

(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

Sec.
14501. Application.

Sec.
14502. Measurement.
14503. Certificate of measurement.
14504. Remeasurement.

SUBCHAPTER II—FORMAL SYSTEMS

14511. Application.
14512. Standard tonnage measurement.
14513. Dual tonnage measurement.
14514. Reciprocity for foreign vessels.

SUBCHAPTER III—SIMPLIFIED SYSTEM

14521. Application.
14522. Measurement.

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.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1923.)

HISTORICAL AND REVISION NOTES

Revised section 14502

Source: Section (U.S. Code) 46 App. U.S.C. 71, 77, 83. Section 14502 requires the Secretary to measure a vessel to which this chapter applies as provided by this chapter.

§ 14503. Certificate of measurement

(a) The Secretary shall prescribe the certificate to be issued as evidence of a vessel's measurement under this chapter.

(b) The certificate shall be maintained as required by the Secretary.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1923; Pub. L. 111-281, title III, § 303(e)(2), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14503

Source: Section (U.S. Code) 46 App. U.S.C. 72. Section 14503 requires the Secretary to issue a certificate, in a manner that is to be prescribed by the Secretary, as evidence of a vessel's regulatory measurement.

AMENDMENTS

2010—Pub. L. 111-281 designated existing provisions as subsec. (a) and added subsec. (b).

§ 14504. 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;

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

(3) after being measured under subchapter III of this chapter, the vessel becomes subject to subchapter II of this chapter because the vessel or its use is changed; or

(4) although not required to be measured under subchapter II of this chapter, the vessel was measured under subchapter II and the owner requests that the vessel be measured under subchapter III of this chapter.

(b) Except as provided in this section and chapter 143 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. 1923.)

HISTORICAL AND REVISION NOTES

Revised section 14504

Source: Section (U.S. Code) 46 App. U.S.C. 71. Section 14504(a) provides that the Secretary shall remeasure a vessel that has been measured under the regulatory measurement system if either the Secretary or the owner alleges an error in its measurement; if the vessel, or its use, undergoes a substantial change affecting its tonnage; if the vessel loses its eligibility for measurement under the simplified system because of a change in the vessel or its use; or if the vessel owner requests that the vessel be measured under the simplified system after having been measured under the standard

regulatory measurement system. Section 14504(b) provides that a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121—“Documentation of Vessels”—except as provided above or in chapter 143 of this subtitle.

SUBCHAPTER II—FORMAL SYSTEMS

HISTORICAL AND REVISION NOTES

This subchapter provides for the standard regulatory measurement of vessels for vessels that do not qualify for the simplified measurement systems.

§ 14511. Application

This subchapter applies to a vessel described in section 14501 of this title if—

(1) the owner requests; or

(2) the vessel is—

(A) self-propelled;

(B) at least 24 meters (79 feet) overall in length; and

(C) not operated only for pleasure.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1924.)

HISTORICAL AND REVISION NOTES

Revised section 14511

Source: Section (U.S. Code) 46 App. U.S.C. 71. Section 14511 lists the types of vessels that are to be measured under the standard regulatory measurement system. They are vessels for which the owner requests a standard measurement or vessels which are self-propelled, at least 79 feet in length, and not operated only for pleasure.

§ 14512. Standard tonnage measurement

(a) The Secretary shall prescribe regulations for measuring the gross and net tonnages of a vessel under this subchapter. The regulations shall provide for tonnages comparable to the tonnages that could have been assigned under sections 4151 and 4153 of the Revised Statutes of the United States, as sections 4151 and 4153 existed immediately before the enactment of this section.

(b) On application of the owner or master of a vessel of the United States used in foreign trade, the Secretary may attach an appendix to the vessel's register stating the measurement of spaces that may be deducted from gross tonnage under laws and regulations of other countries but not under those of the United States.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1924.)

HISTORICAL AND REVISION NOTES

Revised section 14512

Source: Section (U.S. Code) 46 App. U.S.C. 75, 77. Section 14512(a) requires the Secretary to prescribe regulations for regulatory measurement systems. It further provides that the regulations must allow for the determination of tonnages similar to those that could have been found under the existing law (46 App. U.S.C. 75 & 77).

Section 14512(b) authorizes the Secretary to attach an appendix to a vessel's register stating the measurement of spaces that may be deducted from the gross tonnage under laws and regulations of other countries but not under the laws of the United States.

