

(c) Lists and counts required under this section shall be open to the inspection of designated officials of the Coast Guard and the Customs Service at all times. The total number of passengers shall be provided to the Coast Guard when requested.

(d) This section applies to a foreign vessel arriving at a United States port.

(e) The owner, charterer, managing operator, master, or individual in charge of a passenger vessel failing to make a list or count of passengers as required by this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 519.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|---------------------------------------|
| 3502 | 46:460 46:460a 46:461 46:462 |

Section 3502 is related to section 3501 and requires the listing or counting of passengers on certain vessels. This requirement applies to large as well as small passenger vessels when operating on the types of voyages enumerated. This section also applies to a foreign vessel arriving at a port or place in the United States.

Statutory Notes and Related Subsidiaries

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.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

§ 3503. Fire-retardant materials

(a)(1) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if—

(A) the vessel is constructed of fire-retardant materials; and

(B) the vessel—

(i) is operating engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators that meet current Coast Guard regulations; and

(ii) is operating boilers and main electrical generators that are contained within non-combustible enclosures equipped with fire suppression systems.

(2) Before December 1, 2028, this subsection does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

(b)(1) The owner or managing operator of an exempted vessel described in subsection (a)(2) shall—

(A) notify in writing prospective passengers, prior to purchase, and each crew member that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

(B) display in clearly legible font prominently throughout the vessel, including in each state room the following: “THIS VESSEL FAILS TO COMPLY WITH SAFETY RULES AND REGULATIONS OF THE U.S. COAST GUARD.”;

(C) acquire prior to the vessel entering service, and maintain, liability insurance in an amount to be prescribed by the Federal Maritime Commission;

(D) make annual structural alteration to not less than 10 percent of the areas of the vessel that are not constructed of fire retardant materials;

(E) prioritize alterations in galleys, engineering areas of the vessel, including all spaces and compartments containing, or adjacent to spaces and compartments containing, engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators;

(F) ensure, to the satisfaction of the Secretary, that the combustible fire-load has been reduced pursuant to subparagraph (D) during each annual inspection for certification;

(G) ensure the vessel has multiple forms of egress off the vessel’s bow and stern;

(H) provide advance notice to the Coast Guard regarding the structural alterations made pursuant to subparagraph (D) and comply with any noncombustible material requirements prescribed by the Coast Guard;

(I) annually notify all ports of call and State emergency management offices of jurisdiction that the vessel does not comply with the requirement under subsection (a)(1);

(J) provide crewmembers manning such vessel shipboard training that—

(i) is specialized for exempted vessels;

(ii) exceeds requirements related to standards for firefighting training under chapter I of title 46, Code of Federal Regulations, as in effect on October 1, 2017; and

(iii) is approved by the Coast Guard; and

(K) to the extent practicable, take all steps to retain previously trained crew knowledgeable of such vessel or to hire crew trained in operations aboard exempted vessels.

(2) The owner or managing operator of an exempted vessel described in subsection (a)(2) may not disclaim liability to a passenger or crew member of such vessel for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator.

(3) The Secretary shall—

(A) conduct an annual audit and inspection of each exempted vessel described in subsection (a)(2);

(B) in implementing subparagraph (b)(1)(F), consider, to the extent practicable, the goal of

preservation of the historic integrity of such vessel in areas carrying or accessible to passengers or generally visible to the public; and (C) prescribe regulations to carry out this section, including to prescribe the manner in which prospective passengers are to be notified under paragraph (1)(A).

(4) The penalties provided in section 3504(c) of this title shall apply to a violation of this subsection.

(c) In addition to otherwise applicable penalties, the Secretary may immediately withdraw a certificate of inspection for an exempted vessel described in subsection (a)(2) that does not comply with any requirement under subsection (b).

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99–307, § 1(7)(A), May 19, 1986, 100 Stat. 445; Pub. L. 102–241, § 20, Dec. 19, 1991, 105 Stat. 2216; Pub. L. 104–324, title XI, § 1133, Oct. 19, 1996, 110 Stat. 3985; Pub. L. 115–282, title VIII, § 834, Dec. 4, 2018, 132 Stat. 4318.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 3503 | 46:369(b) |

Section 3503 requires the use of fire retardant materials on a vessel having berthing facilities for at least 50 passengers. This requirement in the case of vessels engaged in foreign trade is consistent with our international treaty obligations, which impose extensive and additional fire safety standards. A waiver that grandfathers existing inland river passenger vessels is also included.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 amended section generally. Prior to amendment, text read as follows:

“(a) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if the vessel is constructed of fire-retardant materials. Before November 1, 2008, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

“(b)(1) When a vessel is exempted from the fire-retardant standards of this section—

“(A) the owner or managing operator of the vessel shall notify prospective passengers that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

“(B) the owner or managing operator of the vessel may not disclaim liability to a passenger for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator;

“(C) the penalties provided in section 3504(c) of this title apply to a violation of this subsection; and

“(D) the owner or managing operator of the vessel shall notify the Coast Guard of structural alterations to the vessel, and with regard to those alterations comply with any noncombustible material requirements that the Coast Guard prescribes for nonpublic spaces. Coast Guard requirements shall be consistent with preservation of the historic integrity of the vessel in areas carrying or accessible to passengers or generally visible to the public.

“(2) The Secretary shall prescribe regulations under this subsection on the manner in which prospective passengers are to be notified.”

1996—Subsec. (a). Pub. L. 104–324 substituted “Before November 1, 2008, this section does not apply to any

vessel in operation before January 1, 1968, and operating only within the Boundary Line.” for “Before November 1, 1998, this section does not apply to a vessel in operation before January 1, 1968, and operating only on the inland rivers.”

1991—Subsec. (a). Pub. L. 102–241, § 20(1), substituted “1998” for “1993”.

Subsec. (b)(1)(D). Pub. L. 102–241, § 20(2), added subpar. (D).

1986—Pub. L. 99–307 designated existing provision as subsec. (a), substituted “November 1, 1993” for “November 1, 1988” and inserted “in operation before January 1, 1968, and” after “to a vessel”, and added subsec. (b).

Statutory Notes and Related Subsidiaries

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.

NOTIFICATION TO PROSPECTIVE PASSENGERS OF NONCOMPLIANCE WITH FIRE-RETARDANT STANDARDS

Pub. L. 99–307, § 1(7)(B), May 19, 1986, 100 Stat. 445, required notification to prospective passengers of a vessel’s noncompliance with certain standards until regulations became effective.

§ 3504. Notification to passengers

(a) A person selling passage on a foreign or domestic passenger vessel having berth or stateroom accommodations for at least 50 passengers and embarking passengers at United States ports for a coastwise or an international voyage shall notify each prospective passenger of the safety standards applicable to the vessel in a manner prescribed by regulation.

(b) All promotional literature or advertising through any medium of communication in the United States offering passage or soliciting passengers for ocean voyages anywhere in the world shall include information similar to the information described in subsection (a) of this section, and shall specify the registry of each vessel named, as a part of the advertisement or description of the voyage. Except for the inclusion of the country of registry of the vessel, this subsection does not apply to voyages by vessels meeting the safety standards described in section 3505 of this title.

(c) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$10,000. If the violation involves the sale of tickets for passage, the owner, charterer, managing operator, agent, master, individual in charge, or any other person involved in each violation also is liable to the Government for a civil penalty of \$500 for each ticket sold. The vessel on which passage is sold also is liable in rem for a violation of this section or a regulation prescribed under this section.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 519.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 3504 | 46:362(b) |