

## MEMORANDUM

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**TO:** File

**FROM:** Barrett Hails

**DATE:** March 1, 2023

**RE:** Amendments to the Limitation of Liability Act 46 USC 30501, et seq.

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The following is the draft text of the Limitation of Liability Act with the amendments contained in James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 PL 117-263, December 23, 2022, 136 Stat 2395 noted in RED

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T. 46 subpt. III ch. 305 subch. I prec. § 30501  
**“Subchapter I—General Provisions”**

~~In this chapter, the term “owner” includes a charterer that mans, supplies, and navigates a vessel at the charterer’s own expense or by the charterer’s own procurement.~~

**“SUBCHAPTER I—GENERAL PROVISIONS”**

**§ 30501. Definitions.**

“In this chapter:

“(1) COVERED SMALL PASSENGER VESSEL.—The term ‘covered small passenger vessel’—

“(A) means a small passenger vessel, as defined in section 2101<sup>1</sup>, that is—

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<sup>1</sup> 46 USC § 2101 definition of ‘small passenger vessel’ provided for reference:

(45) “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.

“(i) not a wing-in-ground craft; and

“(ii) carrying—

“(I) not more than 49 passengers on an overnight domestic voyage; and

“(II) not more than 150 passengers on any voyage that is not an overnight domestic voyage; and

“(B) includes any wooden vessel constructed prior to March 11, 1996, carrying at least 1 passenger for hire.

“(2) OWNER.—The term ‘owner’ includes a charterer that mans, supplies, and navigates a vessel at the charterer's own expense or by the charterer's own procurement.”.

#### **46 U.S.C.A. § 30502**

~~Except as otherwise provided, this chapter (except section 30503) applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.~~

#### **“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”**

##### **§ 30502. Application**

“(a) IN GENERAL.—Except as otherwise provided, this chapter (except section 30521) applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

“(b) EXCEPTION.—This chapter (except for section 30526) shall not apply to covered small passenger vessels.”

#### **~~46 U.S.C.A. § 30503~~ 46 USCA § 30521**

T. 46 subpt. III ch. 305 subch. II prec. § 30503

##### **“Subchapter II—Exoneration and Limitation of Liability**

(a) In general.--If a shipper of an item named in subsection (b), contained in a parcel, package, or trunk, loads the item as freight or baggage on a vessel, without at the time of loading giving to the person receiving the item a written notice of the true character and value of the item and having that information entered on the bill of lading, the owner and master of the vessel are not liable as carriers. The owner and master are not liable beyond the value entered on the bill of lading.

(b) Items.--The items referred to in subsection (a) are precious metals, gold or silver plated articles, precious stones, jewelry, trinkets, watches, clocks, glass, china, coins, bills, securities, printings, engravings, pictures, stamps, maps, papers, silks, furs, lace, and similar items of high value and small size.

#### **~~46 U.S.C.A. § 30504~~ 46 USCA § 30522**

The owner of a vessel is not liable for loss or damage to merchandise on the vessel caused by a fire on the vessel unless the fire resulted from the design or neglect of the owner.

~~46 U.S.C.A. § 30505~~ **46 USCA § 30523**

(a) In general.--Except as provided in section ~~30506~~ **30524** of this title, the liability of the owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner's proportionate interest in the vessel and pending freight.

(b) Claims subject to limitation.--Unless otherwise excluded by law, claims, debts, and liabilities subject to limitation under subsection (a) are those arising from any embezzlement, loss, or destruction of any property, goods, or merchandise shipped or put on board the vessel, any loss, damage, or injury by collision, or any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of the owner.

(c) Wages.--Subsection (a) does not apply to a claim for wages.

~~46 U.S.C.A. § 30506~~ **46 USCA § 30524**

(a) Application.--This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or nondescript vessels.

(b) Minimum liability.--If the amount of the vessel owner's liability determined under section ~~30505~~ **30523** of this title is insufficient to pay all losses in full, and the portion available to pay claims for personal injury or death is less than \$420 times the tonnage of the vessel, that portion shall be increased to \$420 times the tonnage of the vessel. That portion may be used only to pay claims for personal injury or death.

