

Pub. L. 100-424, §5(b), Sept. 9, 1988, 102 Stat. 1591, directed Secretary of department in which Coast Guard is operating, in consultation with Commercial Fishing Industry Vessel Advisory Committee established under former section 4508 of this title, and with representatives of persons operating fish processing vessels to conduct a study of fish processing vessels that are not surveyed and classed by an organization approved by Secretary, and to make recommendations regarding what hull and machinery requirements could apply to such vessels to ensure that those vessels are operated and maintained in a condition in which they are safe to operate at sea, and further provided for submission of such study and recommendations to Congress before July 28, 1991.

Executive Documents

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 4503. Fishing, fish tender, and fish processing vessel certification

(a) A vessel to which this subsection applies may not be operated unless the vessel—

- (1) meets all survey and classification requirements prescribed by the American Bureau of Shipping or another similarly qualified organization approved by the Secretary; and
- (2) has on board a certificate issued by the American Bureau of Shipping or that other organization evidencing compliance with this subsection.

(b) Subsection (a) applies to a fish processing vessel to which this chapter applies that—

- (1) is built after July 27, 1990; or
- (2) undergoes a major conversion completed after that date.

(c)(1) Except as provided in paragraph (2), subsection (a) applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2013.

(2) Subsection (a) does not apply to a fishing vessel or fish tender vessel to which section 4502(b) of this title applies, if the vessel—

- (A) is at least 50 feet overall in length, and not more than 180 feet overall in length as listed on the vessel's certificate of documentation or certificate of number; and

(B)(i) is built after the date of the enactment of the Coast Guard Authorization Act of 2016; and

- (ii) complies with—
 - (I) the requirements described in subsection (d); or
 - (II) the alternative requirements established by the Secretary under subsection (e).

(d) The requirements referred to in subsection (c)(2)(B)(ii)(I) are the following:

- (1) The vessel is designed by an individual licensed by a State as a naval architect or marine engineer, and the design incorporates standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.

(2) Construction of the vessel is overseen and certified as being in accordance with its design

by a marine surveyor of an organization accepted by the Secretary.

(3) The vessel—

- (A) completes a stability test performed by a qualified individual;
- (B) has written stability and loading instructions from a qualified individual that are provided to the owner or operator; and
- (C) has an assigned loading mark.

(4) The vessel is not substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.

(5) The vessel undergoes a condition survey at least twice in 5 years, not to exceed 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.

(6) The vessel undergoes an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.

(7) Once every 5 years and at the time of a substantial alteration to such vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.

(8) For the life of the vessel, the owner of the vessel maintains records to demonstrate compliance with this subsection and makes such records readily available for inspection by an official authorized to enforce this chapter.

(e)(1) Not later than 10 years after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the requirements under subsection (d) in maintaining the safety of the fishing vessels and fish tender vessels which are described in subsection (c)(2) and which comply with the requirements of subsection (d).

(2) If the report required under this subsection includes a determination that the safety requirements under subsection (d) are not adequate or that additional safety measures are necessary, then the Secretary may establish an alternative safety compliance program for fishing vessels or fish tender vessels (or both) which are described in subsection (c)(2) and which comply with the requirements of subsection (d).

(3) The alternative safety compliance program established under this subsection shall include requirements for—

- (A) vessel construction;
- (B) a vessel stability test;
- (C) vessel stability and loading instructions;
- (D) an assigned vessel loading mark;
- (E) a vessel condition survey at least twice in 5 years, not to exceed 3 years between surveys;
- (F) an out-of-water vessel survey at least once every 5 years;
- (G) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and

(H) such other aspects of vessel safety as the Secretary considers appropriate.

(f)(1) For purposes of this section and section 4503a, the term “built” means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

(A) The vessel’s keel is laid.

