

§ 30706. Defenses

(a) DUE DILIGENCE.—If a carrier has exercised due diligence to make the vessel in all respects seaworthy and to properly man, equip, and supply the vessel, the carrier and the vessel are not liable for loss or damage arising from an error in the navigation or management of the vessel.

(b) OTHER DEFENSES.—A carrier and the vessel are not liable for loss or damage arising from—

- (1) dangers of the sea or other navigable waters;
- (2) acts of God;
- (3) public enemies;
- (4) seizure under legal process;
- (5) inherent defect, quality, or vice of the goods;
- (6) insufficiency of package;
- (7) act or omission of the shipper or owner of the goods or their agent; or
- (8) saving or attempting to save life or property at sea, including a deviation in rendering such a service.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30706	46 App.:192.	Feb. 13, 1893, ch. 105, §3, 27 Stat. 445.

This section is restated as two subsections to clarify that the exercise of due diligence in making the vessel seaworthy is a condition only to the defense of error in navigation or management restated in subsection (a). See *May v. Hamburg-Amerikanische Packetfahrt Aktiengesellschaft (The Isis)*, 290 U.S. 333, 353 (1933). The words “transporting merchandise or property to or from any port in the United States of America” are omitted because of section 30702(a) of the revised title.

§ 30707. Criminal penalty

(a) IN GENERAL.—A carrier that violates this chapter shall be fined under title 18.

(b) LIEN.—The amount of the fine and costs for the violation constitute a lien on the vessel engaged in the carriage. A civil action in rem to enforce the lien may be brought in the district court of the United States for any district in which the vessel is found.

(c) DISPOSITION OF FINE.—Half of the fine shall go to the person injured by the violation and half to the United States Government.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30707	46 App.:194.	Feb. 13, 1893, ch. 105, §5, 27 Stat. 446.

In subsection (a), the words “and who refuses to issue on demand the bill of lading herein provided for” are omitted as unnecessary. The words “shall be fined under title 18” are substituted for “shall be liable to a fine not exceeding \$2,000” because of chapter 227 of title 18.

In subsection (b), the words “A civil action in rem to enforce the lien may be brought in the district court of the United States for any district in which the vessel is found” are substituted for “such vessel may be libeled therefor in any district court of the United States” for clarity and to modernize the language.

CHAPTER 309—SUITS IN ADMIRALTY AGAINST THE UNITED STATES

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§ 30901. Short title

This chapter may be cited as the “Suits in Admiralty Act”.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30901	46 App.:741 note.	

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act Mar. 9, 1920, ch. 95, 41 Stat. 525, which enacted chapter 20 (§741 et seq.) of the former Appendix to this title, was popularly known as the “Suits in Admiralty 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.

§ 30902. Definition

In this chapter, the term “federally-owned corporation” means a corporation in which the United States owns all the outstanding capital stock.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30902	46 App.:741 (11th–26th words).	Mar. 9, 1920, ch. 95, §1 (11th–26th words), 41 Stat. 525.

The term “federally-owned corporation” is defined in this section and used in this chapter to avoid repeating the substance of the definition in several sections in this chapter. The words “or its representatives” are omitted as unnecessary.

§ 30903. Waiver of immunity

(a) IN GENERAL.—In a case in which, if a vessel were privately owned or operated, or if cargo were privately owned or possessed, or if a private person or property were involved, a civil action in admiralty could be maintained, a civil