

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 renumbered section 30509 of this title as this section.

§ 30528. Vicarious liability for medical malpractice with regard to crew

In a civil action by any person in which the owner or operator of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, the owner, operator, or employer is entitled to rely on any statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1515, §30510; renumbered §30528, Pub. L. 117-263, div. K, title CXV, §11503(a)(3), Dec. 23, 2022, 136 Stat. 4130.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30510, 46 App.:183(g), R.S. § 4283(g); Pub. L. 104-324, §1129(a), Oct. 19, 1996, 110 Stat. 3984.

The words "civil action" are substituted for "suit" for consistency in the revised title. The words "is entitled to rely on any statutory" are substituted for "shall be entitled to rely upon any and all statutory" to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 renumbered section 30510 of this title as this section.

§ 30529. Action by owner for limitation

(a) IN GENERAL.—The owner of a vessel may bring a civil action in a district court of the United States for limitation of liability under this chapter. The action must be brought within 6 months after a claimant gives the owner written notice of a claim.

(b) CREATION OF FUND.—When the action is brought, the owner (at the owner's option) shall—

(1) deposit with the court, for the benefit of claimants—

(A) an amount equal to the value of the owner's interest in the vessel and pending freight, or approved security; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter; or

(2) transfer to a trustee appointed by the court, for the benefit of claimants—

(A) the owner's interest in the vessel and pending freight; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter.

(c) CESSATION OF OTHER ACTIONS.—When an action has been brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question shall cease.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1515, §30511; renumbered §30529, Pub. L. 117-263, div. K, title CXV, §11503(a)(3), Dec. 23, 2022, 136 Stat. 4130.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30511, 46 App.:185, R.S. § 4285; June 5, 1936, ch. 521, §3, 49 Stat. 1480.

In subsection (a), the words "bring a civil action . . . in a district court of the United States" are substituted for "petition a district court of the United States" for consistency in the revised title and with other titles of the United States Code. See rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words "of competent jurisdiction" are omitted as unnecessary.

In subsection (b), the word "pending" before "freight" is added for consistency in the chapter. The words "to carry out this chapter" are substituted for "to carry out the provisions of section 183 of this Appendix" because of the reorganization of the source provisions.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 renumbered section 30511 of this title as this section.

§ 30530. Liability as master, officer, or seaman not affected

This chapter does not affect the liability of an individual as a master, officer, or seaman, even though the individual is also an owner of the vessel.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1516, §30512; renumbered §30530, Pub. L. 117-263, div. K, title CXV, §11503(a)(3), Dec. 23, 2022, 136 Stat. 4130.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30512, 46 App.:187, R.S. § 4287.

This section is substituted for the source provision for consistency with the restatement of 46 App. U.S.C. 183(a) and 189 in section 30505 and to eliminate unnecessary words. The reference in the source to particular sections is extended to include the entire chapter to simplify the reference and to conform to the obvious original policy and intent of the source provision.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 renumbered section 30512 of this title as this section.

CHAPTER 307—LIABILITY OF WATER CARRIERS

Table with 2 columns: Sec., Definition. Rows: 30701. Definition., 30702. Application., 30703. Bills of lading., 30704. Loading, stowage, custody, care, and delivery.