

§ 5116. Penalties

(a) Except as otherwise provided in this section, the owner, charterer, managing operator, agent, master, and individual in charge of a vessel violating this chapter or a regulation prescribed under this chapter are each liable to the United States Government for a civil penalty of not more than \$5,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(b) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel allowing, causing, attempting to cause, or failing to take reasonable care to prevent a violation of section 5112(a) of this title are each liable to the Government for a civil penalty of not more than \$10,000 plus an additional amount equal to twice the economic benefit of the overloading. The vessel also is liable in rem for the penalty.

(c) The master or individual in charge of a vessel violating section 5112(b) of this title is liable to the Government for a civil penalty of not more than \$5,000. The vessel also is liable in rem for the penalty.

(d) A person causing or allowing the departure of a vessel from a place within the jurisdiction of the United States in violation of a detention order issued under section 5113 of this title commits a class A misdemeanor.

(e) A person causing or allowing the alteration, concealment, or removal of a mark placed on a vessel under section 5103(b) of this title and the regulations prescribed under this chapter, except to make a lawful change or to escape enemy capture in time of war, commits a class A misdemeanor.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1918; Pub. L. 101-380, title IV, § 4302(d), Aug. 18, 1990, 104 Stat. 538.)

HISTORICAL AND REVISION NOTES*Revised section 5116*

Source: Section (U.S. Code) 46 App. U.S.C. 86i, 88g.

Section 5116 provides penalties for violations of load line requirements. The penalties are raised substantially from existing law to provide a sufficient deterrence against violations of the load line requirements and to conform with the level of penalties throughout the subtitle. The monetary penalties have not been changed since the 1930's.

Section 5116(a) raises from \$1,000 to \$5,000 the maximum penalty for violation of a load line provision under this chapter or a regulation promulgated under this chapter.

Section 5116(b) raises from \$1,000 to \$10,000 the maximum penalty for loading a vessel in such a way as to submerge the load line. In addition, a violator must pay up to two times the amount of the economic benefit of the overloading.

Section 5116(c) raises from \$500 to \$5,000 the maximum penalty for a violation of the requirement in section 5112(b) that the load line position and draft of a vessel be noted in the logbook.

Section 5116(a)-(c) also states that the vessel is liable in rem for the penalty.

Section 5116(d) raises from \$1,000 to \$10,000 the maximum penalty for a violation of a detention order and may also include imprisonment for up to one year.

Section 5116(e) raises from \$2,000 to \$10,000 the maximum penalty for the alteration, removal, or concealment of a load line mark and may also include imprisonment for two years.

Editorial Notes**AMENDMENTS**

1990—Subsec. (d). Pub. L. 101-380, § 4302(d)(1), substituted “commits a class A misdemeanor” for “shall be fined not more than \$10,000, imprisoned for not more than one year, or both”.

Subsec. (e). Pub. L. 101-380, § 4302(d)(2), substituted “commits a class A misdemeanor” for “shall be fined not more than \$10,000, imprisoned for not more than 2 years, or both”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

PART D—MARINE CASUALTIES**CHAPTER 61—REPORTING MARINE CASUALTIES**

Sec.	
6101.	Marine casualties and reporting.
6102.	State marine casualty reporting system.
6103.	Penalty.
6104.	Commercial fishing industry vessel casualty statistics.

HISTORICAL AND REVISION NOTES

Chapter 61 provides for the reporting of marine casualties and incidents involving all United States flag vessels occurring anywhere in the world and any foreign flag vessel operating on waters subject to the jurisdiction of the United States.

Editorial Notes**AMENDMENTS**

1988—Pub. L. 100-424, § 4(c), Sept. 9, 1988, 102 Stat. 1591, added item 6104.

§ 6101. Marine casualties and reporting

(a) The Secretary shall prescribe regulations on the marine casualties to be reported and the manner of reporting. The regulations shall require reporting the following marine casualties:

- (1) death of an individual.
- (2) serious injury to an individual.
- (3) material loss of property.
- (4) material damage affecting the seaworthiness or efficiency of the vessel.
- (5) significant harm to the environment.

(b) A marine casualty shall be reported within 5 days as provided in this part and regulations prescribed under this part. Each report filed under this section shall include information as to whether the use of alcohol contributed to the casualty.

(c) NOTICE TO STATE AND TRIBAL GOVERNMENTS.—Not later than 24 hours after receiving a notice of a major marine casualty under this section, the Secretary shall notify each State or federally recognized Indian tribe that is, or may reasonably be expected to be, affected by such marine casualty.

(d)(1) This part applies to a foreign vessel when involved in a marine casualty on the navigable waters of the United States.

(2) This part applies, to the extent consistent with generally recognized principles of inter-