

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.
- (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