

–CITE–

46 USC CHAPTER 35 – CARRIAGE OF PASSENGERS 01/06/03

–EXPCITE–

TITLE 46 – SHIPPING

Subtitle II – Vessels and Seamen

Part B – Inspection and Regulation of Vessels

CHAPTER 35 – CARRIAGE OF PASSENGERS

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CHAPTER 35 – CARRIAGE OF PASSENGERS

–MISC1–

Sec.

3501. Number of passengers.

3502. List or count of passengers.

3503. Fire-retardant materials.

3504. Notification to passengers.

3505. Prevention of departure.

3506. Copies of laws.

HISTORICAL AND REVISION NOTES

Chapter 35 consolidates the laws that have specific application to the carriage of passengers. They provide special provisions for listing and counting the number of passengers on board a vessel, for notifying the general public of the safety standards that are applicable, and for related control measures.

–End–

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–EXPCITE–

TITLE 46 – SHIPPING

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Sec. 3501. Number of passengers

–STATUTE–

(a) Each certificate of inspection issued to a vessel carrying passengers (except a ferry) shall include a statement on the number of passengers that the vessel is permitted to carry.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel is liable to a person suing them for carrying more passengers than the number of passengers permitted by the certificate of inspection in an amount equal to –

(1) passage money; and

(2) \$100 for each passenger in excess of the number of passengers permitted.

(c) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that knowingly carries more passengers than the number of passengers permitted by the certificate of inspection also shall be fined not more than \$100, imprisoned for not more than 30 days, or both.

(d) The vessel also is liable in rem for a penalty under this section.

(e) An offshore supply vessel may not carry passengers except in an emergency.

–SOURCE–

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99–36, Sec.

1(a)(2), May 15, 1985, 99 Stat. 67.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised section Source section (U.S. Code)

3501 46:404–1

46:451

46:452

46:462

Section 3501 requires that a vessel carrying passengers, including a passenger vessel as well as a small passenger vessel (except a ferry), shall have on the certificate of inspection a statement as to the number of passengers the vessel is permitted to carry. It also provides penalties for carrying passengers in excess of the number permitted.

AMENDMENTS

1985 – Subsec. (a). Pub. L. 99–36, Sec. 1(a)(2)(A), struck out the comma after "(except a ferry)".

Subsec. (c). Pub. L. 99–36, Sec. 1(a)(2)(B), substituted "carries more passengers than the number of passengers permitted by the

certificate of inspection" for "violates subsection (b) of this section".

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L.

98–89, set out as a note under section 3101 of this title.

–End–

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46 USC Sec. 3502 01/06/03

–EXPCITE–

TITLE 46 – SHIPPING

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Sec. 3502. List or count of passengers

–STATUTE–

(a) The owner, charterer, managing operator, master, or individual in charge of the following categories of vessels carrying passengers shall keep a correct list of passengers received and delivered from day to day:

(1) vessels arriving from foreign ports (except at United States Great Lakes ports from Canadian Great Lakes ports).

(2) seagoing vessels in the coastwise trade.

(3) passenger vessels making voyages of more than 300 miles on the Great Lakes except from a Canadian to a United States port.

(b) The master of a vessel carrying passengers (except a vessel

listed in subsection (a) of this section) shall keep a correct count of all passengers received and delivered.

(c) Lists and counts required under this section shall be open to the inspection of designated officials of the Coast Guard and the Customs Service at all times. The total number of passengers shall be provided to the Coast Guard when requested.

(d) This section applies to a foreign vessel arriving at a United States port.

(e) The owner, charterer, managing operator, master, or individual in charge of a passenger vessel failing to make a list or count of passengers as required by this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.

—SOURCE—

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 519.)

—MISC1—

HISTORICAL AND REVISION NOTES

Revised section Source section (U.S. Code)

3502 46:460

46:460a

46:461

46:462

Section 3502 is related to section 3501 and requires the listing

or counting of passengers on certain vessels. This requirement applies to large as well as small passenger vessels when operating on the types of voyages enumerated. This section also applies to a foreign vessel arriving at a port or place in the United States.

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–End–

–CITE–

46 USC Sec. 3503 01/06/03

–EXPCITE–

TITLE 46 – SHIPPING

Subtitle II – Vessels and Seamen

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–HEAD–

Sec. 3503. Fire–retardant materials

–STATUTE–

(a) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if the vessel is constructed of fire–retardant materials. Before November 1, 2008, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

(b)(1) When a vessel is exempted from the fire–retardant standards of this section –

(A) the owner or managing operator of the vessel shall notify prospective passengers that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

(B) the owner or managing operator of the vessel may not disclaim liability to a passenger for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator;

(C) the penalties provided in section 3504(c) of this title apply to a violation of this subsection; and

(D) the owner or managing operator of the vessel shall notify

the Coast Guard of structural alterations to the vessel, and with regard to those alterations comply with any noncombustible material requirements that the Coast Guard prescribes for nonpublic spaces. Coast Guard requirements shall be consistent with preservation of the historic integrity of the vessel in areas carrying or accessible to passengers or generally visible to the public.

(2) The Secretary shall prescribe regulations under this subsection on the manner in which prospective passengers are to be notified.

–SOURCE–

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 519; Pub. L. 99–307, Sec. 1(7)(A), May 19, 1986, 100 Stat. 444; Pub. L. 102–241, Sec. 20, Dec. 19, 1991, 105 Stat. 2216; Pub. L. 104–324, title XI, Sec. 1133, Oct. 19, 1996, 110 Stat. 3985.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised section Source section (U.S. Code)

3503 46:369(b)

Section 3503 requires the use of fire retardant materials on a vessel having berthing facilities for at least 50 passengers. This requirement in the case of vessels engaged in foreign trade is consistent with our international treaty obligations, which impose

extensive and additional fire safety standards. A waiver that grandfathers existing inland river passenger vessels is also included.

