

## 46 USC § 3302 - EXEMPTIONS

(a) A vessel is not excluded from one category only because the vessel is—  
(1) included in another category of section [3301](#) of this title; or  
(2) excluded by this section from another category of section [3301](#) of this title.

(b) Except as provided in subsection (c)(3) of this section, a fishing vessel, including a vessel chartered part-time as a fish tender vessel, is exempt from section [3301 \(1\)](#), (7), (11), and (12) of this title.

(c)

(1) Except as provided in paragraph (3) of this subsection, 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 is exempt from section [3301 \(1\)](#), (6), (7), (11), and (12) of this title.

(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section [3301 \(1\)](#), (6), (7), (11), and (12) of this title:

(A) A 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.

(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section [14302](#) of this title.

(3)

(A) A fishing vessel or fish processing vessel is exempt from section [3301 \(1\)](#), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska if—

(i) that place does not receive weekly common carrier service by water from a place in the United States;

(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

(B) A fish tender vessel of not more than 500 gross tons as measured under section [14502](#) of this title, or less than 500 gross tons as measured under section [14502](#) of this title, or is less than 2,500 gross tons as measured under section [14302](#) of this title, which is qualified to engage in the Aleutian trade is exempt from section [3301 \(1\)](#), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska outside the Aleutian trade geographic area if—

(i) that place does not receive weekly common carrier service by water from a place in the United States;

**(ii)** that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

**(iii)** the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

**(C)** In this paragraph, the term “proprietary cargo” means cargo that—

**(i)** is used by the owner of the vessel or any affiliated entity or subsidiary in activities directly related to fishing or the processing of fish;

**(ii)** is consumed by employees of the owner of the vessel or any affiliated entity or subsidiary who are engaged in fishing or in the processing of fish; or

**(iii)** consists of fish or fish products harvested or processed by the owner of the vessel or any affiliated entity or subsidiary.

**(D)** Notwithstanding the restrictions in subparagraph (B) of this paragraph, vessels qualifying under subparagraph (B) may transport cargo (including fishery-related products) from a place in Alaska receiving weekly common carrier service by water to a final destination in Alaska not receiving weekly service by water from common carriers.

**(4)** A fish tender vessel is exempt from section [3301 \(1\)](#), (6), and (7) of this title when engaged in the Aleutian trade if the vessel—

**(A)** is not more than 500 gross tons as measured under section [14502](#) of this title, or less than 500 gross tons as measured under section [14502](#) of this title, or is less than 2,500 gross tons as measured under section [14302](#) of this title;

**(B)** has an incline test performed by a marine surveyor; and

**(C)** has written stability instructions posted on board the vessel.

**(d)**

**(1)** A motor vessel of less 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, constructed before August 23, 1958, is not subject to inspection under section [3301 \(1\)](#) of this title if the vessel is owned or demise chartered to a cooperative or association that only transports cargo owned by at least one of its members on a nonprofit basis between places within the waters of—

**(A)** southeastern Alaska shoreward of the Boundary Line; or

**(B)** southeastern Alaska shoreward of the Boundary Line and—

**(i)** Prince Rupert, British Columbia; or

**(ii)** waters of Washington shoreward of the Boundary Line, via sheltered waters, as defined in article I of the treaty dated December 9, 1933, between the United States and Canada defining certain waters as sheltered waters.

**(2)** The transportation authorized under this subsection is limited to and from places not receiving annual weekly transportation service from any

part of the United States by an established water common carrier.

However, the limitation does not apply to transporting cargo of a character not accepted for transportation by that carrier.

**(e)** A vessel laid up, dismantled, or out of commission is exempt from inspection.

**(f)** Section [3301 \(4\)](#) and (8) of this title does not apply to an oceanographic research vessel because it is carrying scientific personnel.

**(g)**

**(1)** Except when compliance with major structural or major equipment requirements is necessary to remove an especially hazardous condition, an offshore supply vessel is not subject to regulations or standards for those requirements if the vessel—

**(A)** was operating as an offshore supply vessel before January 2, 1979; or

**(B)** was contracted for before January 2, 1979, and entered into service as an offshore supply vessel before October 6, 1980.

