

46 USC 4503: Fishing, fish tender, and fish processing vessel certification

Text contains those laws in effect on February 21, 2019

From Title 46-SHIPPING

Subtitle II-Vessels and Seamen

Part B-Inspection and Regulation of Vessels

CHAPTER 45-UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Jump To:

[Source Credit](#)

[References In Text](#)

[Amendments](#)

[Effective Date](#)

[Miscellaneous](#)

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

(a) A vessel to which this subsection 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) Except as provided in section 4503a, subsection (a) 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)(1) Except as provided in paragraph (2), subsection (a) 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, 2013.

(2) Subsection (a) does not apply to a fishing vessel or fish tender vessel to which section 4502(b) of this title applies, if the vessel-

(A) is at least 50 feet overall in length, and not more than 180 feet overall in length as listed on the vessel's certificate of documentation or certificate of number; and

(B)(i) is built after the date of the enactment of the Coast Guard Authorization Act of 2016; and

(ii) complies with-

(I) the requirements described in subsection (d); or

(II) the alternative requirements established by the Secretary under subsection (e).

(d) The requirements referred to in subsection (c)(2)(B)(ii)(I) are the following:

(1) The vessel is designed by an individual licensed by a State as a naval architect or marine engineer, and the design incorporates standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.

(2) Construction of the vessel is overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.

(3) The vessel-

(A) completes a stability test performed by a qualified individual;

(B) has written stability and loading instructions from a qualified individual that are provided to the owner or operator; and

(C) has an assigned loading mark.

(4) The vessel is not substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.

(5) The vessel undergoes a condition survey at least twice in 5 years, not to exceed 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.

(6) The vessel undergoes an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.

(7) Once every 5 years and at the time of a substantial alteration to such vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.

(8) For the life of the vessel, the owner of the vessel maintains records to demonstrate compliance with this subsection and makes such records readily available for inspection by an official authorized to enforce this chapter.

(e)(1) Not later than 10 years after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the requirements under subsection (d) in maintaining the safety of the fishing vessels and fish tender vessels which are described in subsection (c)(2) and which comply with the requirements of subsection (d).

(2) If the report required under this subsection includes a determination that the safety requirements under subsection (d) are not adequate or that additional safety measures are necessary, then the Secretary may establish an alternative safety compliance program for fishing vessels or fish tender vessels (or both) which are described in subsection (c)(2) and which comply with the requirements of subsection (d).

(3) The alternative safety compliance program established under this subsection shall include requirements for-

(A) vessel construction;

(B) a vessel stability test;

(C) vessel stability and loading instructions;

(D) an assigned vessel loading mark;

(E) a vessel condition survey at least twice in 5 years, not to exceed 3 years between surveys;

(F) an out-of-water vessel survey at least once every 5 years;

(G) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and

(H) such other aspects of vessel safety as the Secretary considers appropriate.

(f)(1) For purposes of this section and section 4503a, the term "built" means, with respect to a vessel, that the vessel's construction has reached any of the following stages:

(A) The vessel's keel is laid.

(B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

(2) In the case of a vessel greater than 79 feet overall in length, for purposes of paragraph (1)(A) a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.

(Added Pub. L. 98-364, title IV, §402(7)(C), July 17, 1984, 98 Stat. 447 ; amended Pub. L. 98-557, §33(b), Oct. 30, 1984, 98 Stat. 2876 ; Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587 ; Pub. L. 111-281, title VI, §604(e)(1), Oct. 15, 2010, 124 Stat. 2966 ; Pub. L. 112-213, title III, §305(c), Dec. 20, 2012, 126 Stat. 1564 ; Pub. L. 114-120, title III, §318(a), Feb. 8, 2016, 130 Stat. 63 ; Pub. L. 114-328, div. C, title XXXV, §3503(a), (b)(2), Dec. 23, 2016, 130 Stat. 2775 ; Pub. L. 115-282, title V, §§507, 508(a), (b), Dec. 4, 2018, 132 Stat. 4272 .)

