

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018, referred to in subsecs. (a) and (d)(1), is the date of enactment of Pub. L. 115-282, which was approved Dec. 4, 2018.

The date of the enactment of this section, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 115-282, which was approved Dec. 4, 2018.

AMENDMENTS

2021—Pub. L. 116-283, § 8507(a)(2), substituted “Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115-282)” for “Coast Guard Authorization Act of 2017” in two places.

Subsecs. (b) to (e). Pub. L. 116-283, § 8316(a), added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective 90 days after Jan. 1, 2021, unless the Commandant of the Coast Guard, prior to the date that is 90 days after Jan. 1, 2021, determines that the use requirement enacted in section 8316(a) of Pub. L. 116-283 (amending this section) would not promote recreational boating safety. See section 8316(c) of Pub. L. 116-283, set out as a note under section 4311 of this title.

EFFECTIVE DATE

Pub. L. 115-282, title V, § 503(c), Dec. 4, 2018, 132 Stat. 4271, provided that: “Section 4312 of title 46, United States Code, as amended [probably should be “enacted”] by this section, shall take effect one year after the date of the enactment of this Act [Dec. 4, 2018].”

CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Sec.	
4501.	Application.
4502.	Safety standards.
4503.	Fishing, fish tender, and fish processing vessel certification.
[4503a.]	Repealed.]
4504.	Prohibited acts.
4505.	Termination of unsafe operations.
4506.	Exemptions.
4507.	Penalties.
[4508.]	Repealed.]

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AMENDMENTS

2022—Pub. L. 117-263, div. K, title CXV, § 11509(c), Dec. 23, 2022, 136 Stat. 4137, struck out item 4503a “Alternate safety compliance program”.

2018—Pub. L. 115-282, title V, § 508(d), title VI, § 601(c)(1), Dec. 4, 2018, 132 Stat. 4273, 4289, added item for 4503a and struck out item 4508 “Commercial Fishing Safety Advisory Committee”.

2010—Pub. L. 111-281, title VI, § 604(c)(4), (e)(2), Oct. 15, 2010, 124 Stat. 2965, 2966, substituted “Fishing, fish tender, and fish processing vessel certification” for “Fish processing vessel certification” in item 4503 and “Commercial Fishing Safety Advisory Committee” for “Commercial Fishing Industry Vessel Safety Advisory Committee” in item 4508.

2002—Pub. L. 107-295, title III, § 331(b), Nov. 25, 2002, 116 Stat. 2105, inserted “Safety” before “Advisory Committee” in item 4508.

1988—Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1585, in chapter heading substituted “UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS” for “FISH PROCESSING VESSELS”, substituted “Safety stand-

ards” for “Regulations” in item 4502, “Fish processing vessel certification” for “Equivalency” in item 4503, “Prohibited acts” for “Penalties” in item 4504, and added items 4505 to 4508.

§ 4501. Application

(a) This chapter applies to an uninspected vessel which is a fishing vessel, fish processing vessel, or fish tender vessel.

(b) This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37 of this title.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 446; amended Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1585.)

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AMENDMENTS

1988—Pub. L. 100-424 amended section generally, in subsec. (a) substituting provisions which related to uninspected fish processing vessel entered into service after Dec. 31, 1987, having more than 16 individuals on board primarily employed in preparation of fish on navigable waters of United States or owned in United States and operating on high seas, for provisions which related to uninspected fishing vessel, fish processing vessel, or fish tender vessel, and in subsec. (b) substituting “carriage of bulk” for “carriage of liquid bulk”.

Statutory Notes and Related Subsidiaries

FOREIGN BUILT VESSELS, EQUIVALENT COMPLIANCE UNTIL JULY 28, 1990

Pub. L. 100-424, § 7, Sept. 9, 1988, 102 Stat. 1592, provided that: “Until July 28, 1990, a foreign built fish processing vessel subject to chapter 45 of title 46, United States Code, is deemed to comply with the requirements of that chapter if—

- “(1) it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is a party; and
- “(2) it is in compliance with the safety requirements of that foreign country that apply to that vessel.”

§ 4502. Safety standards

(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with—

(1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;

(2) at least one readily accessible life preserver or other lifesaving device for each individual on board;

(3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;

(4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;

(5) visual distress signals;

(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and

(7) a placard as required by regulations prescribed under section 10603(b) of this title.