

freeboard to which the vessel may be loaded. However, if the owner requests, the Secretary may assign load lines that result in greater freeboard than the minimum safe freeboard.

(b) In assigning load lines for a vessel, the Secretary shall consider—

- (1) the service, type, and character of the vessel;
- (2) the geographic area in which the vessel will operate; and
- (3) applicable international agreements to which the United States Government is a party.

(c) An existing vessel may retain its load lines assigned before January 1, 1986, unless the Secretary decides that a substantial change in the vessel after those load lines were assigned requires that new load lines be assigned under this chapter.

(d) The minimum freeboard of an existing vessel may be reduced only if the vessel complies with every applicable provision of this chapter.

(e) The Secretary may designate by regulation specific geographic areas that have less severe weather or sea conditions and from which there is adequate time to return to available safe harbors. The Secretary may reduce the minimum freeboard of a vessel operating in these areas.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1915.)

HISTORICAL AND REVISION NOTES

Revised section 5104

Source: Section (U.S. Code) 46 App. U.S.C. 86c, 88a.

Section 5104(a) requires the Secretary to assign load lines indicating the minimum safe freeboard to which a vessel may be loaded. It also authorizes the Secretary to assign a load line that results in a freeboard that is greater than the minimum freeboard, if the owner requests.

Section 5104(b) sets forth guidelines that the Secretary must consider when assigning load lines on vessels.

Section 5104(c) allows an existing vessel to retain its load line assigned before January 1, 1986, unless the Secretary decides that a change made in the vessel requires the assignment of a new load line.

Section 5104(d) is a new provision that requires that a vessel comply with all the provisions of this chapter before the Secretary will consider a reduction in its minimum freeboard. This provision is similar to Article 4(4) of the International Convention on Load Lines.

Section 5104(e) is a new provision that authorized the Secretary to designate specific geographic areas having relatively non-severe weather or sea conditions and from which there is adequate time to return to safe harbors. Section 5104(e) also authorizes the Secretary to reduce the minimum freeboard of vessels operating in these areas. Regulations that have been issued under this authority (46 C.F.R. 44) authorize special service load lines for vessels operating not more than 20 nautical miles offshore or between islands in a group.

§ 5105. Load line surveys

(a) The Secretary may provide for annual, renewal, and other load line surveys.

(b) In conducting a load line survey, the Secretary shall consider whether—

- (1) the hull and fittings of the vessel—
 - (A) are adequate to protect the vessel from the sea; and
 - (B) meet other requirements the Secretary may prescribe by regulation;

(2) the strength of the hull is adequate for all loading conditions;

(3) the stability of the vessel is adequate for all loading conditions;

(4) the topsides of the vessel are arranged and constructed to allow rapid overboard drainage of deck water in heavy weather; and

(5) the topsides of the vessel are adequate in design, arrangement, and equipment to protect crewmembers performing outside tasks necessary for safe operation of the vessel.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5105

Section 5105 authorizes the Secretary of Transportation to provide for load line surveys and requires that while conducting a load line survey, the Secretary must consider various strength, stability, design, and construction features of the vessel.

§ 5106. Load line certificate

(a) On finding that a load line survey of a vessel under this chapter is satisfactory and that the vessel's load lines are marked correctly, the Secretary shall issue the vessel a load line certificate and deliver it to the owner, master, or individual in charge of the vessel.

(b) The certificate shall be maintained as required by the Secretary.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5106

Source: Section (U.S. Code) 46 App. U.S.C. 86c.

Section 5106(a) requires the Secretary to issue a load line certificate upon finding that a vessel has received a satisfactory load line survey and that the vessel's load line is marked correctly.

Section 5106(b) requires that the load line certificate be maintained as required by the Secretary of Transportation. It is expected that the Secretary will require in most cases that the certificate be carried on board the vessel. However, certain types of vessels such as barges do not have facilities for the carriage of certificates. In this case, this provision would give the Secretary the discretion to require that the certificates for the barges be carried on the towing vessels.

§ 5107. Delegation of authority

(a) The Secretary shall delegate to the American Bureau of Shipping or other similarly qualified organizations the authority to assign load lines, survey vessels, determine that load lines are marked correctly, and issue load line certificates under this chapter.

(b) Under regulations prescribed by the Secretary, a decision of an organization delegated authority under subsection (a) of this section related to the assignment of a load line may be appealed to the Secretary.

(c) For a vessel intended to be engaged on a foreign voyage, the Secretary may delegate to another country that is a party to the International Convention on Load Lines, 1966, the authority to assign load lines, survey vessels, determine that the load lines are marked correctly, and issue an International Load Line Certificate (1966).