(B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

(2) In the case of a vessel greater than 79 feet overall in length, for purposes of paragraph (1)(A) a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 98-557, § 33(b), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587; Pub. L. 111-281, title VI, § 604(e)(1), Oct. 15, 2010, 124 Stat. 2966; Pub. L. 112-213, title III, § 305(c), Dec. 20, 2012, 126 Stat. 1564; Pub. L. 114-120, title III, § 318(a), Feb. 8, 2016, 130 Stat. 63; Pub. L. 114-328, div. C, title XXXV, § 3503(a), (b)(2), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115-282, title V, §§ 507, 508(a), (b), Dec. 4, 2018, 132 Stat. 4272; Pub. L. 117-263, div. K, title CXV, § 11509(a)(2), Dec. 23, 2022, 136 Stat. 4137.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsecs. (c)(2)(B)(i) and (e)(1), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-263 substituted “Subsection (a)” for “Except as provided in section 4503a, subsection (a)” in introductory provisions.

2018—Subsec. (b). Pub. L. 115-282, § 508(b)(2), substituted “section 4503a” for “subsection (d)” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 115-282, § 507(a), substituted “180” for “79”.

Subsec. (c)(2)(B)(ii)(I). Pub. L. 115-282, § 508(b)(3), substituted “subsection (d)” for “subsection (e)”.

Subsec. (c)(2)(B)(ii)(II). Pub. L. 115-282, § 508(b)(4), substituted “subsection (e)” for “subsection (f)”.

Subsec. (d). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (e) as (d).

Pub. L. 115-282, § 508(a), redesignated subsec. (d) as section 4503a of this title.

Subsec. (e). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(1), (2). Pub. L. 115-282, § 508(b)(5), (6), substituted “subsection (d)” for “subsection (e)” wherever appearing.

Subsec. (f). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Pub. L. 115-282, § 507(b), generally amended subsec. (f), as redesignated by Pub. L. 115-282, § 508(b)(1). Prior to amendment, subsec. (f) read as follows: “For the purposes of this section, the term ‘built’ means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

“(1) The vessel’s keel is laid.

“(2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced

comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.”

Subsec. (g). Pub. L. 115-282, § 508(b)(1), redesignated subsec. (g) as (f).

2016—Subsec. (a). Pub. L. 114-120, § 318(a)(1), substituted “this subsection” for “this section” in introductory provisions.

Subsec. (b). Pub. L. 114-120, § 318(a)(2), substituted “Except as provided in subsection (d), subsection (a)” for “This section” in introductory provisions.

Subsec. (c). Pub. L. 114-120, § 318(a)(3), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), subsection (a)” for “This section”, and added par. (2).

Subsec. (c)(2)(B)(i). Pub. L. 114-328, § 3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (e). Pub. L. 114-120, § 318(a)(4), added subsec. (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 114-120, § 318(a)(4), added subsec. (f).

Subsec. (f)(1). Pub. L. 114-328, § 3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (f)(2). Pub. L. 114-328, § 3503(b)(2), substituted “, then” for “, that”.

Subsec. (g). Pub. L. 114-120, § 318(a)(4), redesignated subsec. (e) as (g).

2012—Subsec. (c). Pub. L. 112-213, § 305(c)(1), substituted “July 1, 2013,” for “July 1, 2012.”

Subsec. (d)(1)(B). Pub. L. 112-213, § 305(c)(2)(A), substituted “July 1, 2013,” for “July 1, 2012.”

Subsec. (d)(2). Pub. L. 112-213, § 305(c)(2)(B), substituted “July 1, 2013,” for “July 1, 2012,” in two places and substituted “major conversion” for “substantial change to the dimension of or type of vessel”.

Subsec. (e). Pub. L. 112-213, § 305(c)(3), added subsec. (e).

2010—Pub. L. 111-281, § 604(e)(1)(A), substituted “Fishing, fish tender, and fish processing vessel certification” for “Fish processing vessel certification” in section catchline.

Subsec. (a). Pub. L. 111-281, § 604(e)(1)(B), struck out “fish processing” before “vessel to which this section applies” in introductory provisions.

Subsecs. (c), (d). Pub. L. 111-281, § 604(e)(1)(C), added subsecs. (c) and (d).

1988—Pub. L. 100-424 amended section generally, substituting “Fish processing vessel certification” for “Equivalency” in section catchline, and provisions which require certification issued by American Bureau of Shipping or similar organization for fish processing vessel built after July 27, 1990, or undergoes major conversion completed after that date, for provisions which deemed compliance with this chapter if vessel has unexpired certificate of inspection issued by foreign country that is party to International Convention for Safety of Life at Sea to which United States is party.

