



## MAXIMUM CIVIL PENALTY AMOUNTS

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All enforcement activities are created in MISLE. The creation of an Enforcement Summary includes a “charge” page for each violation identified. At the top of each “charge” page, the MISLE database will populate the fields “Law or Regulation Cite,” “Description,” “Statutory Authority,” and “Maximum Penalty.” The data in MISLE that populates these fields can be inaccurate due to changes in law or regulation. This is especially true with respect to the Maximum Penalty.

The Maximum Penalty allowed for a violation is dependent upon the statutory authority for that particular violation. For instance, the statutory authority to impose a monetary penalty for violation of the requirement to report a marine casualty under 46 CFR 4.05-1 is 46 USC 6103. A review of this statutory authority indicates that the maximum penalty amount allowed is \$25,000. However, it is important to note that such amounts may be adjusted for inflation.

33 CFR Part 27, Adjustment of Civil Monetary Penalties for Inflation, lists the sections of the United States Code that authorize civil monetary penalties for laws administered by the Coast Guard. In our example, a review of the penalty table reflects that the maximum penalty for violation of 46 CFR 4.05-1 is \$27,500; that is the statutory maximum of \$25,000 adjusted for inflation.

With respect to 33 USC 1321(b) listed in the penalty table, note that some of the entries are followed by the words “Judicial Assessment.” The penalty table in this Part reflects civil penalties that may be assessed by the Hearing Office and by those in a judicial role such as Administrative Law Judges. Depending on the forum, the maximum penalties may differ. Penalty amounts associated with the words

“Judicial Assessment” are maximum penalty amounts that are not applicable to enforcement activities sent to the Hearing Office.

Report errors in the MISLE populated fields (maximum penalty, statutory authority citations, etc) to HQ MISLE representatives. Errors must be corrected manually and for that to occur, the representatives must be made aware of the error.