

(1) the individual suffering the injury or death was not a citizen or permanent resident alien of the United States at the time of the incident giving rise to the action;

(2) the incident occurred in the territorial waters or waters overlaying the continental shelf of a country other than the United States; and

(3) the individual suffering the injury or death was employed at the time of the incident by a person engaged in the exploration, development, or production of offshore mineral or energy resources, including drilling, mapping, surveying, diving, pipelaying, maintaining, repairing, constructing, or transporting supplies, equipment, or personnel, but not including transporting those resources by a vessel constructed or adapted primarily to carry oil in bulk in the cargo spaces.

(c) **NONAPPLICATION.**—Subsection (b) does not apply if the individual bringing the action establishes that a remedy is not available under the laws of—

(1) the country asserting jurisdiction over the area in which the incident occurred; or

(2) the country in which the individual suffering the injury or death maintained citizenship or residency at the time of the incident.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1510.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30105(a)	46 App.:688(b)(1) (last sentence).	Mar. 4, 1915, ch. 153, §20(b), as added Pub. L. 97–389, title V, §503(a)(2), Dec. 29, 1982, 96 Stat. 1955.
30105(b)	46 App.:688(b)(1) (less last sentence).	
30105(c)	46 App.:688(b)(2).	

In subsection (b), before paragraph (1), the words “civil action” are substituted for “action” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “under subsection (a) of this section or under any other” are omitted as unnecessary. In paragraph (2), the words “its territories, or possessions” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title. In paragraph (3), the word “person” is substituted for “enterprise” for consistency in the revised title.

Editorial Notes

REFERENCES IN TEXT

The 1958 Convention on the Continental Shelf, referred to in subsec. (a), was done at Geneva, April 29, 1958, and entered into force for the United States, June 10, 1964. See 15 UST 471; TIAS 5578.

§ 30106. Time limit on bringing maritime action for personal injury or death

Except as otherwise provided by law, a civil action for damages for personal injury or death arising out of a maritime tort must be brought within 3 years after the cause of action arose.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30106	46 App.:763a.	Pub. L. 96–382, §1, Oct. 6, 1980, 94 Stat. 1525.

The words “civil action” are substituted for “suit” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “or both” are omitted as unnecessary. The words “must be brought” are substituted for “shall not be maintained unless commenced” for clarity and consistency. The word “arose” is substituted for “accrued” for consistency in the revised title.

CHAPTER 303—DEATH ON THE HIGH SEAS

Sec.

30301.	Short title.
30302.	Cause of action.
30303.	Amount and apportionment of recovery.
30304.	Contributory negligence.
30305.	Death of plaintiff in pending action.
30306.	Foreign cause of action.
30307.	Commercial aviation accidents.
30308.	Nonapplication.

§ 30301. Short title

This chapter may be cited as the “Death on the High Seas Act”.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30301	46 App.:761 note.	

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act Mar. 30, 1920, ch. 111, 41 Stat. 537, which enacted chapter 21 (§761 et seq.) of the former Appendix to this title, was popularly known as the “Death on the High Seas Act”, prior to being repealed and restated in this chapter by Pub. L. 109–304, §§6(c), 19, Oct. 6, 2006, 120 Stat. 1509, 1710.

§ 30302. Cause of action

When the death of an individual is caused by wrongful act, neglect, or default occurring on the high seas beyond 3 nautical miles from the shore of the United States, the personal representative of the decedent may bring a civil action in admiralty against the person or vessel responsible. The action shall be for the exclusive benefit of the decedent’s spouse, parent, child, or dependent relative.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30302	46 App.:761(a).	Mar. 30, 1920, ch. 111, §1(a), 41 Stat. 537; Pub. L. 106–181, title IV, §404(a)(1), Apr. 5, 2000, 114 Stat. 131.

The words “Subject to subsection (b) of this section” are omitted as unnecessary. The words “3 nautical miles” are substituted for “a marine league” for clarity. The words “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. The words “bring a civil action” are substituted for “maintain a suit” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “for damages” are omitted as unnecessary. The words “in the district courts of the United States” are omitted as unnecessary because of

28 U.S.C. 1333. The words “person or vessel” are substituted for “vessel, person, or corporation” because of 1 U.S.C. 1. The word “responsible” is substituted for “which would have been liable if death had not ensued” to eliminate unnecessary words.

§ 30303. Amount and apportionment of recovery

The recovery in an action under this chapter shall be a fair compensation for the pecuniary loss sustained by the individuals for whose benefit the action is brought. The court shall apportion the recovery among those individuals in proportion to the loss each has sustained.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30303	46 App.:762(a).	Mar. 30, 1920, ch. 111, §2(a), 41 Stat. 537; Pub. L. 106–181, title IV, §404(b)(1), Apr. 5, 2000, 114 Stat. 131.

The words “and just” are omitted as redundant to “fair”. The words “each has sustained” are substituted for “they may severally have suffered by reason of the death of the person by whose representative the suit is brought” to eliminate unnecessary words.

§ 30304. Contributory negligence

In an action under this chapter, contributory negligence of the decedent is not a bar to recovery. The court shall consider the degree of negligence of the decedent and reduce the recovery accordingly.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30304	46 App.:766.	Mar. 30, 1920, ch. 111, §6, 41 Stat. 537.

§ 30305. Death of plaintiff in pending action

If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default, the personal representative of the decedent may be substituted as the plaintiff and the action may proceed under this chapter for the recovery authorized by this chapter.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30305	46 App.:765.	Mar. 30, 1920, ch. 111, §5, 41 Stat. 537.

The words “If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default” are substituted for “If a person die [sic] as the result of such wrongful act, neglect, or default as is mentioned in section 761 of this Appendix during the pendency in a court of admiralty of the United States of a suit to recover damages for personal

injuries in respect of such act, neglect, or default” to eliminate unnecessary words. The words “the plaintiff” are substituted for “a party” to be more precise.

§ 30306. Foreign cause of action

When a cause of action exists under the law of a foreign country for death by wrongful act, neglect, or default on the high seas, a civil action in admiralty may be brought in a court of the United States based on the foreign cause of action, without abatement of the amount for which recovery is authorized.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30306	46 App.:764.	Mar. 30, 1920, ch. 111, §4, 41 Stat. 537.

The words “a civil action in admiralty may be brought in a court of the United States based on the foreign cause of action” are substituted for “such right may be maintained in an appropriate action in admiralty in the courts of the United States” for clarity and consistency. The words “any statute of the United States to the contrary notwithstanding” are omitted as unnecessary.

§ 30307. Commercial aviation accidents

(a) DEFINITION.—In this section, the term “nonpecuniary damages” means damages for loss of care, comfort, and companionship.

(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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Sec.</i>	
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.