(c) Calculation of tonnage.--Under subsection (b), the tonnage of a self-propelled vessel is the gross tonnage without deduction for engine room, and the tonnage of a sailing vessel is the tonnage for documentation. However, space for the use of seamen is excluded.

(d) Claims arising on distinct occasions.--Separate limits of liability apply to claims for personal injury or death arising on distinct occasions.

(e) Privity or knowledge.--In a claim for personal injury or death, the privity or knowledge of the master or the owner's superintendent or managing agent, at or before the beginning of each voyage, is imputed to the owner.

~~46 U.S.C.A. § 30507~~ **46 USCA § 30525**

If the amounts determined under sections ~~30505~~ **30523** and ~~30506~~ **30524** of this title are insufficient to pay all claims--

(1) all claimants shall be paid in proportion to their respective losses out of the amount determined under section ~~30505~~ **30523** of this title; and

(2) personal injury and death claimants, if any, shall be paid an additional amount in proportion to their respective losses out of the additional amount determined under section ~~30506(b)~~ **30524(b)** of this title.

**~~46 U.S.C.A. § 30508~~ 46 USCA § 30526**

(a) Application.--This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or nondescript vessels.

(b) Minimum time limits.--The owner, master, manager, or agent of a vessel transporting passengers or property between ports in the United States, or between a port in the United States and a port in a foreign country, may not limit by regulation, contract, or otherwise the period for--

(1) giving notice of, or filing a claim for, personal injury or death “, in the case of seagoing vessels,” to less than 6 months after the date of the injury or death “or in the case of covered small passenger vessels, to less than two years after the date of the injury or death”; or

(2) bringing a civil action for personal injury or death “, in the case of seagoing vessels,” to less than one year after the date of the injury or death “, or in the case of covered small passenger vessels, to less than two years after the date of the injury or death”.

(c) Effect of failure to give notice.--When notice of a claim for personal injury or death is required by a contract, the failure to give the notice is not a bar to recovery if--

(1) the court finds that the owner, master, or agent of the vessel had knowledge of the injury or death and the owner has not been prejudiced by the failure;

(2) the court finds there was a satisfactory reason why the notice could not have been given; or

(3) the owner of the vessel fails to object to the failure to give the notice.

(d) Tolling of period to give notice.--If a claimant is a minor or mental incompetent, or if a claim is for wrongful death, any period provided by a contract for giving notice of the claim is tolled until the earlier of--

(1) the date a legal representative is appointed for the minor, incompetent, or decedent's estate; or

(2) 3 years after the injury or death.

**~~46 U.S.C.A. § 30509~~ 46 USCA § 30527**

(a) Prohibition.--

(1) In general.--The owner, master, manager, or agent of a vessel transporting passengers between ports in the United States, or between a port in the United States and a port in a foreign country, may not include in a regulation or contract a provision limiting--

(A) the liability of the owner, master, or agent for personal injury or death caused by the negligence or fault of the owner or the owner's employees or agents; or

(B) the right of a claimant for personal injury or death to a trial by court of competent jurisdiction.

(2) Voidness.--A provision described in paragraph (1) is void.

(b) Emotional distress, mental suffering, and psychological injury.--

(1) In general.--Subsection (a) does not prohibit a provision in a contract or in ticket conditions of carriage with a passenger that relieves an owner, master, manager, agent, operator, or crewmember of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as the provision does not limit such liability when the emotional distress, mental suffering, or psychological injury is--

(A) the result of physical injury to the claimant caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator;

(B) the result of the claimant having been at actual risk of physical injury, and the risk was caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator; or

(C) intentionally inflicted by a crewmember or the owner, master, manager, agent, or operator.

(2) Sexual offenses.--This subsection does not limit the liability of a crewmember or the owner, master, manager, agent, or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.

**~~46 U.S.C.A. § 30510~~ 46 USCA § 30528**

In a civil action by any person in which the owner or operator of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, the owner, operator, or employer is entitled to rely on any statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.

