

Sec.

HISTORICAL AND REVISION NOTES

Chapter 21 contains definitions that are general in nature and applicable to all references within Subtitle II—Vessels and Seamen. The chapter provides the basic authority and responsibility for the enforcement and administration of this subtitle with appropriate delegation and reporting requirements.

AMENDMENTS

2010—Pub. L. 111-281, title V, § 522(b), title VI, § 608(b), Oct. 15, 2010, 124 Stat. 2957, 2968, added items 2116 to 2118.

2008—Pub. L. 110-181, div. C, title XXXV, § 3529(a)(1), Jan. 28, 2008, 122 Stat. 603, struck out item 2108 “Refund of penalties”.

1996—Pub. L. 104-324, title III, § 303(b), Oct. 19, 1996, 110 Stat. 3917, added item 2115.

1990—Pub. L. 101-508, title X, § 10401(b), Nov. 5, 1990, 104 Stat. 1388-398, substituted “Fees” for “Fees prohibited” in item 2110.

1984—Pub. L. 98-557, § 13(b), Oct. 30, 1984, 98 Stat. 2864, added item 2114.

§ 2101. General definitions

In this subtitle—

(1) “associated equipment”—

(A) means—

(i) a system, accessory, component, or appurtenance of a recreational vessel; or

(ii) a marine safety article intended for use on board a recreational vessel; but

(B) with the exception of emergency locator beacons for recreational vessels operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes, does not include radio equipment.

[(2) to (3a) Repealed. Pub. L. 109-304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(4) “Coast Guard” means the organization established and continued under section 1 of title 14.

(5) “commercial service” includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(5a) “consideration” means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

[(6) Repealed. Pub. L. 109-304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(7) “crude oil” means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(8) “crude oil tanker” means a tanker engaged in the trade of carrying crude oil.

(8a) “dangerous drug” means a narcotic drug, a controlled substance, or a controlled substance analog (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(9) “discharge”, when referring to a substance discharged from a vessel, includes spill-

ing, leaking, pumping, pouring, emitting, emptying, or dumping, however caused.

[(10), (10a) Repealed. Pub. L. 109-304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(10b) “ferry” means a vessel that is used on a regular schedule—

(A) to provide transportation only between places that are not more than 300 miles apart; and

(B) to transport only—

(i) passengers; or

(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.

(11) “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

(11a) “fishing vessel” means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(11b) “fish processing vessel” means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

(11c) “fish tender vessel” means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.

[(12) Repealed. Pub. L. 109-304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(13) “freight vessel” means a motor vessel of 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 that carries freight for hire, except an oceanographic research vessel or an offshore supply vessel.

(13a) “Great Lakes barge” means a non-self-propelled vessel of at least 3,500 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 operating on the Great Lakes.

(14) “hazardous material” means a liquid material or substance that is—

(A) flammable or combustible;

(B) designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(C) designated a hazardous material under section 5103(a) of title 49;

(14a) “major conversion” means a conversion of a vessel that—

(A) substantially changes the dimensions or carrying capacity of the vessel;

(B) changes the type of the vessel;

(C) substantially prolongs the life of the vessel; or

(D) otherwise so changes the vessel that it is essentially a new vessel, as decided by the Secretary.

(15) “marine environment” means—

(A) the navigable waters of the United States and the land and resources in and under those waters;

(B) the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the outer Continental Shelf of the United States, the resources of the Shelf, and the waters superjacent to the Shelf; and

(D) the recreational, economic, and scenic values of the waters and resources referred to in subclauses (A)–(C) of this clause.

(15a) “mobile offshore drilling unit” means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(16) “motor vessel” means a vessel propelled by machinery other than steam.

(17) “nautical school vessel” means a vessel operated by or in connection with a nautical school or an educational institution under section 558 of title 40.

(17a) “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

[(17b) Repealed. Pub. L. 109–304, §15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(18) “oceanographic research vessel” means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(19) “offshore supply vessel” means a motor vessel that regularly carries goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(20) “oil” includes oil of any type or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes except dredged spoil.

(20a) “oil spill response vessel” means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.

(20b) “overall in length” means—

(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—

(i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or

(ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and

(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.