REFERENCES IN TEXT

Sections 4151 and 4153 of the Revised Statutes, referred to in subsec. (a), were classified to sections 75

and 77, respectively, of the former Appendix to this title and were repealed by Pub. L. 99-509, title V, §5104(b), Oct. 21, 1986, 100 Stat. 1928.

§ 14513. Dual tonnage measurement

(a) On application by the owner and approval by the Secretary, the tonnage of spaces prescribed by the Secretary may be excluded in measuring under this section the gross tonnage of a vessel measured under section 14512 of this title. The spaces prescribed by the Secretary shall be comparable to the spaces that could have been excluded under section 2 of the Act of September 29, 1965 (Public Law 89-219, 79 Stat. 891), as section 2 existed immediately before the enactment of this section.

(b) The Secretary shall prescribe the design, location, and dimensions of the tonnage mark to be placed on a vessel measured under this section.

(c)(1) If a vessel is assigned two sets of gross and net tonnages under this section, each certificate stating the vessel's tonnages shall state the gross and net tonnages when the vessel's tonnage mark is submerged and when it is not submerged.

(2) Except as provided in paragraph (1) of this subsection, a certificate stating a vessel's tonnages may state only one set of gross and net tonnages as assigned under this section.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1924; Pub. L. 111-281, title III, §303(h), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14513

Source: Section (U.S. Code) 46 App. U.S.C. 83 to 83g. Section 14513 gives discretionary authority to the Secretary to exclude certain spaces in measuring the regulatory tonnage of a vessel, and requires the Secretary to prescribe the design, location and dimensions of the tonnage mark to be placed on the vessel. Section 14513 further provides that if spaces are excluded by the Secretary, they shall be comparable to those the Secretary could have excluded in existing law (46 App. U.S.C. 83a). Section 14513(c) provides that if a vessel's tonnage mark is below the uppermost part of the load line mark, each certificate that states the vessel's tonnages must state the gross and net tonnages when the mark is submerged and when it is not submerged.

REFERENCES IN TEXT

Section 2 of the Act of September 29, 1965, referred to in subsec. (a), was classified to section 83a of the former Appendix to this title and was repealed by Pub. L. 99-509, title V, §5104(b), Oct. 21, 1986, 100 Stat. 1928.

AMENDMENTS

2010—Subsec. (c)(1). Pub. L. 111-281, §303(h)(1), substituted “vessel is assigned two sets of gross and net tonnages under this section,” for “vessel's tonnage mark is below the uppermost part of the load line marks,” and inserted “vessel's tonnage” before “mark is submerged”.

Subsec. (c)(2). Pub. L. 111-281, §303(h)(2), substituted “as assigned under this section.” for period at end.

§ 14514. Reciprocity for foreign vessels

For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations pre-

scribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.

(Added Pub. L. 111-281, title III, §303(i), Oct. 15, 2010, 124 Stat. 2925.)

SUBCHAPTER III—SIMPLIFIED SYSTEM

HISTORICAL AND REVISION NOTES

This subchapter provides for a simplified regulatory measurement of vessels that are either non-self-propelled, under 79' in length, or operated only for pleasure.

§ 14521. Application

This subchapter applies to a vessel described in section 14501 of this title that is not measured under subchapter II of this chapter.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14521

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

Section 14521 provides that vessels that are to be measured under the regulatory measurement system in this chapter, but are not measured under the standard regulatory measurement system in subchapter II, shall be measured under the simplified measurement system.

§ 14522. Measurement

(a) In this section, “length” means the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.

(b)(1) The Secretary shall assign gross and net tonnages to a vessel based on its length, breadth, depth, other dimensions, and appropriate coefficients.

(2) The Secretary shall prescribe the way dimensions (except length) are measured and which coefficients are appropriate.

(c) The resulting gross tonnages, taken as a group, reasonably shall reflect the relative internal volumes of the vessels measured under this subchapter. The resulting net tonnages shall be in approximately the same ratios to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under subchapter II of this chapter.

(d) Under regulations prescribed by the Secretary, the Secretary may determine the gross and net tonnages of a vessel representative of a designated class, model, or type, and then assign those gross and net tonnages to other vessels of the same class, model, or type.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14522

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

Section 14522(a) defines the term “length” as it is used in the simplified measurement system.

Section 14522(b) requires the Secretary to assign gross and net tonnages under the simplified system, based on a vessel's length, breadth, depth, other dimensions and appropriate coefficients, as the Secretary deems appropriate.

