

46 § 4503

VESSEL INSPECTION & REGULATION Subtitle II

Historical and Statutory Notes

1988 Amendment. Pub.L. 100-424, § 2(a), substituted "Fish processing vessel certification" for "Equivalency" in heading, and provisions which require certification issued by American Bureau of Shipping or similar organization for fish processing vessel built after July 27, 1990, or undergoes major conversion completed after that date, for provisions which deemed compliance with this chapter if vessel has unexpired certificate of inspection issued by foreign country that is party to International

Convention for Safety of Life at Sea to which United States is party.

1984 Amendment. Pub.L. 98-557 substituted "is deemed" for "shall be deemed".

Legislative History. For legislative history and purpose of Pub.L. 98-364, see 1984 U.S. Code Cong. and Adm. News, p. 635. See, also, Pub.L. 98-557, 1984 U.S. Code Cong. and Adm. News, p. 4831; Pub.L. 100-424, 1988 U.S. Code Cong. and Adm. News, p. 2149.

Library References

Shipping ⇐9.
C.J.S. Shipping § 5.

§ 4504. Prohibited acts.

A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

(Added Pub.L. 98-364, Title IV, § 402(7)(C), July 17, 1984, 98 Stat. 447, and amended Pub.L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587.)

Historical and Statutory Notes

1988 Amendment. Pub.L. 100-424, § 2(a), substituted "Prohibited acts" for "Penalties" in heading, and provisions prohibiting operation of vessel in violation of this chapter, for provisions which imposed civil penalty not more than \$1000 for operation of vessel in violation of chapter, and liability in rem for penalty.

Legislative History. For legislative history and purpose of Pub.L. 98-364, see 1984 U.S. Code Cong. and Adm. News, p. 635. See, also, Pub.L. 100-424, 1988 U.S. Code Cong. and Adm. News, p. 2149.

§ 4505. Termination of unsafe operations

An official authorized to enforce this chapter—

(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(1) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section.

(Added Pub.L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587.)

Ch. 45 FISHING INDUSTRY VI

Historical and

Legislative History. For legislative history and purpose of Pub.L. 100-424

Library

Shipping ⇐3½, 9, 16.
C.J.S. Shipping §§ 2, 5, 9 et seq.

§ 4506. Exemptions

(a) The Secretary may exempt a vessel from the provisions of this chapter if, under regulations prescribed under this chapter, the vessel is exempted from regulations on special operations that—

- (1) good cause exists for
- (2) the safety of the vessel is adversely affected.

(b) A vessel to which this chapter applies is exempt from the provisions of 4502(b)(2) of this title if it—

- (1) is less than 36 feet in length,
- (2) is not operating on the high seas.

(Added Pub.L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587.)

Historical and

Legislative History. For legislative history and purpose of Pub.L. 100-424

Library

Shipping ⇐3½.
C.J.S. Shipping §§ 2, 9, 10.

§ 4507. Penalties

(a) The owner, charterer, or individual in charge of a vessel which is operated in violation of this chapter may each be fined under this chapter or imprisoned not more than 5 years, or both, in the case of a vessel to which this chapter applies, or a fine of not more than \$10,000, or both, in the case of a vessel to which this chapter does not apply, which a penalty is assessed under this section.

(b) A person willfully violating this chapter may be fined under this chapter or imprisoned for not more than 5 years, or both, in the case of a vessel to which this chapter applies, or a fine of not more than \$10,000, or both, in the case of a vessel to which this chapter does not apply.

(Added Pub.L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587.)

ON & REGULATION Subtitle II

Statutory Notes

Convention for Safety of Life at Sea to which United States is party.

1984 Amendment. Pub.L. 98-557 substituted "is deemed" for "shall be deemed".

Legislative History. For legislative history and purpose of Pub.L. 98-364 see 1984 U.S. Code Cong. and Adm. News, p. 635. See, also, Pub.L. 98-557, 1984 U.S. Code Cong. and Adm. News, p. 4831; Pub.L. 100-424, 1988 U.S. Code Cong. and Adm. News, p. 2149.

References

in violation of this chapter or a chapter.

C), July 17, 1984, 98 Stat. 447, and 1988, 102 Stat. 1587.)

Statutory Notes

Legislative History. For legislative history and purpose of Pub.L. 98-364 see 1984 U.S. Code Cong. and Adm. News, p. 635. See, also, Pub.L. 100-424, 1988 U.S. Code Cong. and Adm. News, p. 2149.

Operations

is chapter—

in charge of a vessel to which they take reasonable steps necessary on board the vessel if the vessel is operated in an unsafe condition especially hazardous to the individual in charge to return to the main there until the situation is ended; and

in charge of an uninspected fish on board the certificate holder this title to return the vessel until the vessel is in compli-

8, 102 Stat. 1587.)

Historical and Statutory Notes

Legislative History. For legislative history and purpose of Pub.L. 100-424, see 1988 U.S. Code Cong. and Adm. News, p. 2149.

Library References

Shipping § 3½, 9, 16.
C.J.S. Shipping §§ 2, 5, 9 et seq.

§ 4506. Exemptions

(a) The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

- (1) good cause exists for granting an exemption; and
- (2) the safety of the vessel and those on board will not be adversely affected.

(b) A vessel to which this chapter applies is exempt from section 4502(b)(2) of this title if it—

- (1) is less than 36 feet in length; and
- (2) is not operating on the high seas.

(Added Pub.L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1587.)

Historical and Statutory Notes

Legislative History. For legislative history and purpose of Pub.L. 100-424, see 1988 U.S. Code Cong. and Adm. News, p. 2149.

Library References

Shipping § 3½.
C.J.S. Shipping §§ 2, 9, 10.

§ 4507. Penalties

(a) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies which is operated in violation of this chapter or a regulation prescribed under this chapter may each be assessed a civil penalty by the Secretary of not more than \$5,000. Any vessel with respect to which a penalty is assessed under this subsection is liable in rem for the penalty.

(b) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

(Added Pub.L. 100-424, § 2(a), Sept. 9, 1988, 102 Stat. 1588.)