**~~46 U.S.C.A. § 30511~~ 46 USCA § 30529**

(a) In general.--The owner of a vessel may bring a civil action in a district court of the United States for limitation of liability under this chapter. The action must be brought within 6 months after a claimant gives the owner written notice of a claim.

(b) Creation of fund.--When the action is brought, the owner (at the owner's option) shall--

(1) deposit with the court, for the benefit of claimants--

(A) an amount equal to the value of the owner's interest in the vessel and pending freight, or approved security; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter; or

(2) transfer to a trustee appointed by the court, for the benefit of claimants--

(A) the owner's interest in the vessel and pending freight; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter.

(c) Cessation of other actions.--When an action has been brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question shall cease.

~~46 U.S.C.A. § 30512~~ **46 USCA § 30530**

This chapter does not affect the liability of an individual as a master, officer, or seaman, even though the individual is also an owner of the vessel.

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**Source of Amendment:**

PL 117-263, December 23, 2022, 136 Stat 2395

James M. Inhofe National Defense Authorization Act for Fiscal Year 2023

[Act is divided into 11 'Divisions']

(11) Division K - "Don Young Coast Guard Authorization Act of 2022" [page 2237 of 2473]

Title CXV – Maritime

Subtitle A- Vessel Safety

Sec. 11503. Exoneration and limitation of liability for small passenger vessels

United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30501  
Formerly cited as 46 App. USCA § 186

§ 30501. Definition

Effective: October 6, 2006

[Currentness](#)

In this chapter, the term “owner” includes a charterer that mans, supplies, and navigates a vessel at the charterer's own expense or by the charterer's own procurement.

### **CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

46 U.S.C.A. § 30501, 46 USCA § 30501

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30502  
Formerly cited as 46 App. USCA § 188

§ 30502. Application

Effective: October 6, 2006

[Currentness](#)

Except as otherwise provided, this chapter (except [section 30503](#)) applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

46 U.S.C.A. § 30502, 46 USCA § 30502

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.



United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30503

Formerly cited as 46 App. USCA § 181

§ 30503. Declaration of nature and value of goods

Effective: October 6, 2006

[Currentness](#)

**(a) In general.**--If a shipper of an item named in subsection (b), contained in a parcel, package, or trunk, loads the item as freight or baggage on a vessel, without at the time of loading giving to the person receiving the item a written notice of the true character and value of the item and having that information entered on the bill of lading, the owner and master of the vessel are not liable as carriers. The owner and master are not liable beyond the value entered on the bill of lading.

**(b) Items.**--The items referred to in subsection (a) are precious metals, gold or silver plated articles, precious stones, jewelry, trinkets, watches, clocks, glass, china, coins, bills, securities, printings, engravings, pictures, stamps, maps, papers, silks, furs, lace, and similar items of high value and small size.

#### CREDIT(S)

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1512.)

46 U.S.C.A. § 30503, 46 USCA § 30503

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30504  
Formerly cited as 46 App. USCA § 182

§ 30504. Loss by fire

Effective: October 6, 2006

[Currentness](#)

The owner of a vessel is not liable for loss or damage to merchandise on the vessel caused by a fire on the vessel unless the fire resulted from the design or neglect of the owner.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

46 U.S.C.A. § 30504, 46 USCA § 30504

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30505

Formerly cited as 46 App. USCA § 183; 46 App. USCA § 189

§ 30505. General limit of liability

Effective: October 6, 2006

[Currentness](#)

**(a) In general.**--Except as provided in [section 30506](#) of this title, the liability of the owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner's proportionate interest in the vessel and pending freight.

**(b) Claims subject to limitation.**--Unless otherwise excluded by law, claims, debts, and liabilities subject to limitation under subsection (a) are those arising from any embezzlement, loss, or destruction of any property, goods, or merchandise shipped or put on board the vessel, any loss, damage, or injury by collision, or any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of the owner.

