Fishing and Fish Tender Vessels


“(a) In this section, ‘fish tender vessel’, ‘fishing vessel’, and ‘tank vessel’ have the meanings given those terms under section 2101 of title 46, United States Code.

“(b) A fishing vessel or fish tender vessel of not more than 750 gross tons, when engaged only in the fishing industry, shall not be deemed to be a tank vessel for the purposes of any law.

“(c) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

“(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 (Public Law 101–590) [see Short Title of 1990 Amendment note set out under section 101 of this title].”

Applicability Date for Revised Regulations


“(a) Applicability Date for Certain Chartered Vessels.—Revised regulations governing small passenger vessels and passenger vessels (as the definitions of those terms in section 2101 of title 46, United States Code, are amended by this Act) shall not, before the date that is 6 months after the date of enactment of this Act [Dec. 20, 1993], apply to such vessels when chartered with no crew provided.

“(b) Extension of Period.—The Secretary of the department in which the Coast Guard is operating shall extend for up to 30 additional months or until issuance of a certificate of inspection, whichever occurs first, the period of inapplicability specified in subsection (a) if the owner of the vessel concerned carries out the provisions of subsection (c) to the satisfaction of the Secretary.

“(c) Conditions for Extension.—To receive an extension authorized by subsection (b), the owner of the vessel shall—

“(1) make application for inspection with the Coast Guard within 6 months after the date of enactment of this Act [Dec. 20, 1993];

“(2) make the vessel available for examination by the Coast Guard prior to the carriage of passengers;

“(3)(A) correct especially any hazardous conditions involving the vessel’s structure, electrical system, and machinery installation, such as (i) grossly inadequate, missing, unsafe, or severely deteriorated frames or major structural members; (ii) wiring systems or electrical appliances without proper grounding or overcurrent protection; and (iii) significant fuel or exhaust system leaks;

“(B) equip the vessel with lifesaving and fire fighting equipment, or the portable equivalent, required for the route and number of persons carried; and

“(C) verify through stability tests, calculations, or other practical means (which may include a history of safe operations) that the vessel’s stability is satisfactory for the size, route, and number of passengers; and

“(d) develop a work plan approved by the Coast Guard to complete in a good faith effort all requirements necessary for issuance of a certificate of inspection as soon as practicable.

“(d) Operation of Vessel During Extension Period.—The owner of a vessel receiving an extension under this section shall operate the vessel under the conditions of route, service, number of passengers, manning, and equipment as may be prescribed by the Coast Guard for the extension period.”

Tank Vessel Definition Clarification


“(a) In this section, ‘offshore supply vessel’, ‘fish tender vessel’, ‘fishing vessel’, and ‘tank vessel’ have the meanings given those terms under section 2101 of title 46, United States Code.

“(b) The following vessels are deemed not to be a tank vessel for the purposes of any law:

“(1) An offshore supply vessel of less than 500 gross tons as measured under section 14002, or an alternate tonnage measured under section 14009 of such title as prescribed by the Secretary under section 14104 of such title.

“(2) A fishing or fish tender vessel of not more than 750 gross tons that transfers without charge to a fishing vessel owned by the same person.

“(3) A vessel—

“(A) configured, outfitted, and operated primarily for dredging operations; and

“(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.

“(c) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

“(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 (Public Law 101–590) [see Short Title of 1990 Amendment note set out under section 101 of this title].”

§2102. Limited definitions

In chapters 33, 45, 51, 81, and 87 of this title, “Aleutian trade” means the transportation of cargo (including fishery related products) for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees west longitude and east of 172 degrees east longitude, if that place receives weekly common carrier service by water, to or from a place in the United States (except a place in Alaska).