phrase "places in or subject to the jurisdiction of the United States." "Places subject to the jurisdiction of the United States" include deep water ports, production platforms, mining sites outside of territorial waters of the United States but within the United States' Exclusive Economic Zone (EEZ) that was established by Presidential Proclamation 5030, dated March 10, 1983, or on the outer continental shelf. The phrases "economic benefit of overloading" and "weight of the overload" have been defined for purposes of establishing a standard method of determining the value of the cargo with which a vessel is overloaded. The value of the cargo will in turn affect the maximum penalty assessed for overloading the vessel. The definition of "freeboard deck" provides the Secretary with the authority to designate as the freeboard deck either the actual deck (on standard vessels) or another structure (on non-standard vessels). Non-standard vessels, for which this regulatory flexibility is necessary, include shelter deck vessels, semi-submersible multi-hull units, container ships, surface effect vessels, and commercial submarines.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 5102. Application

(a) Except as provided in subsection (b) of this section, this chapter applies to the following:

(1) a vessel of the United States.

(2) a vessel on the navigable waters of the United States.

(3) a vessel—

(A) owned by a citizen of the United States or a corporation established by or under the laws of the United States or a State; and

(B) not registered in a foreign country.

(4) a public vessel of the United States.

(5) a vessel otherwise subject to the jurisdiction of the United States.

(b) This chapter does not apply to the following:

(1) a vessel of war.

(2) a recreational vessel when operated only for pleasure.

(3) a fishing vessel, unless the vessel is built after July 1, 2012. 2013.

(4) a fish processing vessel of not more than 5,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that—

(A)(i) was constructed as a fish processing vessel before August 16, 1974; or

(ii) was converted for use as a fish processing vessel before January 1, 1983; and

(B) is not on a foreign voyage.

(5) a fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that—

(A)(i) was constructed, under construction, or under contract to be constructed as a fish tender vessel before January 1, 1980; or

(ii) was converted for use as a fish tender vessel before January 1, 1983; and

(B)(i) is not on a foreign voyage; or

(ii) is not engaged in the Aleutian trade (except a vessel in that trade assigned a load line at any time before June 1, 1992).

(6) a vessel of the United States on a domestic voyage that does not cross the Boundary Line, except a voyage on the Great Lakes.

(7) a vessel of less than 24 meters (79 feet) overall in length.

(8) a public vessel of the United States on a domestic voyage.

(9) a vessel excluded from the application of this chapter by an international agreement to which the United States Government is a party.

(10) an existing vessel of not more than 150 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that is on a domestic voyage.

(11) a small passenger vessel on a domestic voyage.

(12) a vessel of the working fleet of the Panama Canal Commission not on a foreign voyage.

(c) On application by the owner and after a survey under section 5105 of this title, the Secretary may assign load lines for a vessel excluded from the application of this chapter under subsection (b) of this section. A vessel assigned load lines under this subsection is subject to this chapter until the surrender of its load line certificate and the removal of its load line marks.

(d) This chapter does not affect an international agreement to which the Government is a party that is not in conflict with the International Convention on Load Lines currently in force for the United States.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1914; Pub. L. 101–595, title VI, § 602(d), Nov. 16, 1990, 104 Stat. 2991; Pub. L. 104–324, title VII, § 719, Oct. 19, 1996, 110 Stat. 3938; Pub. L. 107–295, title IV, § 436(a), Nov. 25, 2002, 116 Stat. 2129; Pub. L. 111–281, title VI, § 604(d)(1), Oct. 15, 2010, 124 Stat. 2965.)

HISTORICAL AND REVISION NOTES

Revised section 5102

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

The delineation of the vessels that will be subject to load line requirements is made in section 5102 as follows: subsection (a) is an all-inclusive list of vessels subject to load line requirements, followed by subsection (b) which specifically exempts those vessels to which the requirements do not apply.

Section 5102(a) lists five categories of vessels which are subject to load line requirements. They are as follows:

Clause (1) regarding "a vessel of the United States" includes all vessels documented under Chapter 121 of title 46 or numbered under Chapter 123 of title 46.

Clause (2) regarding "a vessel on the navigable waters of the United States" includes all domestic or foreign vessels found in or on the navigable waters of the United States.

Clause (3) regarding "a vessel owned by a citizen of the United States or a corporation established by or under the laws of the United States or a State, and not registered in a foreign country" includes all vessels owned by citizens of the United States (as defined in

5107(7)) [sic] and not registered under the laws of a foreign country, wherever the vessels may be located.

Clause (4) regarding "a public vessel of the United States" includes all United States public vessels.

Clause (5) regarding "a vessel otherwise subject to the jurisdiction of the United States" includes foreign vessels that are subject to United States jurisdiction as a result of bilateral agreements, licenses, customary international law or other means, including those using deepwater port or outer continental shelf or EEZ facilities located in areas subject to the jurisdiction of the United States.

Section 5102(b) lists the specific exemptions from load line requirements. The specific exemptions may be grouped as follows:

(a) Vessel type (ships of war, pleasure vessels, fishing vessels, small passenger vessels on domestic voyages);

(b) Area of operation (rivers, harbors, bays, sounds, etc.);

(c) Minimum size (length); and

(d) Treaty exclusions.

Clause (1) exempts vessels of war from load line requirements.

Clause (2) exempts recreational vessels operated only for pleasure from load line requirements.

Clause (3) exempts fishing vessels from load line requirements.

Clauses (4) and (5) exempt certain existing fish processing and fish tender vessels not on a foreign voyage from load line requirements. The exception is limited to those vessels not on international voyages to ensure compliance with United States obligations under the International Load Line Convention.

