and classed by an organization approved by Secretary, and to make recommendations regarding what hull and machinery requirements could apply to such vessels to ensure that those vessels are operated and maintained in a condition in which they are safe to operate at sea, and further provided for submission of such study and recommendations to Congress before July 28, 1991.

**TERRITORIAL SEA OF UNITED STATES**

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 4503. Fishing, fish tender, and fish processing vessel certification

(a) A vessel to which this section applies may not be operated unless the vessel—

(1) meets all survey and classification requirements prescribed by the American Bureau of Shipping or another similarly qualified organization approved by the Secretary; and

(2) has on board a certificate issued by the American Bureau of Shipping or that other organization evidencing compliance with this subsection.

(b) This section applies to a fish processing vessel to which this chapter applies that—

(1) is built after July 27, 1990; or

(2) undergoes a major conversion completed after that date.

(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2012.

(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall be at least 50 feet overall in length and be built after July 1, 2012.

(2) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2012, that undergoes a substantial change to the dimension or type of vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate safety compliance program, shall comply with such an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

(A) is at least 50 feet overall in length;

(B) is built before July 1, 2012; and

(C) is 25 years of age or older.

(3) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

(4) Notwithstanding paragraph (1), vessels owned by a person that owns more than 30 vessels subject to that paragraph are not required to meet the alternate safety compliance requirements of that paragraph until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet requirements of that paragraph by that date and the vessel owner is meeting that schedule.

(5) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2012, shall—

(A) remain subject to the requirements of a classification society approved by the Secretary; and

(B) have on board a certificate from that society.


**AMENDMENTS**


Subsecs. (c), (d). Pub. L. 111–281, §694(e)(1)(C), added subsecs. (c) and (d).

1988—Pub. L. 100–424 amended section generally, substituting “Fish processing vessel certification” for “Equivalency” in section catchline, 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—Pub. L. 98–557 substituted “is deemed” for “shall be deemed”.

**ALTERNATIVE SAFETY COMPLIANCE PROGRAM**

Pub. L. 111–281, title VI, §694(f), Oct. 15, 2010, 124 Stat. 2967, provided that: “No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d)(1) of the title 46, United States Code, as amended by this section.’’

§ 4504. Prohibited acts

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


**AMENDMENTS**

1988—Pub. L. 100–424 amended section generally, substituting “Prohibited acts” for “Penalties” in section catchline, and provisions prohibiting operation of vessel in violation of this chapter, for provisions which imposed civil penalty not more than $1,000 for operation of vessel in violation of chapter, and liability in rem for penalty.

§ 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, in—
§ 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.

(Added Pub. L. 100–424, § 2(a), Sept. 9, 1988, 102 Stat. 1387.)

§ 4507. Penalties
(a) The owner, charterer, managing operator, agent, master, or 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 sub-section is liable in rem for the penalty.

(2) 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. 1388.)

§ 4508. Commercial Fishing Safety Advisory Committee
(a) The Secretary shall establish a Commercial Fishing Safety Advisory Committee. The Committee—
(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe operation of vessels to which this chapter applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training;
(2) may review proposed regulations under this chapter;
(3) may make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary; and
(4) shall meet at the call of the Secretary, who shall call such a meeting at least once during each calendar year.

(b) (1) The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding the commercial fishing industry as follows:
(A) ten members who shall represent the commercial fishing industry and who—
(i) reflect a regional and representational balance; and
(ii) have experience in the operation of vessels to which this chapter applies or as a crew member or processing line worker on a fish processing vessel;
(B) three members who shall represent the general public, including, whenever possible—
(i) an independent expert or consultant in maritime safety;
(ii) a marine surveyor who provides services to vessels to which this chapter applies; and
(iii) a person familiar with issues affecting fishing communities and families of fishermen;
(C) one member each of whom shall represent—
(i) naval architects and marine engineers;
(ii) manufacturers of equipment for vessels to which this chapter applies;
(iii) education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications;
(iv) underwriters that insure vessels to which this chapter applies; and
(v) owners of vessels to which this chapter applies.
(2) At least once each year, the Secretary shall publish a notice in the Federal Register and in newspapers of general circulation in coastal areas soliciting nominations for membership on the Committee, and, after timely notice is published, appoint the members of the Committee. An individual may be appointed to a term as a member of the Committee more than once. The Secretary may not seek or use information concerning the political affiliation of individuals in making appointments to the Committee.
(3)(A) A member of the Committee shall serve a term of three years.

1So in original. There is no subsec. (b).