Section 14522(c) provides that the gross tonnages as measured under this section shall reflect the relative internal volumes of vessels. It provides further that the net tonnages measured under this section shall be in approximately the same ratio to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under the standard regulatory measurement system.

CHAPTER 147—PENALTIES

- Sec. 14701. General violation.
14702. False statements.

HISTORICAL AND REVISION NOTES

This chapter provides for penalties for violations of Part J—Measurement of Vessels.

§ 14701. General violation

The owner, charterer, managing operator, agent, master, and individual in charge of a vessel violating this part or a regulation prescribed under this part are each liable to the United States Government for a civil penalty of not more than \$20,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14701

Source: Section (U.S. Code) 46 App. U.S.C. 83j. Section 14701 provides that the owner, charterer, managing operator, agent, master, and individual in charge of a vessel violating Part J—Measurement of Vessels—are each liable to the U.S. Government for a civil penalty of not more than \$20,000. It also provides that the vessel is liable in rem for the penalty and that each day of a continuing violation is a separate violation.

§ 14702. False statements

A person knowingly making a false statement or representation in a matter in which a statement or representation is required by this part or a regulation prescribed under this part is liable to the United States Government for a civil penalty of not more than \$20,000 for each false statement or representation. The vessel also is liable in rem for the penalty.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14702

Source: Section (U.S. Code) 46 App. U.S.C. 83i. Section 14702 provides that a person knowingly making a false statement or representation in a matter in which a statement or representation is required by this part or a regulation prescribed under this part is liable to the United States Government for a civil penalty of not more than \$20,000 for each false statement or representation. It further provides that the vessel is liable in rem for the penalty. This penalty is increased from \$1,000 in existing law and conforms with the level of similar penalties throughout the subtitle.

Subtitle III—Maritime Liability

- Chapter 301. General Liability Provisions 30101
303. Death on the High Seas 30301

- Chapter 305. Exoneration and Limitation of Liability 30501
307. Liability of Water Carriers 30701
309. Suits in Admiralty Against the United States 30901
311. Suits Involving Public Vessels 31101
313. Commercial Instruments and Maritime Liens 31301

AMENDMENTS

2006—Pub. L. 109-304, §6(a), Oct. 6, 2006, 120 Stat. 1509, amended subtitle analysis generally, substituting "General Liability Provisions" for "General" in item for chapter 301, striking out "[Chapters 303-311—Reserved]" after item for chapter 301, adding items for chapters 303, 305, 307, 309, and 311, and striking out "[Chapter 315—Reserved]" after item for chapter 313.

CHAPTER 301—GENERAL LIABILITY PROVISIONS

- Sec. 30101. Extension of jurisdiction to cases of damage or injury on land.
30102. Liability to passengers.
30103. Liability of master, mate, engineer, and pilot.
30104. Personal injury to or death of seamen.
30105. Restriction on recovery by non-citizens and non-resident aliens for incidents in waters of other countries.
30106. Time limit on bringing maritime action for personal injury or death.

PRIOR PROVISIONS

A prior chapter 301, consisting of section 30101, provided definitions for purposes of this subtitle, prior to repeal by Pub. L. 109-304, §6(b), Oct. 6, 2006, 120 Stat. 1509.

§ 30101. Extension of jurisdiction to cases of damage or injury on land

(a) IN GENERAL.—The admiralty and maritime jurisdiction of the United States extends to and includes cases of injury or damage, to person or property, caused by a vessel on navigable waters, even though the injury or damage is done or consummated on land.

(b) PROCEDURE.—A civil action in a case under subsection (a) may be brought in rem or in personam according to the principles of law and the rules of practice applicable in cases where the injury or damage has been done and consummated on navigable waters.

(c) ACTIONS AGAINST UNITED STATES.—

(1) EXCLUSIVE REMEDY.—In a civil action against the United States for injury or damage done or consummated on land by a vessel on navigable waters, chapter 309 or 311 of this title, as appropriate, provides the exclusive remedy.

(2) ADMINISTRATIVE CLAIM.—A civil action described in paragraph (1) may not be brought until the expiration of the 6-month period after the claim has been presented in writing to the agency owning or operating the vessel causing the injury or damage.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1509.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30101, 46 App.:740, June 19, 1948, ch. 526, 62 Stat. 496.