(21) “passenger”—

(A) means an individual carried on the vessel except—

(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) the master; or

(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services;

(B) on an offshore supply vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iii) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(iv) an individual employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel;

(C) on a fishing vessel, fish processing vessel, or fish tender vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) a managing operator;

(iii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iv) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(v) an observer or sea sampler on board the vessel pursuant to a requirement of State or Federal law; or

(D) on a sailing school vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(iii) an employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

(iv) a sailing school instructor or sailing school student.

(21a) “passenger for hire” means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(22) “passenger vessel” means a vessel of at least 100 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—

- (A) carrying more than 12 passengers, including at least one passenger for hire;
- (B) that is chartered and carrying more than 12 passengers;
- (C) that is a submersible vessel carrying at least one passenger for hire; or
- (D) that is a ferry carrying a passenger.
- (23) “product carrier” means a tanker engaged in the trade of carrying oil except crude oil.
- (24) “public vessel” means a vessel that—
- (A) is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and
- (B) is not engaged in commercial service.
- (25) “recreational vessel” means a vessel—
- (A) being manufactured or operated primarily for pleasure; or
- (B) leased, rented, or chartered to another for the latter’s pleasure.
- (26) “recreational vessel manufacturer” means a person engaged in the manufacturing, construction, assembly, or importation of recreational vessels, components, or associated equipment.
- (26a) “riding gang member” means an individual who—
- (A) has not been issued a merchant mariner document under chapter 73;
- (B) does not perform—
- (i) watchstanding, automated engine room duty watch, or personnel safety functions; or
- (ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;
- (C) does not serve as part of the crew complement required under section 8101;
- (D) is not a member of the steward’s department; and
- (E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.
- (27) “sailing instruction” means teaching, research, and practical experience in operating vessels propelled primarily by sail and may include—
- (A) any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and
- (B) only when in conjunction with a subject referred to in subclause (A) of this clause, instruction in mathematics and language arts skills to sailing school students having learning disabilities.
- (28) “sailing school instructor” means an individual who is on board a sailing school vessel to provide sailing instruction, but does not include an operator or crewmember who is among those required to be on board the vessel to meet a requirement established under part F of this subtitle.
- (29) “sailing school student” means an individual who is on board a sailing school vessel to receive sailing instruction.
- (30) “sailing school vessel” means a vessel—
- (A) that is less 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) carrying more than 6 individuals who are sailing school instructors or sailing school students;
- (C) principally equipped for propulsion by sail, even if the vessel has an auxiliary means of propulsion; and
- (D) owned or demise chartered, and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of that Code, or by a State or political subdivision of a State, during times that the vessel is operated by the organization, State, or political subdivision only for sailing instruction.
- (31) “scientific personnel” means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive instruction in oceanography or limnology.
- (32) “seagoing barge” means a non-self-propelled vessel of at least 100 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 making voyages beyond the Boundary Line.
- (33) “seagoing motor vessel” means a motor vessel of at least 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 making voyages beyond the Boundary Line.
- (34) “Secretary” means the Secretary of the department in which the Coast Guard is operating.
- (35) “small passenger vessel” means a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and a vessel of less than 100 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—
- (A) carrying more than 6 passengers, including at least one passenger for hire;
- (B) that is chartered with the crew provided or specified by the owner or the owner’s representative and carrying more than 6 passengers;
- (C) that is chartered with no crew provided or specified by the owner or the owner’s representative and carrying more than 12 passengers;
- (D) that is a submersible vessel carrying at least one passenger for hire; or

(E) that is a ferry carrying more than 6 passengers.

[(36) Repealed. Pub. L. 109-304, §15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(37) "steam vessel" means a vessel propelled in whole or in part by steam, except a recreational vessel of not more than 40 feet in length.

(37a) "submersible vessel" means a vessel that is capable of operating below the surface of the water.

(38) "tanker" means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

(39) "tank vessel" means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(A) is a vessel of the United States;

(B) operates on the navigable waters of the United States; or

(C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

(40) "towing vessel" means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

[(41) Repealed. Pub. L. 109-304, §15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(42) "uninspected passenger vessel" means an uninspected vessel—

(A) of at least 100 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—

(i) carrying not more than 12 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; and

(B) of less than 100 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—

(i) carrying not more than 6 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.