**(c) Wages.**--Subsection (a) does not apply to a claim for wages.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

46 U.S.C.A. § 30505, 46 USCA § 30505

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30506

Formerly cited as 46 App. USCA § 183

§ 30506. Limit of liability for personal injury or death

Effective: October 6, 2006

[Currentness](#)

**(a) Application.**--This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or nondescript vessels.

**(b) Minimum liability.**--If the amount of the vessel owner's liability determined under [section 30505](#) of this title is insufficient to pay all losses in full, and the portion available to pay claims for personal injury or death is less than \$420 times the tonnage of the vessel, that portion shall be increased to \$420 times the tonnage of the vessel. That portion may be used only to pay claims for personal injury or death.

**(c) Calculation of tonnage.**--Under subsection (b), the tonnage of a self-propelled vessel is the gross tonnage without deduction for engine room, and the tonnage of a sailing vessel is the tonnage for documentation. However, space for the use of seamen is excluded.

**(d) Claims arising on distinct occasions.**--Separate limits of liability apply to claims for personal injury or death arising on distinct occasions.

**(e) Privity or knowledge.**--In a claim for personal injury or death, the privity or knowledge of the master or the owner's superintendent or managing agent, at or before the beginning of each voyage, is imputed to the owner.

#### CREDIT(S)

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

46 U.S.C.A. § 30506, 46 USCA § 30506

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30507

Formerly cited as 46 App. USCA § 183; 46 App. USCA § 184

§ 30507. Apportionment of losses

Effective: October 6, 2006

[Currentness](#)

If the amounts determined under [sections 30505](#) and [30506](#) of this title are insufficient to pay all claims--

(1) all claimants shall be paid in proportion to their respective losses out of the amount determined under [section 30505](#) of this title; and

(2) personal injury and death claimants, if any, shall be paid an additional amount in proportion to their respective losses out of the additional amount determined under [section 30506\(b\)](#) of this title.

#### **CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1513.)

46 U.S.C.A. § 30507, 46 USCA § 30507

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30508

Formerly cited as 46 App. USCA § 183; 46 App. USCA § 183b

§ 30508. Provisions requiring notice of claim or limiting time for bringing action

Effective: October 6, 2006

[Currentness](#)

**(a) Application.**--This section applies only to seagoing vessels, but does not apply to pleasure yachts, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or nondescript vessels.

**(b) Minimum time limits.**--The owner, master, manager, or agent of a vessel transporting passengers or property between ports in the United States, or between a port in the United States and a port in a foreign country, may not limit by regulation, contract, or otherwise the period for--

(1) giving notice of, or filing a claim for, personal injury or death to less than 6 months after the date of the injury or death; or

(2) bringing a civil action for personal injury or death to less than one year after the date of the injury or death.

**(c) Effect of failure to give notice.**--When notice of a claim for personal injury or death is required by a contract, the failure to give the notice is not a bar to recovery if--

(1) the court finds that the owner, master, or agent of the vessel had knowledge of the injury or death and the owner has not been prejudiced by the failure;

(2) the court finds there was a satisfactory reason why the notice could not have been given; or

(3) the owner of the vessel fails to object to the failure to give the notice.

**(d) Tolling of period to give notice.**--If a claimant is a minor or mental incompetent, or if a claim is for wrongful death, any period provided by a contract for giving notice of the claim is tolled until the earlier of--

(1) the date a legal representative is appointed for the minor, incompetent, or decedent's estate; or

(2) 3 years after the injury or death.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1514.)

46 U.S.C.A. § 30508, 46 USCA § 30508

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30509

Formerly cited as 46 App. USCA § 183c

§ 30509. Provisions limiting liability for personal injury or death

Effective: October 6, 2006

[Currentness](#)

**(a) Prohibition.--**

**(1) In general.--**The owner, master, manager, or agent of a vessel transporting passengers between ports in the United States, or between a port in the United States and a port in a foreign country, may not include in a regulation or contract a provision limiting--

**(A)** the liability of the owner, master, or agent for personal injury or death caused by the negligence or fault of the owner or the owner's employees or agents; or

**(B)** the right of a claimant for personal injury or death to a trial by court of competent jurisdiction.

**(2) Voidness.--**A provision described in paragraph (1) is void.

**(b) Emotional distress, mental suffering, and psychological injury.--**

**(1) In general.--**Subsection (a) does not prohibit a provision in a contract or in ticket conditions of carriage with a passenger that relieves an owner, master, manager, agent, operator, or crewmember of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as the provision does not limit such liability when the emotional distress, mental suffering, or psychological injury is--

