b) The certificate issued under this section shall be maintained as required by the Secretary.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 111-281, title III, §303(e)(1), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14303

Source: International Convention on Tonnage Measurement of Ships.

Section 14303(a) requires the Secretary to issue, on the request of the owner, an International Tonnage Certificate after measuring a vessel under this chapter. Section 14303(b) requires that the certificate be maintained as required by the Secretary.

AMENDMENTS

2010—Pub. L. 111-281, §303(e)(1)(C), struck out "International" before "Tonnage" and "(1969)" after "Certificate" in section catchline.

Subsec. (a). Pub. L. 111-281, §303(e)(1)(A), inserted at end "For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter."

Subsec. (b). Pub. L. 111-281, §303(e)(1)(B), inserted "issued under this section" after "The certificate".

§ 14304. Remeasurement

(a) To the extent necessary, the Secretary shall remeasure a vessel to which this chapter applies if—

(1) the Secretary or the owner alleges an error in its measurement; or

(2) the vessel or the use of its space is changed in a way that substantially affects its tonnage.

(b) Except as provided in this chapter or section 14504 of this title, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921.)

HISTORICAL AND REVISION NOTES

Revised section 14304

Source: International Convention on Tonnage Measurement of Ships.

Section 14304(a) requires the Secretary to remeasure a vessel, to the extent necessary, if there is an alleged error regarding its measurement or if the vessel or its use undergoes a change substantially affecting its tonnage. The phrase “to the extent necessary” was included to indicate that a complete remeasurement of the vessel may not be necessary if, for example, an error was made in one portion of the vessel’s measurement and only that portion needs to be remeasured.

Section 14304(b) provides that except as provided in section 14504, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

§ 14305. Optional regulatory measurement

(a) On request of the owner of a vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States, the Secretary also shall measure the vessel under chapter 145 of this title. The tonnages determined under that chapter shall be used in applying—

(1) parts A, B, C, E, F, and G of this subtitle and section 12116 of this title;

(2) section 3(d)(3) of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 903(d)(3));

(3) section 4 of the Bridge to Bridge Radio-telephone Act (33 U.S.C. 1203(a));

(4) section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3));

(5) section 30506 of this title;

(6) sections 12118 and 12132 of this title;

(7) section 12139(b) of this title;

(8) sections 351, 352, 355, and 356 of the Ship Radio Act (47 U.S.C. 351, 352, 354, and 354a);

(9) section 403 of the Commercial Fishing Industry Vessel Act (46 U.S.C. 3302 note);

(10) the Officers’ Competency Certificates Convention, 1936, and sections 8303 and 8304 of this title;

(11) the International Convention for the Safety of Life at Sea as provided by IMCO Resolution A.494 (XII) of November 19, 1981;

(12) the International Convention on Standards of Training, Certification, and Watch-keeping for Seafarers, 1978, as provided by IMO Resolution A.540 (XIII) of November 17, 1983;

(13) the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, as provided by IMO Resolution A.541 (XIII) of November 17, 1983;

(14) provisions of law establishing the threshold tonnage levels at which evidence of financial responsibility must be demonstrated; or

(15) unless otherwise provided by law, any other law of the United States in effect before July 19, 1994, and not listed by the Secretary under section 14302(c) of this title.

(b) As long as the owner of a vessel has a request in effect under subsection (a) of this section, the tonnages determined under that request shall be used in applying the other provisions of law described in subsection (a) to that vessel.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 109-304, §15(26), Oct. 6, 2006, 120 Stat. 1704; Pub. L. 111-281, title III, §303(f), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14305

Source: International Convention on Tonnage Measurement of Ships.

Section 14305 requires that the Secretary measure a vessel under chapter 145 (Regulatory Measurement) of this title (in addition to measuring it under the Convention) at the request of the owner. For vessels that have obtained a regulatory tonnage measurement under this section, the Secretary is required to use the regulatory tonnage measurement to determine the application of those laws listed in section 14305(a) and those not listed by the Secretary by regulation, as provided in section 14302(c). It is the intent of the Committee to list in section 14305(a) certain U.S. tonnage-based laws that would impose increased regulatory burdens on industry if the Convention measurement were used for applicability determinations.

