quires that certain classes of vessels be marked with load lines.

Amendments

§ 5101. Definitions
In this chapter—
(1) “domestic voyage” means movement of a vessel between places in, or subject to the jurisdiction of, the United States, except movement between—
(A) a place in a territory or possession of the United States or the Trust Territory of the Pacific Islands; and
(B) a place outside that territory, possession, or Trust Territory.
(2) “economic benefit of the overloading” means the amount obtained by multiplying the weight of the overload (in tons) by the lesser of—
(A) the average freight rate value of a ton of the vessel’s cargo for the voyage; or
(B) $50.
(3) “existing vessel” means—
(A) a vessel on a domestic voyage, the keel of which was laid, or that was at a similar stage of construction, before January 1, 1986; and
(B) a vessel on a foreign voyage, the keel of which was laid, or that was at a similar stage of construction, before July 21, 1968.
(4) “freeboard” means the distance from the mark of the load line assigned under this chapter to the freeboard deck.
(5) “freeboard deck” means the deck or other structure the Secretary prescribes by regulation.
(6) “minimum safe freeboard” means the freeboard that the Secretary decides cannot be reduced safely without limiting the operation of the vessel.
(7) “weight of the overload” means the amount obtained by multiplying the number of inches that the vessel is submerged below the assigned applicable freeboard by the tons-per-inch immersion factor for the vessel at the assigned minimum safe freeboard.


Historical and Revision Notes
Revised section 5101
Section 5101 contains definitions that are limited to Chapter 51—Load Lines. Existing Section 46 App. U.S.C. 86a (which defines only the terms “new ship” and “existing ship”) will be replaced by section 5101. Definitions of technical terms (“freeboard”, “freeboard deck”, and “minimum safe freeboard”) have been added for clarity. The definition of the term “new ship” has been deleted because the term is not used in Chapter 51. The definition of “domestic voyage” includes the 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, areas beyond 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, 2013;
(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 14502 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) is not on a foreign voyage;
(6) a public vessel of the United States;
(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 14502 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 the provisions of 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.

Revised section 5102


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 whose 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 §5107(i)) [sic] and not registered under the laws of a foreign country, wherever the vessels may be located.

Clause (4) regarding “a public vessel of the United States” includes all United States public vessels.

Clause (5) regarding “a vessel otherwise subject to the jurisdiction of the United States” includes foreign vessels that are subject to United States jurisdiction as a result of bilateral agreements, licenses, customary international law or other means, including those using deepwater port or outer continental shelf or EEZ facilities located in areas subject to the jurisdiction of the United States.

Section 5102(b) lists the specific exemptions from load line requirements. The specific exemptions may be grouped as follows:

(a) Vessel type (ships of war, pleasure vessels, fishing vessels, small passenger vessels on domestic voyages);

(b) Area of operation (rivers, harbors, bays, sounds, etc.);

(c) Minimum size (length); and

(d) Treaty exclusions.

Clause (1) exempts vessels of war from load line requirements.

Clause (2) exempts recreational vessels operated only for pleasure from load line requirements.

Clause (3) exempts fishing vessels from load line requirements.

Clauses (4) and (5) exempt certain existing fish processing and fish tender vessels not on a foreign voyage from load line requirements. The exception is limited to those vessels not on international voyages to ensure compliance with United States obligations under the International Load Line Convention.

Clause (6) exempts from load line requirements all U.S. vessels operating on domestic voyages within the Boundary Line, as defined in section 2101 of this title, except vessels operating on the Great Lakes.

Clause (7) exempts all vessels that are less than 24 meters (79 feet) in length from load line requirements whether on international or domestic voyages.

Clause (8) exempts from load line requirements those public vessels that are on domestic voyages.

Clause (9) exempts from load line requirements those vessels which have been excluded from the requirements “by specific action of a treaty of the United States.” The only current treaty which excludes vessels from load line requirements is the Convention Between the United States of America and the Dominion of Canada Concerning Load Lines (49 Stat. 2685), which entered into force on August 11, 1934.

Clause (10) exempts from load line requirements existing U.S. vessels that are under 150 gross tons while engaged on a domestic voyage. This is a grandfather provision, continuing the existing exemption for these vessels. Vessels built after January 1, 1986 must be marked with a load line, however, if they are over 79 feet long and do not qualify for any other exemption.

Clause (11) exempts small passenger vessels engaged on domestic voyages from load line requirements. Vessels are inspected under Subchapter T of Title 46 of the Code of Federal Regulations. Under Subchapter T, the Coast Guard regulates these vessels with regard to safety; the requirements are based on the number of passengers, length, and gross tonnage of the vessel. Safety-related requirements in Subchapter T regulations include hull structure and watertightness, stability, weathertight integrity, and safe movement of persons on deck, the principal safety features covered by load line regulations. This specific exemption from load line requirements for small passenger vessels is consistent with existing law and does not alter in any way the Coast Guard’s authority to regulate small passenger vessels under Subchapter T.

Clause (12) exempts vessels of the working voyages from the requirement to have load lines.

Section 5102(c) authorizes the Secretary to assign load lines for any vessel exempted from load line requirements by subsection (b) upon the request of the owner. It also provides that any exempted vessel for which load lines are assigned will remain subject to the load line requirements until its load line certificate is surrendered and the load line marks are removed.

Section 5102(d) provides that this chapter shall not be construed as abrogating the provisions of other treaties and conventions to which the United States is a party.
which are not in conflict with the International Convention on Load Lines.

AMENDMENTS


1996—Subsec. (b)(4). Pub. L. 104–324, §719(1), inserted “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” after “5,000 gross tons” in introductory provisions.

Subsec. (b)(5). Pub. L. 104–324, §719(2), inserted “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” after “500 gross tons” in introductory provisions.

1990—Subsec. (b)(5)(B). Pub. L. 101–595 inserted “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” after “150 gross tons”.

$5103. Load line requirements

(a) A vessel may be operated only if the vessel has been assigned load lines.

(b) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel shall mark and maintain the load lines permanently and conspicuously in the way prescribed by the Secretary.

(c) A fishing vessel built on or before July 1, 2013, that undergoes a major conversion completed after the later of July 1, 2013, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternative loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

$5104. Assignment of load lines

(a) The Secretary shall assign load lines for a vessel so that they indicate the minimum safe freeboard to which the vessel may be loaded. However, if the owner requests, the Secretary may assign load lines that result in greater freeboard than the minimum safe freeboard.

(b) In assigning load lines for a vessel, the Secretary shall consider—

(1) the service, type, and character of the vessel;

(2) the geographic area in which the vessel will operate; and

(3) applicable international agreements to which the United States Government is a party.

(c) An existing vessel may retain its load lines assigned before January 1, 1986, unless the Secretary decides that a substantial change in the vessel after those load lines were assigned requires that new load lines be assigned under this chapter.

(d) The minimum freeboard of an existing vessel may be reduced only if the vessel complies with every applicable provision of this chapter.

(e) The Secretary may designate by regulation specific geographic areas that have less severe weather or sea conditions and from which there is adequate time to return to available safe harbors. The Secretary may reduce the minimum freeboard of a vessel operating in these areas.