**(A)** the result of physical injury to the claimant caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator;

**(B)** the result of the claimant having been at actual risk of physical injury, and the risk was caused by the negligence or fault of a crewmember or the owner, master, manager, agent, or operator; or

**(C)** intentionally inflicted by a crewmember or the owner, master, manager, agent, or operator.



**(2) Sexual offenses.**--This subsection does not limit the liability of a crewmember or the owner, master, manager, agent, or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1514.)

46 U.S.C.A. § 30509, 46 USCA § 30509

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30510

Formerly cited as 46 App. USCA § 183

§ 30510. Vicarious liability for medical malpractice with regard to crew

Effective: October 6, 2006

[Currentness](#)

In a civil action by any person in which the owner or operator of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, the owner, operator, or employer is entitled to rely on any statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1515.)

46 U.S.C.A. § 30510, 46 USCA § 30510

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30511

Formerly cited as 46 App. USCA § 185

§ 30511. Action by owner for limitation

Effective: October 6, 2006

[Currentness](#)

**(a) In general.**--The owner of a vessel may bring a civil action in a district court of the United States for limitation of liability under this chapter. The action must be brought within 6 months after a claimant gives the owner written notice of a claim.

**(b) Creation of fund.**--When the action is brought, the owner (at the owner's option) shall--

**(1)** deposit with the court, for the benefit of claimants--

**(A)** an amount equal to the value of the owner's interest in the vessel and pending freight, or approved security; and

**(B)** an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter; or

**(2)** transfer to a trustee appointed by the court, for the benefit of claimants--

**(A)** the owner's interest in the vessel and pending freight; and

**(B)** an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter.

**(c) Cessation of other actions.**--When an action has been brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question shall cease.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1515.)

46 U.S.C.A. § 30511, 46 USCA § 30511

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

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United States Code Annotated  
Title 46. Shipping (Refs & Annos)  
Subtitle III. Maritime Liability  
Chapter 305. Exoneration and Limitation of Liability

46 U.S.C.A. § 30512  
Formerly cited as 46 App. USCA § 187

§ 30512. Liability as master, officer, or seaman not affected

Effective: October 6, 2006  
[Currentness](#)

This chapter does not affect the liability of an individual as a master, officer, or seaman, even though the individual is also an owner of the vessel.

**CREDIT(S)**

([Pub.L. 109-304](#), § 6(c), Oct. 6, 2006, 120 Stat. 1516.)

46 U.S.C.A. § 30512, 46 USCA § 30512

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.

One Hundred Seventeenth Congress  
of the  
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,  
the third day of January, two thousand and twenty-two*

An Act

To authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

(a) IN GENERAL.—This Act may be cited as the “James M. Inhofe National Defense Authorization Act for Fiscal Year 2023”.

(b) REFERENCES.—Any reference in this or any other Act to the “National Defense Authorization Act for Fiscal Year 2023” shall be deemed to be a reference to the “James M. Inhofe National Defense Authorization Act for Fiscal Year 2023”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 11 divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.
- (5) Division E—Non-Department of Defense Matters.
- (6) Division F—Intelligence Authorization Act for Fiscal Year 2023.
- (7) Division G—Homeland Security.
- (8) Division H—Water Resources.
- (9) Division I—Department of State Authorizations.
- (10) Division J—Oceans and Atmosphere.
- (11) Division K—Don Young Coast Guard Authorization Act of 2022.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.
- Sec. 5. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

H. R. 7776—42

Subtitle E—Illegal Fishing and Forced Labor Prevention

Sec. 11329. Definitions.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT  
MONITORING

Sec. 11330. Enhancement of Seafood Import Monitoring Program Message Set in  
Automated Commercial Environment system.

Sec. 11331. Data sharing and aggregation.

Sec. 11332. Import audits.

Sec. 11333. Availability of fisheries information.

Sec. 11334. Report on Seafood Import Monitoring Program.

