its provisions, whichever is later, see section 10 of Pub. L. 92–63, set out as a note under section 1201 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1203. Radiotelephone requirement

(a) Vessel coverage; exchange of navigational information

Except as provided in section 1206 of this title—

(1) every power-driven vessel of twenty meters or over in length while navigating;

(2) every vessel of one hundred gross tons as measured under section 14502 of title 46, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title, and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 MegaHertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) Vessels upon navigable waters of United States inside high seas lines

The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

(Pub. L. 92–63, § 4, Aug. 4, 1971, 85 Stat. 164; Pub. L. 102–241, § 16, Dec. 19, 1991, 105 Stat. 2213; Pub. L. 104–324, title VII, § 704, Oct. 19, 1996, 110 Stat. 3933; Pub. L. 107–295, title III, § 321, Nov. 25, 2002, 116 Stat. 2103.)

Editorial Notes

REFERENCES IN TEXT

Presidential Proclamation 5928 of December 27, 1988, referred to in subsec. (b), is set out as a note under section 1331 of Title 43, Public Lands.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–295 substituted ''United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988'' for ''United States inside the lines established pursuant to section 151 of this title''.

1996—Subsec. (a)(2). Pub. L. 104–324 inserted ''as measured under section 14502 of title 46, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,'' after ''one hundred gross tons''.

1991—Subsec. (a)(1). Pub. L. 102–241 amended par. (1) generally, substituting ''twenty meters or over in length'' for ''three hundred gross tons and upward''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92–63, set out as a note under section 1201 of this title.

VESSEL COMMUNICATION EQUIPMENT REGULATIONS

Pub. L. 101–380, title IV, § 4118, Aug. 18, 1990, 104 Stat. 523, provided that: ''The Secretary shall, not later than one year after the date of the enactment of this Act [Aug. 18, 1990], issue regulations necessary to ensure that vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act of 1971 (33 U.S.C. 1203) are also equipped as necessary to—

''(1) receive radio marine navigation safety warnings; and

''(2) engage in radio communications on designated frequencies with the Coast Guard, and such other vessels and stations as may be specified by the Secretary.''

§ 1204. Radiotelephone for exclusive use of master, person in charge, or pilot; frequency listening watch; portable radiotelephone equipment

The radiotelephone required by this chapter is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this chapter.

(Pub. L. 92–63, § 5, Aug. 4, 1971, 85 Stat. 165.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later, see section 10 of Pub. L. 92–63, set out as a note under section 1201 of this title.

§ 1205. Radiotelephone capability; maintenance; restoration; consequences of loss: navigation of vessel

Whenever radiotelephone capability is required by this chapter, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this