Clause (1) of section 14305(a) includes the following parts of subtitle II of title 46, U.S.C.:

Part A: General provisions (including definitions.)

Part B: Inspection and Regulation of Vessels.

Part C: Load Lines, which is enacted as part of this legislation. Although most load line requirements are based on vessel length, and not tonnage, a few requirements are based on tonnage. (It is only the tonnage based requirements to which this provision applies.)

Part E: Licenses, Certificates, and Merchant Mariners’ Documents.

Part F: Manning of Vessels.

Part G: Merchant Seamen Protection and Relief.

Part H: Sections 12106(c) and 12108(c) only—Identification of Vessels.

The other U.S. laws listed in clause (2) through (10) of this section are self-explanatory. Clause (10) refers to domestic law as well as the Officers’ Competency Certificates Convention, 1936.

In addition, three other international conventions are listed in clauses (11) through (13): (1) the Convention for the Safety of Life at Sea, (2) the Convention on the Standards of Training, Certification, and Watch-keeping for Seafarers, and (3) the Convention for the Prevention of Pollution from Ships. The International Maritime Organization has established interim schemes which address the use of the Convention tonnage measurement system as a basis for the applicability of these three conventions. The applicable sections of those schemes are the following:

The International Convention for the Safety of Life at Sea: IMCO Resolution A.494 (XII) of November 19, 1981 provides “that at the request of a shipowner, the Administration may allow a ship required to be measured under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, to use the gross tonnage measured under the national tonnage rules which are in effect prior to the coming into force of the 1969 Tonnage Convention, for the purpose of application of the provisions of the International Convention for the Safety of Life at Sea, such tonnage, however, shall not be shown on the 1969 Tonnage Certificate.” The resolution further provides that “the in-

terim scheme shall not apply to ships the keels of which are laid after 31 December 1985 with the following exceptions:

“(a) In respect of the requirements of Regulation 3 of Chapter IV of the 1974 SOLAS Convention for ships the keels of which are laid before 18 July 1994, the Administration may continue to apply the interim scheme, in which case the above-mentioned entry should be made in the Radio-telephony Certificate only; and

“(b) In respect of the regulations for cargo ships of less than 1,600 tons gross tonnage (as measured under national systems), the keels of which are laid after 31 December 1985, the Administration may continue to apply the interim scheme until 18 July 1984.”

The International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978: IMO Resolution A.540 (XIII) of November 17, 1983, provides “that the revised interim scheme for tonnage measurement for certain ships adopted by resolution A.494 (XII), [described above] should also be applicable in respect of the provision of the International Convention, and Watchkeeping for Seafarers, 1978.”

The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973: IMO Resolution A.541 (XIII) of November 17, 1983, provides that:

At the request of a shipowner, the Administration may allow a ship of less than 400 tons gross tonnage (measured under the previous national tonnage rules) the keel of which is laid on or before 31 December 1985 and which is required to be measured under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, to use the gross tonnage measured under the national tonnage rules which were in effect prior to the coming into force of the 1969 Tonnage Convention, for the purpose of application of the provisions of MARPOL 73/78. Such tonnage, however, shall not be shown on the 1969 Tonnage Certificate.

It further provides that “the interim scheme shall not apply to ships the keels of which are laid after 31 December 1985, except that in respect of regulations for ships of less than 400 tons gross tonnage (as measured under previous national rules), the keels of which are laid after 31 December 1985, the Administration may continue to apply the interim scheme until 18 July 1994.”

Clause (14) provides that the regulatory measurement system may be used to determine which vessels must demonstrate evidence of financial responsibility (when such a demonstration is required by law). If it is determined that a vessel must show evidence of financial responsibility, the limits of financial responsibility are determined using the vessel’s Convention measurement.