Sec. 11335. Authorization of appropriations.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT  
HUMAN TRAFFICKING

Sec. 11336. Denial of port privileges.

Sec. 11337. Identification and certification criteria.

Sec. 11338. Equivalent conservation measures.

Sec. 11339. Capacity building in foreign fisheries.

Sec. 11340. Training of United States observers.

Sec. 11341. Regulations.

TITLE CXIV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

Sec. 11401. Coast Guard child care improvements.

Sec. 11402. Armed Forces access to Coast Guard child development services.

Sec. 11403. Cadet pregnancy policy improvements.

Sec. 11404. Combat-related special compensation.

Sec. 11405. Study on food security.

Subtitle B—Healthcare

Sec. 11406. Development of medical staffing standards for Coast Guard.

Sec. 11407. Healthcare system review and strategic plan.

Sec. 11408. Data collection and access to care.

Sec. 11409. Behavioral health policy.

Sec. 11410. Members asserting post-traumatic stress disorder or traumatic brain  
injury.

Sec. 11411. Improvements to Physical Disability Evaluation System and transition  
program.

Sec. 11412. Expansion of access to counseling.

Sec. 11413. Expansion of postgraduate opportunities for members of Coast Guard  
in medical and related fields.

Sec. 11414. Study on Coast Guard medical facilities needs.

Sec. 11415. Study on Coast Guard telemedicine program.

Subtitle C—Housing

Sec. 11416. Study on Coast Guard housing access, cost, and challenges.

Sec. 11417. Audit of certain military housing conditions of enlisted members of  
Coast Guard in Key West, Florida.

Sec. 11418. Study on Coast Guard housing authorities and privatized housing.

Sec. 11419. Strategy to improve quality of life at remote units.

Subtitle D—Other Matters

Sec. 11420. Report on availability of emergency supplies for Coast Guard per-  
sonnel.

Sec. 11421. Fleet mix analysis and shore infrastructure investment plan.

TITLE CXV—MARITIME

Subtitle A—Vessel Safety

Sec. 11501. Responses to safety recommendations.

Sec. 11502. Requirements for DUKW amphibious passenger vessels.

Sec. 11503. Exoneration and limitation of liability for small passenger vessels.

Sec. 11504. At-sea recovery operations pilot program.

Sec. 11505. Historic wood sailing vessels.

Sec. 11506. Certificates of numbers for undocumented vessels.

Sec. 11507. Comptroller General review and report on Coast Guard oversight of  
third-party organizations.

Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **DUKW AMPHIBIOUS PASSENGER VESSEL.**—The term “DUKW amphibious passenger vessel” means a vessel that uses, modifies, or is derived from the GMC DUKW-353 design, and which is operating as a small passenger vessel in waters subject to the jurisdiction of the United States, as defined in section 2.38 of title 33, Code of Federal Regulations (or a successor regulation).

**SEC. 11503. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSELS.**

(a) **RESTRUCTURING.**—Chapter 305 of title 46, United States Code, is amended—

(1) by inserting before section 30501 the following:

“**Subchapter I—General Provisions**”;

(2) by inserting before section 30503 the following:

“**Subchapter II—Exoneration and Limitation of Liability**”;

and

(3) by redesignating sections 30503 through 30512 as sections 30521 through 30530, respectively.

(b) **DEFINITIONS.**—Section 30501 of title 46, United States Code, is amended to read as follows:

“**§ 30501. Definitions**

“In this chapter:

“(1) **COVERED SMALL PASSENGER VESSEL.**—The term ‘covered small passenger vessel’—

“(A) means a small passenger vessel, as defined in section 2101, that is—

“(i) not a wing-in-ground craft; and

“(ii) carrying—

“(I) not more than 49 passengers on an overnight domestic voyage; and

“(II) not more than 150 passengers on any voyage that is not an overnight domestic voyage; and

“(B) includes any wooden vessel constructed prior to March 11, 1996, carrying at least 1 passenger for hire.

“(2) **OWNER.**—The term ‘owner’ includes a charterer that mans, supplies, and navigates a vessel at the charterer’s own expense or by the charterer’s own procurement.”.