(43) "uninspected vessel" means a vessel not subject to inspection under section 3301 of this title that is not a recreational vessel.

[(44) to (46) Repealed. Pub. L. 109-304, §15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(47) "vessel of war" means a vessel—

(A) belonging to the armed forces of a country;

(B) bearing the external marks distinguishing vessels of war of that country;

(C) under the command of an officer commissioned by the government of that coun-

try and whose name appears in the appropriate service list or its equivalent; and

(D) staffed by a crew under regular armed forces discipline.

(48) "wing-in-ground craft" means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 501; Pub. L. 98-364, title IV, §402(1), July 17, 1984, 98 Stat. 445; Pub. L. 98-454, title III, §301(a), Oct. 5, 1984, 98 Stat. 1734; Pub. L. 98-557, §34(a), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 99-307, §1(1), (2), May 19, 1986, 100 Stat. 444; Pub. L. 99-509, title V, §5102(b)(1), Oct. 21, 1986, 100 Stat. 1926; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-640, §10(b)(1), 11(a), 13(d), Nov. 10, 1986, 100 Stat. 3549-3551; Pub. L. 100-239, §6(a)(1), Jan. 11, 1988, 101 Stat. 1781; Pub. L. 100-424, §8(c)(1), Sept. 9, 1988, 102 Stat. 1593; Pub. L. 100-710, title I, §104(a)(1), (2), Nov. 23, 1988, 102 Stat. 4749; Pub. L. 101-225, title II, §209, Dec. 12, 1989, 103 Stat. 1913; Pub. L. 101-380, title IV, §4103(a)(2)(A), Aug. 18, 1990, 104 Stat. 511; Pub. L. 101-595, title VI, §603(1), Nov. 16, 1990, 104 Stat. 2993; Pub. L. 102-587, title V, §5208(a), Nov. 4, 1992, 106 Stat. 5075; Pub. L. 103-206, title V, §§502-510, Dec. 20, 1993, 107 Stat. 2439-2441; Pub. L. 103-272, §5(l), July 5, 1994, 108 Stat. 1375; Pub. L. 104-324, title VII, §709, title XI, §1104(a), Oct. 19, 1996, 110 Stat. 3934, 3966; Pub. L. 105-383, title III, §301(b)(1), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 107-217, §3(m)(1), Aug. 21, 2002, 116 Stat. 1302; Pub. L. 107-295, title IV, §419, Nov. 25, 2002, 116 Stat. 2124; Pub. L. 109-241, title III, §§301, 312(b), July 11, 2006, 120 Stat. 526, 533; Pub. L. 109-304, §15(2), Oct. 6, 2006, 120 Stat. 1702; Pub. L. 111-281, title VI, §§617(a)(1)(A), 618, Oct. 15, 2010, 124 Stat. 2972, 2975; Pub. L. 111-330, §1(9), Dec. 22, 2010, 124 Stat. 3570.)

HISTORICAL AND REVISION NOTES

A number of definitions are provided because of the need to define jurisdictional and applicability limits of various sections to the many types and classes of vessels.

Revised section	Source section (U.S. Code)
2101(1)	46:1452(8)
2101(2)
2101(3)
2101(4)	14:1
2101(5)	46:391a(2)(H)
2101(6)
2101(7)	46:391a(2)(S)
2101(8)	46:391a(2)(N)
2101(9)	46:391a(2)(A)
2101(10)	46:65(1)
2101(11)	46:65(2)
2101(12)	46:391a(2)(B)
.....	46:597
.....	46:599
2101(13)	46:404
.....	46:390(e)
2101(14)	46:391a(2)(C)
2101(15)	46:391a(2)(D)
2101(16)	46:361
.....	46:367
.....	46:404
2101(17)	46:404
.....	46:1295f(c)
.....	46:1295g(e)(1)
2101(18)	46:441(1)
2101(19)	46:404-1(1)
2101(20)	46:391a(2)(E)
2101(21)	46:390(a)
.....	46:404-1(4)
.....	46:1452(5)