**2)** After December 31, 1988, this subsection does not apply to an offshore supply vessel that is at least 20 years of age.

**(h)** An offshore supply vessel operating on January 1, 1979, under a certificate of inspection issued by the Secretary, is subject to an inspection standard or requirement only if the standard or requirement could have been prescribed for the vessel under authority existing under law on October 5, 1980.

**(i)**

**(1)** The Secretary may issue a permit exempting a vessel from any part of the requirements of this part for vessels transporting cargo, including bulk fuel, from one place in Alaska to another place in Alaska only if the vessel—

**(A)** is not more than 300 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;

**(B)** is in a condition that does not present an immediate threat to the safety of life or the environment; and

**(C)** was operating in the waters off Alaska as of June 1, 1976, or the vessel is a replacement for a vessel that was operating in the waters off Alaska as of June 1, 1976, if the vessel being replaced is no longer in service.

**(2)** Except in a situation declared to be an emergency by the Secretary, a vessel operating under a permit may not transport cargo to or from a place if the cargo could be transported by another commercial vessel that is reasonably available and that does not require exemptions to operate legally or if the cargo could be readily transported by overland routes.

**(3)** A permit may be issued for a specific voyage or for not more than one year. The permit may impose specific requirements about the amount or type of cargo to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters. The duration of the permit and restrictions contained in the permit shall be at the sole discretion of the Secretary.

**(4)** A designated Coast Guard official who has reason to believe that a vessel issued a permit is in a condition or is operated in a manner that creates an immediate threat to the safety of life or the environment or is operated in a manner that is inconsistent with the terms of the permit, 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.

**(5)** If a vessel issued a permit creates an immediate threat to the safety of life or the environment, or is operated in a manner inconsistent with the terms of the permit or the requirements of paragraph (2) of this subsection, the permit may be revoked. The owner, charterer, managing operator, agent, master, or individual in charge of a vessel issued a permit, that willfully permits the vessel to be operated, or operates, the vessel in a manner inconsistent with the terms of the permit, is liable to the United States Government for a civil penalty of not more than \$1,000.

**(j)** Notwithstanding another provision of this chapter, the Secretary is not required to inspect or prescribe regulations for a nautical school vessel of not more than 15 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—

**(1)** when used in connection with a course of instruction dealing with any aspect of maritime education or study; and

**(2)** operated by—

**(A)** the United States Merchant Marine Academy; or

**(B)** a State maritime academy assisted under chapter [515](#) of this title.

**(k)** Only the boiler, engine, and other operating machinery of a steam vessel that is a recreational vessel of not more than 65 feet overall in length are subject to inspection under section [3301 \(9\)](#) of this title.

**(l)**

**(1)** The Secretary may issue a permit exempting the following vessels from the requirements of this part for passenger vessels so long as the vessels are owned by nonprofit organizations and operated as nonprofit memorials to merchant mariners:

**(A)** The steamship John W. Brown (United States official number 242209), owned by Project Liberty Ship Baltimore, Incorporated, located in Baltimore, Maryland.

**(B)** The steamship Lane Victory (United States official number 248094), owned by the United States Merchant Marine Veterans of World War II, located in San Pedro, California.

**(C)** The steamship Jeremiah O'Brien (United States official number 243622), owned by the National Liberty Ship Memorial, Inc.

**(D)** The SS Red Oak Victory (United States official number 249410), owned by the Richmond Museum Association, located in Richmond, California.

**(E)** The SS American Victory (United States official number 248005), owned by Victory Ship, Inc., of Tampa, Florida.

**(F)** The LST–325, owned by USS LST Ship Memorial, Incorporated, located in Mobile, Alabama.

**(2)** The Secretary may issue a permit for a specific voyage or for not more than one year. The Secretary may impose specific requirements about the number of passengers to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters.

**(3)** A designated Coast Guard official who has reason to believe that a vessel 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 this section, 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.

**(m)** A seagoing barge is not subject to inspection under section [3301 \(6\)](#) of this title if the vessel is unmanned and does not carry—

**(1)** a hazardous material as cargo; or

**(2)** a flammable or combustible liquid, including oil, in bulk.