Clause (6) exempts from load line requirements all U.S. vessels operating on domestic voyages within the Boundary Line, as defined in section 2101 of this title, except vessels operating on the Great Lakes.

Clause (7) exempts all vessels that are less than 24 meters (79 feet) in length from load line requirements whether on international or domestic voyages.

Clause (8) exempts from load line requirements those public vessels that are on domestic voyages.

Clause (9) exempts from load line requirements those vessels which have been excluded from the requirements "by specific action of a treaty of the United States." The only current treaty which excludes vessels from load line requirements is the Convention Between the United States of America and the Dominion of Canada Concerning Load Lines (49 Stat. 2685), which entered into force on August 11, 1934.

Clause (10) exempts from load line requirements existing U.S. vessels that are under 150 gross tons while engaged on a domestic voyage. This is a grandfather provision, continuing the existing exemption for these vessels. Vessels built after January 1, 1986 must be marked with a load line, however, if they are over 79 feet long and do not qualify for any other exemption.

Clause (11) exempts small passenger vessels engaged on domestic voyages from load line requirements. Small passenger vessels are inspected under Subchapter T of Title 46 of the Code of Federal Regulations. Under Subchapter T, the Coast Guard regulates these vessels with regard to safety; the requirements are based on the number of passengers, length, and gross tonnage of the vessel. Safety-related requirements in Subchapter T regulations include hull structure and watertightness, stability, weathertight integrity, and safe movement of persons on deck, the principal safety features covered by load line regulations. This specific exemption from load line requirements for small passenger vessels is consistent with existing law and does not alter in any way the Coast Guard's authority to regulate small passenger vessels under Subchapter T.

Clause (12) exempts vessels of the working voyages from the requirement to have load lines.

Section 5102(c) authorizes the Secretary to assign load lines for any vessel exempted from load line requirements by subsection (b) upon the request of the owner. It also provides that any exempted vessel for which load lines are assigned will remain subject to the load line requirements until its load line certificate is surrendered and the load line marks are removed.

Section 5102(d) provides that this chapter shall not be construed as abrogating the provisions of other treaties and conventions to which the United States is a party, which are not in conflict with the International Convention on Load Lines.

AMENDMENTS

2010—Subsec. (b)(3). Pub. L. 111–281 inserted ", unless the vessel is built after July 1, 2012" after "vessel".

2002—Subsec. (b)(5)(B)(ii). Pub. L. 107–295 inserted "is not" after "(ii)".

1996—Subsec. (b)(4). Pub. L. 104–324, § 719(1), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "5,000 gross tons" in introductory provisions.

Subsec. (b)(5). Pub. L. 104–324, § 719(2), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "500 gross tons" in introductory provisions.

Subsec. (b)(10). Pub. L. 104–324, § 719(3), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "150 gross tons".

1990—Subsec. (b)(5)(B). Pub. L. 101–595 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "is not on a foreign voyage."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–595 effective Nov. 16, 1990, with provision that before Jan. 1, 2003, a fish tender vessel is exempt from this chapter when engaged in Aleutian trade if the vessel either operated in that trade before Sept. 8, 1990, or was purchased before that date to be used in such trade and entered into service in that trade before June 1, 1992, did not undergo a major conversion, and did not have a load line assigned at any time before Nov. 16, 1990, see section 602(f) of Pub. L. 101–595, set out as a note under section 4502 of this title.

FISH TENDER VESSELS IN ALEUTIAN TRADE

Pub. L. 107–295, title IV, § 436(b), (c), Nov. 25, 2002, 116 Stat. 2129, provided that:

"(b) IMPLEMENTATION.—Except as provided in subsection (c), a fish tender vessel that before January 1, 2003, transported cargo (not including fishery related products) in the Aleutian trade is subject to chapter 51 of title 46, United States Code (as amended by subsection (a) of this section [amending this section]).

"(c) EXCEPTION.—

"(1) IN GENERAL.—Before December 31, 2006, the BOWFIN (United States official number 604231) is exempt from chapter 51 of title 46, United States Code (as amended by subsection (a) of this section) when engaged in the Aleutian trade, if the vessel does not undergo a major conversion.

"(2) ENSURING SAFETY.—Before the date referred to in paragraph (1), a Coast Guard official who has reason to believe that the vessel referred to in paragraph (1) operating under this subsection is in a condition or is operated in a manner that creates an immediate threat to life or the environment or is operated in a manner that is inconsistent with section 3302 of title 46, United States Code, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge."

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relat-

ing 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.]

§ 5103. Load line requirements

(a) A vessel may be operated only if the vessel has been assigned load lines.

(b) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel shall mark and maintain the load lines permanently and conspicuously in the way prescribed by the Secretary.

(c) A fishing vessel built on or before July 1, 2012, that undergoes a ~~substantial change to the dimension of or type of the vessel~~ major conversion completed after the later of July 1, ~~2012~~ 2013, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternative loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

(Pub. L. 99–509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1915; Pub. L. 111–281, title VI, § 604(d)(2), Oct. 15, 2010, 124 Stat. 2965.)

HISTORICAL AND REVISION NOTES

Revised section 5103

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

Section 5103(a) prohibits a vessel that is subject to load line requirements from operating, unless it has load lines assigned by the Secretary.

Section 5103(b) requires that load lines be permanently and conspicuously maintained in the manner prescribed by the Secretary.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111–281 added subsec. (c).

§ 5104. Assignment of load lines

(a) The Secretary shall assign load lines for a vessel so that they indicate the minimum safe 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