(c) **APPLICABILITY.**—Section 30502 of title 46, United States Code, is amended to read as follows:

“**§ 30502. Application**

“(a) **IN GENERAL.**—Except as otherwise provided, this chapter (except section 30521) applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters.

“(b) **EXCEPTION.**—This chapter (except for section 30526) shall not apply to covered small passenger vessels.”.



(d) PROVISIONS REQUIRING NOTICE OF CLAIM OR LIMITING TIME FOR BRINGING ACTION.—Section 30526(b) of title 46, United States Code, as redesignated by subsection (a), is amended—

(1) in paragraph (1)—

(A) by inserting “, in the case of seagoing vessels,” after “personal injury or death”; and

(B) by inserting “, or in the case of covered small passenger vessels, to less than two years after the date of the injury or death” after “date of the injury or death”; and

(2) in paragraph (2)—

(A) by inserting “, in the case of seagoing vessels,” after “personal injury or death”; and

(B) by inserting “, or in the case of covered small passenger vessels, to less than two years after the date of the injury or death” after “date of the injury or death”.

(e) CHAPTER ANALYSIS.—The analysis for chapter 305 of title 46, United States Code, is amended—

(1) by inserting before the item relating to section 30501 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

(2) by inserting after the item relating to section 30502 the following:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

(3) by striking the item relating to section 30501 and inserting the following:

“30501. Definitions.”;

and

(4) by redesignating the items relating to sections 30503 through 30512 as items relating to sections 30521 through 30530, respectively.

(f) CONFORMING AMENDMENTS.—Title 46, United States Code, is further amended—

(1) in section 14305(a)(5) by striking “section 30506” and inserting “section 30524”;

(2) in section 30523(a), as redesignated by subsection (a), by striking “section 30506” and inserting “section 30524”;

(3) in section 30524(b), as redesignated by subsection (a), by striking “section 30505” and inserting “section 30523”; and

(4) in section 30525, as redesignated by subsection (a)—

(A) in the matter preceding paragraph (1) by striking “sections 30505 and 30506” and inserting “sections 30523 and 30524”;

(B) in paragraph (1) by striking “section 30505” and inserting “section 30523”; and

(C) in paragraph (2) by striking “section 30506(b)” and inserting “section 30524(b)”.

**SEC. 11504. AT-SEA RECOVERY OPERATIONS PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary shall conduct a pilot program to evaluate the potential use of remotely controlled or autonomous operation and monitoring of certain vessels for the purposes of—

(1) better understanding the complexities of such at-sea operations and potential risks to navigation safety, vessel security, maritime workers, the public, and the environment;

# Kennedys



## Pamela Schultz

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# Profile

## Admissions

- California
- Connecticut
- Hawaii
- Louisiana
- New Jersey
- New York
- Court of International Trade
- US Court of Appeals for the Fifth Circuit
- US Court of Appeals for the Ninth Circuit
- US District Courts for the Northern, Southern, Central and Eastern Districts of California
- US District Court for the District of Connecticut
- US District Court for the District of Hawaii
- US District Courts for the Eastern, Western and Middle Districts of Louisiana
- US District Court for the District of New Jersey
- US District Court for the Southern and Eastern Districts of New York
- US District Court for the Eastern and Southern Districts of Texas

## Education

- Louisiana State University, JD, 2000
- Louisiana State University, BA, 1997

Pamela is a Partner in the San Francisco office, specializing in admiralty and maritime law, insurance coverage and product and general liability defense.

Pamela's experience in admiralty and maritime litigation includes claims involving cargo, personal injury defense, recreational boating, product liability, charter parties, marine insurance, ship arrests and attachments, collisions and maritime liens. Her clients include London Underwriters, domestic insurers, protection and indemnity clubs and their members, vessel owners, charterers and terminals. Pamela frequently provides insurance coverage advice to both primary and excess marine insurers in the London and domestic market, and also defends insurers in litigation.

Pamela has qualified and testified as an expert witness on US maritime issues in foreign litigation.