Clause (15) provides that the regulatory measurement system may be used for the application of laws not identified by the Secretary under section 14302(c).

Section 14305(b) provides that if a vessel is measured under the regulatory tonnage measurement system for the application of one law listed in subsection (a), it must be measured under that system for the application of all laws listed in subsection (a).

REFERENCES IN TEXT

Section 4 of the Bridge to Bridge Radiotelephone Act (33 U.S.C. 1203(a)), referred to in subsec. (a)(3), probably means section 4(a) of the Vessel Bridge-to-Bridge Radiotelephone Act, which is classified to section 1203(a) of Title 33, Navigation and Navigable Waters.

Sections 351, 352, 355, and 356 of the Ship Radio Act (47 U.S.C. 351, 352, 354, and 354a), referred to in subsec. (a)(8), probably means sections 351, 352, 355, and 356 of the Communications Act of 1934, June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which are classified to sections 351, 352, 354, and 354a, respectively, of Title 47, Telecommunications.

The Officers’ Competency Certificates Convention, 1936, referred to in subsec. (a)(10), is set out in 54 Stat. Pt. 2, p. 1683.

For provisions relating to International Conventions for the Safety of Life at Sea, referred to in subsec. (a)(11), to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

For provisions relating to the International Convention for the Prevention of Pollution from Ships, as modified, referred to in subsec. (a)(13), see chapter 33 (§1901 et seq.) of Title 33.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111–281 substituted “vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,” for “documented vessel measured under this chapter,” in introductory provisions.

2006—Subsec. (a)(1). Pub. L. 109–304, §15(26)(A), substituted “of this subtitle and section 12116” for “and sections 12106(c) and 12108(c)”.

Subsec. (a)(5). Pub. L. 109–304, §15(26)(B), substituted “section 30506 of this title” for “section 4283 of the Revised Statutes of the United States (46 App. U.S.C. 183)”.

Subsec. (a)(6). Pub. L. 109–304, §15(26)(C), substituted “sections 12118 and 12132 of this title” for “sections 27 and 27A of the Act of June 5, 1920 (46 App. U.S.C. 883 and 883–1)”.

Subsec. (a)(7). Pub. L. 109–304, §15(26)(D), substituted “section 12139(b) of this title” for “Act of July 14, 1956 (46 App. U.S.C. 883a)”.

§ 14306. Reciprocity for foreign vessels

(a) When the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are similar to those of this chapter and the regulations prescribed under this chapter, or when a foreign country is a party to the Convention, the Secretary shall accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.

(b) Subsection (a) of this section does not apply to a vessel of a foreign country that does not recognize measurements under this chapter. The Secretary may apply measurement standards the Secretary considers appropriate to the vessel, subject to applicable international agreements to which the United States Government is a party.

(Pub. L. 99–509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1922.)

HISTORICAL AND REVISION NOTES

Revised section 14306

Source: International Convention on Tonnage Measurement of Ships. Section (U.S. Code) 46 App. U.S.C. 81.

Section 14306(a) requires that the Secretary accept the measurement and certificate of a vessel of a foreign country as evidence of compliance with this chapter when the Secretary finds that the laws and regulations of that foreign country that are related to measurement are similar to those of this chapter, or that that country is a party to the Convention.

Section 14306(b) provides that the Secretary does not have to accept the measurement and certificate of a vessel of a country that does not recognize United States measurements. It also authorizes the Secretary to apply appropriate measurement standards to such foreign vessels, subject to international agreements to which the United States is a party.

§ 14307. Inspection of foreign vessels

(a) The Secretary may inspect a vessel of a foreign country to verify that—

(1) the vessel has an International Tonnage Certificate (1969) and the main characteristics of the vessel correspond to the information in the certificate; or

(2) if the vessel is from a country not a party to the Convention, the vessel has been measured under laws and regulations similar to those of this chapter and the regulations prescribed under this chapter.

