

2012—Subsec. (b). Pub. L. 112-213 designated existing provisions as par. (1), inserted par. (1) heading, and added pars. (2) and (3).

2008—Subsec. (b). Pub. L. 110-417 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual may waive compliance with those laws to the extent, in the manner, and on the terms the individual prescribes.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-283, div. C, title XXXV, §3502(a)(2), Jan. 1, 2021, 134 Stat. 4398, provided that: “The amendments made by paragraph (1) [amending this section] shall apply with respect to waivers issued after the date of the enactment of this Act [Jan. 1, 2021].”

§ 502. Cargo exempt from forfeiture

Cargo on a vessel is exempt from forfeiture under this title if—

- (1) the cargo is owned in good faith by a person not the owner, master, or crewmember of the vessel; and
- (2) the customs duties on the cargo have been paid or secured for payment as provided by law.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
502	46 App.:326.	R.S. § 4378.

§ 503. Notice of seizure

When a forfeiture of a vessel or cargo accrues, the official of the United States Government required to give notice of the seizure of the vessel or cargo shall include in the notice, if they are known to that official, the name and the place of residence of the owner or consignee at the time of the seizure.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503	46 App.:327.	R.S. § 4379.

§ 504. Remission of fees and penalties

Any part of a fee, tax, or penalty paid or a forfeiture incurred under a law or regulation relating to vessels or seamen may be remitted if—

- (1) application for the remission is made within one year after the date of the payment or forfeiture; and
- (2) it is found that the fee, tax, penalty, or forfeiture was improperly or excessively imposed.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
504	46:2108.	

This section replaces 46 U.S.C. 2108, which was enacted as part of the codification of subtitle II of title

46 in 1983. That provision was based on section 26 of the Act of June 26, 1884, ch. 121, 23 Stat. 59, which prior to the subtitle II codification appeared at 46 U.S.C. 8 (1982 ed.). In the enactment of 46 U.S.C. 2108, the scope of the 1884 provision was narrowed, presumably inadvertently. This section restores the remissions authority to its prior scope. Note that 19 C.F.R. §4.24 (2003) still refers to “the authority to make refunds in accordance with section 26 of the Act of June 26, 1884 (46 U.S.C. 8)” as if that provision had not been replaced by 46 U.S.C. 2108 in 1983.

§ 505. Penalty for violating regulation or order

A person convicted of knowingly and willfully violating a regulation or order of the Federal Maritime Commission or the Secretary of Transportation under subtitle IV or V of this title, for which no penalty is expressly provided, shall be fined not more than \$500. Each day of a continuing violation is a separate offense.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
505	46 App.:1228 (last par.).	June 29, 1936, ch. 858, title VIII, § 806(d); as added Aug. 4, 1939, ch. 417, § 13, 53 Stat. 1187; Pub. L. 97-31, § 12(125), Aug. 6, 1981, 95 Stat. 164.

Subtitle II—Vessels and Seamen

PART A—GENERAL PROVISIONS

<i>Chapter</i>		<i>Sec.</i>
21.	General	2101
23.	Operation of Vessels Generally	2301

PART B—INSPECTION AND REGULATION OF VESSELS

31.	General	3101
32.	Management of Vessels	3201
33.	Inspection Generally	3301
35.	Carriage of Passengers	3501
37.	Carriage of Liquid Bulk Dangerous Cargoes	3701
[39.]	Repealed.]	
41.	Uninspected Vessels Generally	4101
43.	Recreational Vessels	4301
45.	Uninspected Commercial Fishing Industry Vessels	4501
47.	Abandonment of Barges	4701
49.	Oceangoing Non-Passenger Commercial Vessels	4901

PART C—LOAD LINES OF VESSELS

51.	Load Lines	5101
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PART D—MARINE CASUALTIES

61.	Reporting Marine Casualties	6101
63.	Investigating Marine Casualties	6301

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

71.	Licenses and Certificates of Registry	7101
73.	Merchant Mariners' Documents	7301
75.	General Procedures for Licensing, Certification, and Documentation	7501
77.	Suspension and Revocation	7701

PART F—MANNING OF VESSELS

81.	General	8101
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