(d) The Secretary may terminate a delegation made under this section after giving written notice to the organization.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5107

Source: Section (U.S. Code) 46 App. U.S.C. 86d, 88b.

Section 5107(a) requires the Secretary to delegate the performance of various load line functions to the American Bureau of Shipping or other similarly qualified organizations. In providing for the delegation to a “similarly qualified organization,” the Committee expects that the Secretary will ensure that that organization complies with the same stringent standards and requirements for conducting business that apply to the American Bureau of Shipping.

Section 5107(b) permits an appeal to the Secretary of a decision by an organization that has received delegated authority. This ensures that the Secretary has full oversight of the delegated load line functions.

Section 5107(c) permits the Secretary to delegate various load line functions to another country for vessels that are engaged on a foreign voyage, provided that the country is a party to the International Convention on Load Lines, 1966.

Section 5107(d) clarifies the Secretary’s authority to revoke a delegation at any time without cause. This authority is given so that no delay occurs administratively in revoking a delegation whenever the Secretary decides a revocation is warranted.

§ 5108. Special exemptions

(a) The Secretary may exempt a vessel from any part of this chapter when—

- (1) the vessel is entitled to an exemption under an international agreement to which the United States Government is a party; or
- (2) under regulations (including regulations on special operations conditions) prescribed by the Secretary, the Secretary finds that good cause exists for granting an exemption.

(b) When the Secretary grants an exemption under this section, the Secretary may issue a certificate of exemption stating the extent of the exemption.

(c) A certificate of exemption issued under subsection (b) of this section shall be maintained as required by the Secretary.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1916.)

HISTORICAL AND REVISION NOTES

Revised section 5108

Source: Section (U.S. Code) 46 App. U.S.C. 86e, 88a.

Section 5108(a) authorizes the Secretary to exempt a vessel from load line requirements if the vessel is entitled to an exemption under an international agreement to which the United States is a party. It also provides the Secretary with the new authority to exempt a vessel from load line requirements if the Secretary finds that there is good reason for granting the exemption. A specific exemption from load line requirements was authorized in Public Law 98-557 for barges operating close to shore between Calumet Harbor, Illinois and Burns Harbor, Indiana, because the geographic area and type of operation in this case did not warrant a requirement for load lines. Additional exemptions currently must be made by an Act of Congress. Section 5108(a) authorizes the Secretary to make such exemptions through regulation, and the Committee expects the Secretary to continue the exemption under this provision for vessels operating close to shore between Calumet Harbor, Illinois and Burns Harbor, Indiana.

Section 5108(b) authorizes the Secretary to issue a certificate of exemption when an exemption is granted.

Section 5108(c) requires that the certificate of exemption be maintained as required by the Secretary in a similar manner as under section 5106(b).

§ 5109. Reciprocity for foreign vessels

(a) When the Secretary finds that the laws and regulations of a foreign country related to load lines are similar to those of this chapter and the regulations prescribed under this chapter, or when a foreign country is a party to an international load line agreement to which the United States Government is a party, the Secretary shall accept the load line marks and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter. The Secretary may control the vessel as provided for in the applicable international agreement.

(b) Subsection (a) of this section does not apply to a vessel of a foreign country that does not recognize load lines assigned under this chapter.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1917.)

HISTORICAL AND REVISION NOTES

Revised section 5109

Source: Section (U.S. Code) 46 App. U.S.C. 86f, 88d.

Section 5109(a) requires the Secretary to accept the load line mark and load line certificate of a vessel of a foreign country if the Secretary finds that the load line laws and regulations of that country are similar to those of this chapter, or if that country is a party to an international load line agreement to which the United States is a party.

§ 5110. Submersible vessels

Notwithstanding sections 5103-5105 of this title, the Secretary may prescribe regulations for submersible vessels to provide a minimum level of safety. In developing the regulations, the Secretary shall consider factors relevant to submersible vessels, including the structure, stability, and watertight integrity of those vessels.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1917.)

HISTORICAL AND REVISION NOTES

Revised section 5110

Section 5110 authorizes the Secretary to prescribe regulations for the marking of load lines of submersible vessels. This general authority has been included in anticipation of the commercial development of submersibles.

§ 5111. Providing loading information

The Secretary may prescribe regulations requiring the owner, charterer, managing operator, and agent of a vessel to provide loading information (including information on loading distribution, stability, and margin of strength) to the master or individual in charge of the vessel in a language the master or individual understands.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1917.)

HISTORICAL AND REVISION NOTES

Section 5111 authorizes the Secretary to prescribe regulations requiring that the master of a vessel be provided with loading and stability information for the vessel that the master understands.

§ 5112. Loading restrictions

(a) A vessel may not be loaded in a way that submerges the assigned load line or the place at