1984—Pub. L. 98-557 substituted “is deemed” for “shall be deemed”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 315 of Title 14, Coast Guard.

FINAL RULE

Pub. L. 115-282, title V, § 508(f), Dec. 4, 2018, 132 Stat. 4273, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 4, 2018], the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the requirements enumerated in section 4503(d) of title 46, as amended by subsection (b)(1) of this section.”

CONSTRUCTION OF 2022 AMENDMENT

Nothing in amendment by Pub. L. 117-263 to be construed to affect or apply to any alternative compliance

and safety agreement entered into by the Coast Guard that is in effect on Dec. 23, 2022, see section 11509(b) of Pub. L. 117-263, set out as a note under section 4502 of this title.

[§ 4503a. Repealed. Pub. L. 117-263, div. K, title CXV, § 11509(a)(3), Dec. 23, 2022, 136 Stat. 4137]

Section, added and amended Pub. L. 115-282, title V, § 508(a), (c), Dec. 4, 2018, 132 Stat. 4272, provided for an alternate safety compliance program for certain fishing vessels.

Statutory Notes and Related Subsidiaries

CONSTRUCTION OF REPEAL

Nothing in repeal by Pub. L. 117-263 to be construed to affect or apply to any alternative compliance and safety agreement entered into by the Coast Guard that is in effect on Dec. 23, 2022, see section 11509(b) of Pub. L. 117-263, set out as a Construction of 2022 Amendment note under section 4502 of this title.

§ 4504. Prohibited acts

A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

(Added Pub. L. 98-364, title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587.)

Editorial Notes

AMENDMENTS

1988—Pub. L. 100-424 amended section generally, substituting “Prohibited acts” for “Penalties” in section catchline, and provisions prohibiting operation of vessel in violation of this chapter, for provisions which imposed civil penalty not more than \$1,000 for operation of vessel in violation of chapter, and liability in rem for penalty.

§ 4505. Termination of unsafe operations

An official authorized to enforce this chapter—

(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(a)(2) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section, except that this paragraph shall not apply with respect to a vessel to which section 4503a¹ applies.

(Added Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587; amended Pub. L. 115-282, title V, § 509, Dec. 4, 2018, 132 Stat. 4274.)

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 4503a, referred to in par. (2), was repealed by Pub. L. 117-263, div. K, title CXV, § 11509(a)(3), Dec. 23, 2022, 136 Stat. 4137.

AMENDMENTS

2018—Par. (2). Pub. L. 115-282 substituted “4503(a)(2)” for “4503(1)” and inserted “, except that this paragraph shall not apply with respect to a vessel to which section 4503a applies” before period at end.

§ 4506. Exemptions

The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

- (1) good cause exists for granting an exemption; and
- (2) the safety of the vessel and those on board will not be adversely affected.

(Added Pub. L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587; amended Pub. L. 102-587, title V, § 5222, Nov. 4, 1992, 106 Stat. 5081; Pub. L. 105-383, title III, § 301(b)(6), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 111-281, title VI, § 604(b), Oct. 15, 2010, 124 Stat. 2964; Pub. L. 114-120, title III, § 306(a)(5), Feb. 8, 2016, 130 Stat. 54.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-120 struck out subsec. (a) designation before “The Secretary may”.

2010—Subsec. (b). Pub. L. 111-281 struck out subsec. (b) which read as follows: “A vessel to which this chapter applies is exempt from section 4502(b)(2)(B) of this title if it—

- “(1) is less than 36 feet in length; and
- “(2) is operating—
- ““(A) in internal waters of the United States; or
- ““(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.”

1998—Subsec. (b)(2). Pub. L. 105-383 added par. (2) and struck out former par. (2) which read as follows: “is not operating on the high seas.”

1992—Subsec. (b). Pub. L. 102-587 substituted “4502(b)(2)(B)” for “4502(b)(2)”.

Executive Documents

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 4507. Penalties

(a) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies which is operated in violation of this chapter or a regulation prescribed under this chapter may each be assessed a civil penalty by the Secretary of not more than \$5,000. Any vessel with respect to which a penalty is assessed under this subsection is liable in rem for the penalty.

(b) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.