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsecs. (c)(2)(B)(i) and (e)(1), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

AMENDMENTS

2018-Subsec. (b). Pub. L. 115-282, §508(b)(2), substituted "section 4503a" for "subsection (d)" in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 115-282, §507(a), substituted "180" for "79".

Subsec. (c)(2)(B)(ii)(I). Pub. L. 115-282, §508(b)(3), substituted "subsection (d)" for "subsection (e)".

Subsec. (c)(2)(B)(ii)(II). Pub. L. 115–282, §508(b)(4), substituted "subsection (e)" for "subsection (f)".

Subsec. (d). Pub. L. 115–282, §508(b)(1), redesignated subsec. (e) as (d).

Pub. L. 115–282, §508(a), redesignated and transferred subsec. (d) as section 4503a of this title.

Subsec. (e). Pub. L. 115–282, §508(b)(1), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(1), (2). Pub. L. 115–282, §508(b)(5), (6), substituted "subsection (d)" for "subsection (e)" wherever appearing.

Subsec. (f). Pub. L. 115–282, §508(b)(1), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Pub. L. 115–282, §507(b), generally amended subsec. (f), as redesignated by Pub. L. 115–282, §508(b)(1). Prior to amendment, subsec. (f) read as follows: "For the purposes of this section, the term 'built' means, with respect to a vessel, that the vessel's construction has reached any of the following stages:

"(1) The vessel's keel is laid.

"(2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less."

Subsec. (g). Pub. L. 115–282, §508(b)(1), redesignated subsec. (g) as (f).

2016-Subsec. (a). Pub. L. 114–120, §318(a)(1), substituted "this subsection" for "this section" in introductory provisions.

Subsec. (b). Pub. L. 114–120, §318(a)(2), substituted "Except as provided in subsection (d), subsection (a)" for "This section" in introductory provisions.

Subsec. (c). Pub. L. 114–120, §318(a)(3), designated existing provisions as par. (1), substituted "Except as provided in paragraph (2), subsection (a)" for "This section", and added par. (2).

Subsec. (c)(2)(B)(i). Pub. L. 114–328, §3503(a), substituted "Coast Guard Authorization Act of 2016" for "Coast Guard Authorization Act of 2015".

Subsec. (e). Pub. L. 114–120, §318(a)(4), added subsec. (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 114–120, §318(a)(4), added subsec. (f).

Subsec. (f)(1). Pub. L. 114–328, §3503(a), substituted "Coast Guard Authorization Act of 2016" for "Coast Guard Authorization Act of 2015".

Subsec. (f)(2). Pub. L. 114–328, §3503(b)(2), substituted ", then" for ", that".

Subsec. (g). Pub. L. 114–120, §318(a)(4), redesignated subsec. (e) as (g).

2012-Subsec. (c). Pub. L. 112–213, §305(c)(1), substituted "July 1, 2013." for "July 1, 2012."

Subsec. (d)(1)(B). Pub. L. 112–213, §305(c)(2)(A), substituted "July 1, 2013;" for "July 1, 2012;".

Subsec. (d)(2). Pub. L. 112–213, §305(c)(2)(B), substituted "July 1, 2013," for "July 1, 2012," in two places and substituted "major conversion" for "substantial change to the dimension of or type of vessel".

Subsec. (e). Pub. L. 112–213, §305(c)(3), added subsec. (e).

2010-Pub. L. 111–281, §604(e)(1)(A), substituted "Fishing, fish tender, and fish processing vessel certification" for "Fish processing vessel certification" in section catchline.

Subsec. (a). Pub. L. 111–281, §604(e)(1)(B), struck out "fish processing" before "vessel to which this section applies" in introductory provisions.

Subsecs. (c), (d). Pub. L. 111–281, §604(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".

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 315 of Title 14, Coast Guard.

FINAL RULE

Pub. L. 115-282, [title V, §508\(f\)](#), [Dec. 4, 2018](#), 132 Stat. 4273 , provided that: "Not later than 1 year after the date of enactment of this Act [Dec. 4, 2018], the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the requirements enumerated in section 4503(d) of title 46, as amended by subsection (b)(1) of this section."