

“(4) REVISION.—Based on the review conducted under paragraph (1), including updates thereto, the Secretary shall revise regulations concerning the carriage of survival craft under section 3104(c) of title 46, United States Code.”

§ 3105. Electronic charts

(a) SYSTEM REQUIREMENTS.—

(1) ELECTRONIC CHARTS IN LIEU OF MARINE CHARTS, CHARTS, AND MAPS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, equipped with and operating electronic navigational charts that are produced by a government hydrographic office or conform to a standard acceptable to the Secretary, shall be deemed in compliance with any requirement under title 33 or title 46, Code of Federal Regulations, to have a chart, marine chart, or map on board such vessel:

(A) A self-propelled commercial vessel of at least 65 feet in overall length.

(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.

(2) EXEMPTIONS AND WAIVERS.—The Secretary may—

(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel operates;

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on those waters; and

(C) permit vessels described in subparagraphs (A) through (D) of paragraph (1) that operate solely landward of the baseline from which the territorial sea of the United States is measured to utilize software-based, platform-independent electronic chart systems that the Secretary determines are capable of displaying electronic navigational charts with necessary scale and detail to ensure safe navigation for the intended voyage.

(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

(1) innocent passage through the territorial sea of the United States; or

(2) transit through the navigable waters of the United States that form a part of an international strait.

(Added and amended Pub. L. 115-282, title IV, § 402(a)(1), Dec. 4, 2018, 132 Stat. 4263, 4264; Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8301, Jan. 1, 2021, 134 Stat. 4691.)

Editorial Notes

CODIFICATION

Section, as added and amended by Pub. L. 115-282, is based on Pub. L. 92-340, § 4A, as added Pub. L. 108-293, title IV, § 410, Aug. 9, 2004, 118 Stat. 1045, which was formerly classified to section 1223a of Title 33, Navigation and Navigable Waters, before being transferred to this chapter and renumbered as this section.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116-283, § 8301(a), amended par. (1) generally. Prior to amendment, text read as follows: “Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:

“(A) A self-propelled commercial vessel of at least 65 feet overall length.

“(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

“(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

“(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.”

Subsec. (a)(2)(C). Pub. L. 116-283, § 8301(b), added subpar. (C).

2018—Pub. L. 115-282, § 402(a)(1)(A), transferred section 4A of Pub. L. 92-340 to this chapter and renumbered it as this section. See Codification note above.

Subsec. (b). Pub. L. 115-282, § 402(a)(1)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Secretary of the department in which the Coast Guard is operating shall prescribe regulations implementing subsection (a) before January 1, 2007, including requirements for the operation and maintenance of the electronic charts required under subsection (a).”

§ 3106. Master key control system

(a) IN GENERAL.—The owner of a vessel subject to inspection under section 3301 shall—

(1) ensure that such vessel is equipped with a vessel master key control system, manual or electronic, which provides controlled access to all copies of the vessel’s master key of which access shall only be available to the individuals described in paragraph (2);

(2) establish a list of all crew, identified by position, allowed to access and use the master key and maintain such list upon the vessel, within owner records and included in the vessel safety management system;

(3) record in a log book information on all access and use of the vessel’s master key, including—

(A) dates and times of access;

(B) the room or location accessed; and

(C) the name and rank of the crew member that used the master key; and

(4) make the list under paragraph (2) and the log book under paragraph (3) available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

(b) PROHIBITED USE.—Crew not included on the list described in subsection (a)(2) shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following use of such key.

(c) **REQUIREMENTS FOR LOG BOOK.**—The log book described in subsection (a)(3) and required to be included in a safety management system under section 3203(a)(6)—

(1) may be electronic; and

(2) shall be located in a centralized location that is readily accessible to law enforcement personnel.

(d) **PENALTY.**—Any crew member who uses the master key without having been granted access pursuant to subsection (a)(2) shall be liable to the United States Government for a civil penalty of not more than \$1,000 and may be subject to suspension or revocation under section 7703.

(e) **EXEMPTION.**—This section shall not apply to vessels subject to section 3507(f).

(Added Pub. L. 117–263, div. K, title CXVI, § 11608(a), Dec. 23, 2022, 136 Stat. 4151.)

CHAPTER 32—MANAGEMENT OF VESSELS

Sec.	
3201.	Definitions.
3202.	Application.
3203.	Safety management system.
3204.	Implementation of safety management system.
3205.	Certification.

§ 3201. Definitions

In this chapter—

(1) “International Safety Management Code” has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

(2) “responsible person” means—

(A) the owner of a vessel to which this chapter applies; or

(B) any other person that has—

(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

(3) “vessel engaged on a foreign voyage” means a vessel to which this chapter applies—

(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

(B) making a voyage between places outside the United States; or

(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

(Added Pub. L. 104–324, title VI, § 602(a), Oct. 19, 1996, 110 Stat. 3928.)

Statutory Notes and Related Subsidiaries

SAFETY MANAGEMENT SYSTEM

Pub. L. 115–265, title II, § 205, Oct. 11, 2018, 132 Stat. 3745, provided that:

“(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit regarding the implementation and effectiveness of the Coast Guard’s oversight and enforcement of safety management plans required under chapter 32 of title 46, United States Code.

“(b) **SCOPE.**—The audit conducted under subsection (a) shall include an evaluation of—

“(1) the effectiveness and implementation of safety management plans, including such plans for—

“(A) a range of vessel types and sizes; and

“(B) vessels that operate in a cross-section of regional operating areas; and

“(2) the effectiveness and implementation of safety management plans in addressing the impact of heavy weather.

“(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act [Oct. 11, 2018], the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the audit and providing recommendations related to such results, including ways to streamline and focus such plans on ship safety.

“(d) **MARINE SAFETY ALERT.**—Not later than 60 days after the date the report is submitted under subsection (c), the Commandant [of the Coast Guard] shall publish a Marine Safety Alert providing notification of the completion of the report and including a link to the report on a publicly accessible website.

“(e) **ADDITIONAL ACTIONS.**—

“(1) **IN GENERAL.**—Upon completion of the report under subsection (c), the Commandant shall consider additional guidance or a rulemaking to address any deficiencies identified, and any additional actions recommended, in the report.

“(2) **REPORT.**—Not later than 1 year after the date the report is submitted under subsection (c), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken to address any deficiencies identified, and any additional actions recommended, in the report submitted under subsection (c).”

TIMELY WEATHER FORECASTS AND HAZARD ADVISORIES FOR MERCHANT MARINERS

Pub. L. 115–265, title II, § 216, Oct. 11, 2018, 132 Stat. 3751, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall seek to enter into negotiations through the International Maritime Organization to amend the International Convention for the Safety of Life at Sea to require that vessels subject to the requirements of such Convention receive—

“(1) timely synoptic and graphical chart weather forecasts; and

“(2) where available, timely hazard advisories for merchant mariners, including broadcasts of tropical cyclone forecasts and advisories, intermediate public advisories, and tropical cyclone updates to mariners via appropriate technologies.”

SAFETY MANAGEMENT CODE REPORT AND POLICY

Pub. L. 105–383, title III, § 306, Nov. 13, 1998, 112 Stat. 3420, provided that:

“(a) **REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.**—

“(1) The Secretary of Transportation (in this section referred to as the ‘Secretary’) shall conduct a study—

“(A) reporting on the status of implementation of the International Safety Management Code (hereafter referred to in this section as ‘Code’);

“(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

“(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;