(b) For a vessel of a country that is a party to the Convention, if the inspection reveals that the vessel does not have an International Tonnage Certificate (1969) or that the main characteristics of the vessel differ from those stated on the certificate or other records in a way that increases the gross or net tonnage of the vessel, the Secretary promptly shall inform the country whose flag the vessel is flying.

(c) For a vessel of a country not a party to the Convention—

(1) if the vessel has been measured under laws and regulations that the Secretary finds are similar to those of this chapter and the regulations prescribed under this chapter, the vessel shall be deemed to have been issued an International Tonnage Certificate (1969); and

(2) if the vessel has not been measured as described in clause (1) of this subsection, the Secretary may measure the vessel.

(d) An inspection under this section shall be conducted in a way that does not delay a vessel of a country that is a party to the Convention.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1922.)

HISTORICAL AND REVISION NOTES

Revised section 14307

Source: International Convention on Tonnage Measurement of Ships.

Section 14307(a) authorizes the Secretary to inspect a vessel of a foreign country to verify that the vessel has an International Tonnage Certificate and that the main characteristics of the vessel correspond to the information in the certificate. Section 14307(a) also authorizes the Secretary to inspect a vessel from a foreign country that is not a party to the Convention in order to verify that the vessel has been measured under laws and regulations similar to those of this chapter.

Section 14307(b) requires that if the Secretary inspects a vessel of a country that is a party to the Convention and finds that the vessel does not have an International Tonnage Certificate or that the main characteristics of the vessel differ from those stated on the certificate or other records in a way that increases the gross or net tonnage of the vessel, the Secretary must inform the country whose flag the vessel is flying.

Section 14307(c) provides that if the Secretary finds that a vessel of a country not a party to the Convention has been measured under laws and regulations similar to those of this chapter, that the vessel shall be deemed to have been issued an International Tonnage Certificate. It also provides that the Secretary may measure the vessel if the Secretary finds that the vessel has not been measured under laws and regulations similar to those of this chapter.

Section 14307(d) provides that an inspection under this section shall be conducted in a way that does not delay a vessel of a country that is a party to the Convention.

CHAPTER 145—REGULATORY MEASUREMENT

SUBCHAPTER I—GENERAL

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14501. Application.

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SUBCHAPTER II—FORMAL SYSTEMS

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SUBCHAPTER III—SIMPLIFIED SYSTEM

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HISTORICAL AND REVISION NOTES

This chapter provides for the measurement of vessels for the purpose of the application of domestic laws.

AMENDMENTS

2010—Pub. L. 111-281, title III, §303(j), Oct. 15, 2010, 124 Stat. 2926, added item 14514.

SUBCHAPTER I—GENERAL

HISTORICAL AND REVISION NOTES

This subchapter contains the general provisions for implementing regulatory measurement systems.

§ 14501. Application

This chapter applies to the following:

(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

(2) A vessel measured under chapter 143 of this title if the owner requests that the vessel also be measured under this chapter as provided in section 14305 of this title.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1923; Pub. L. 111-281, title III, §303(g), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14501

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14501 delineates the vessels that must be measured under this chapter, i.e. under the regulatory tonnage measurement system. Section 14501(1) states that a vessel must be measured under this chapter if the vessel has not been measured under the International Convention on Tonnage Measurement of Ships, and if the vessel is to be documented as a vessel of the United States under chapter 121 of this subtitle, or if the application of a United States law depends on the vessels tonnage. Section 14501(2) states that a vessel must be measured under the regulatory measurement system if the owner requests.

AMENDMENTS

2010—Par. (1). Pub. L. 111-281, §303(g)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "a vessel not measured under chapter 143 of this title if—

“(A) the vessel is to be documented under chapter 121 of this title; or

“(B) the application of a law of the United States to the vessel depends on the vessel's tonnage.”

Par. (2). Pub. L. 111-281, §303(g)(2), substituted “A vessel” for “a vessel”.

§ 14502. Measurement

The Secretary shall measure a vessel to which this chapter applies in the way provided by this chapter.