AMENDMENTS

1996 – Subsec. (a). Pub. L. 104–324 substituted "Before November 1, 2008, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line." for "Before November 1, 1998, this section does not apply to a vessel in operation before January 1, 1968, and operating only on the inland rivers."

1991 – Subsec. (a). Pub. L. 102–241, Sec. 20(1), substituted "1998" for "1993".

Subsec. (b)(1)(D). Pub. L. 102–241, Sec. 20(2), added subpar. (D).

1986 – Pub. L. 99–307 designated existing provision as subsec. (a), substituted "November 1, 1993" for "November 1, 1988" and inserted "in operation before January 1, 1968, and" after "to a vessel", and added subsec. (b).

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization

Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–MISC2–

NOTIFICATION TO PROSPECTIVE PASSENGERS OF NONCOMPLIANCE WITH FIRE–RETARDANT STANDARDS

Section 1(7)(B) of Pub. L. 99–307 provided that: "Until the regulations required by subclause (A) of this clause [see subsec. (b)(2) of this section] become effective, the owner or managing operator shall notify prospective passengers in all promotional literature and on each ticket that the vessel does not comply with those standards due primarily to the wooden construction of passenger berthing areas."

–End–

–CITE–

46 USC Sec. 3504 01/06/03

–EXPCITE–

TITLE 46 – SHIPPING

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Sec. 3504. Notification to passengers

–STATUTE–

(a) A person selling passage on a foreign or domestic passenger vessel having berth or stateroom accommodations for at least 50 passengers and embarking passengers at United States ports for a

coastwise or an international voyage shall notify each prospective passenger of the safety standards applicable to the vessel in a manner prescribed by regulation.

(b) All promotional literature or advertising through any medium of communication in the United States offering passage or soliciting passengers for ocean voyages anywhere in the world shall include information similar to the information described in subsection (a) of this section, and shall specify the registry of each vessel named, as a part of the advertisement or description of the voyage. Except for the inclusion of the country of registry of the vessel, this subsection does not apply to voyages by vessels meeting the safety standards described in section 3505 of this title.

(c) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$10,000. If the violation involves the sale of tickets for passage, the owner, charterer, managing operator, agent, master, individual in charge, or any other person involved in each violation also is liable to the Government for a civil penalty of \$500 for each ticket sold. The vessel on which passage is sold also is liable in rem for a violation of this section or a regulation prescribed under this section.

–SOURCE–

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 519.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised section Source section (U.S. Code)

3504 46:362(b)

Section 3504 requires notification to the public of the safety standards that are applicable to certain foreign flag or United States passenger vessels. In addition, all promotional literature or advertising that offers passage or solicits passengers for ocean voyages anywhere in the world shall include a safety standard statement and shall specify the registry of the vessel. If the vessel meets the international standards to which the United States adheres, then the safety standard statement need not be included. In all other cases the type of safety standard statement that must be included is as prescribed by regulation. This section is intended to place the United States public on notice as to the degree of fire safety compliance of a foreign-flag passenger vessel that does not operate or depart from a port or place in the United States but does embark passengers from the United States at nearby foreign ports. Departures from foreign ports are undertaken because the foreign-flag passenger vessel cannot comply with the safety standards applicable to a United States flag passenger vessel.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

–End–

–CITE–

46 USC Sec. 3505 01/06/03

–EXPCITE–

TITLE 46 – SHIPPING

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Sec. 3505. Prevention of departure

–STATUTE–

Notwithstanding section 3303(a) (!1) of this title, a foreign vessel may not depart from a United States port with passengers who are embarked at that port, if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.

–SOURCE–

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 520; Pub. L. 102–587, title V, Sec. 5210(b), Nov. 4, 1992, 106 Stat. 5076.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised section Source section (U.S. Code)

3505 46:362(c)

Section 3505 prohibits the departure from a United States port or place of any passenger vessel of more than 100 gross tons having berthing for at least 50 passengers, if the vessel does not comply with the international maritime safety standards applicable to United States vessels.

–REFTEXT–

REFERENCES IN TEXT

Section 3303(a) of this title, referred to in text, was redesignated section 3303 of this title by Pub. L. 104–324, title XI, Sec. 1111, Oct. 19, 1996, 110 Stat. 3970.

–MISC2–

AMENDMENTS

1992 – Pub. L. 102–587 substituted "foreign vessel may not depart" for "foreign or domestic vessel of more than 100 gross tons having berth or stateroom accommodations for at least 50 passengers may not depart".

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3504 of this title.

–FOOTNOTE–

(1) See References in Text note below.

–End–

–CITE–

46 USC Sec. 3506 01/06/03

–EXPCITE–

TITLE 46 – SHIPPING

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Sec. 3506. Copies of laws

–STATUTE–

A master of a passenger vessel shall keep on board a copy of this subtitle, to be provided by the Secretary at reasonable cost. If the master fails to do so, the master is liable to the United States Government for a civil penalty of \$200.

–SOURCE–

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 520.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised section Source section (U.S. Code)

3506 46:492

Section 3506 requires the master of a passenger vessel to keep on board a copy of subtitle II of title 46, U.S.C. Copies of the subtitle shall be provided by the Secretary at reasonable cost.

-End-