Pamela represents insurers in the London, international and domestic markets, by providing coverage advice to insurers as well as defending coverage and bad faith lawsuits. Pamela also frequently provides advice to insurers relating to policy limits demands and provides an independent analysis of the underlying exposure in connection with that advice. Her experience focuses on liability, property, E&O, D&O, cargo and marine insurance policies.

She is involved in numerous trade and professional associations and recently served a three-year term on the Board of Directors of the Maritime Law Association of the United States. She is also an active member of committees of the American Bar Association related to her practice.

## Market recognition

- Recommended lawyer for 'Insurance: Advice to Insurers in United States' *The Legal 500 US* (2021)
- Global Leader for 'Transport – Shipping' (United States) *Who's Who Legal Transport 2021*

## Work highlights

- Successfully defended shipbuilder contractor in personal injury lawsuit with alleged cognitive disabilities in an issue of first impression in the Ninth Circuit on borrowed servant doctrine.
- Resolved dozens of Rule B attachment claims on behalf of shipowners, charterers and other maritime claimants.
- Obtained decision in favor of maritime lien claimants on an issue of first impression in the Fifth Circuit involving law of advancements.
- Obtained favorable settlement in maritime attachment case on behalf of bank, including significant reduction in custodia legis expenses.
- Obtained favorable settlement on behalf of vessel owner defendant in recreational boating accident involving loss of life.

## Presentations and publications

### Presentations

- "US Maritime Law and Claims Overview," In-House Client Training (June 2022, February 2023)
- "The State of Bad Faith in California, Washington, Florida, Georgia and Missouri," In-House Client Training (May 2022)
- "The State of Bad Faith in Florida, Georgia, Missouri, California and Washington," In-House Client Training (February 2023)
- "Future of Dispute Resolution," Kennedys (November 2020)
- "Vine to Wine, and the Fire in Between, The Growing Implications of the California

Wildfires," Association of Marine Underwriters (April 2020)

- "The Good, The Bad and The UGLY: A Panel Review of Recent Personal Injury Cases," presented at the Pacific Admiralty Seminar (October 2019)
- "Personal Jurisdiction: A Journey through Daimler and Its Potential Impact," presented at the Maritime Law Association Practice and Procedure Committee (May 2017)
- "Whose Job is it Anyway?," Personal Injury and Wrongful Death Claims: Defending and Managing New and Emerging Claims Including Negligent Infliction of Emotional Distress, Negligence Per Se, Physical Stress, Duty to Warn, and more," presented at ACI's 3rd Annual Forum on Admiralty & Maritime Claims and Litigation (February 27, 2014)
- Co-author, "Coverage issues raised by cryptocurrency," published for Kennedys (May 2022)
- Author, "Recent Developments in Admiralty and Maritime Law," published in Tort Trial & Insurance Practice Law Journal (Winter 2017)

- "Vine to Wine, and the Fire in Between," International Underwriting Association of London and International Cargo Insurance Conference (March 2020)
- "Maritime Attachment Under U.S. Law," presented at the Admiralty Law Institute (March 2018)
- "Jonah and the Whale, Adventure Tourism," presented at the International Marine Claims Conference (September 2017)
- "Novel Issues With Respect to Limitation of Liability: Can Vessel Owners Limit Liability to a Certain Value?," presented at ACI's 4<sup>th</sup> Annual Forum on Admiralty & Maritime Claims and Litigation (February 4, 2015)
- "Marine Insurance Masterclass," presented in Kuala Lumpur, Malaysia (2012)
- "In the Wake of Baker and Townsend," presented at the Maritime Law Association Fall Meeting (2011)

#### **Publications**

- Co-author, "California's legislature provides new guidelines and requirements for time-limited demands," published for Kennedys (January 2023)
- Author, "Whose Job Is It Anyway?: Borrowed Employees and the Longshore and Harbor Workers' Compensation Act," published in Benedict's Maritime Bulletin (Third Quarter 2019)
- Author, "Personal Jurisdiction: A Journey through Daimler and Its Potential Impact," published in Benedict's Maritime Bulletin (Third Quarter 2017)

- Author, "Recent Developments in Admiralty and Maritime Law," published in Tort Trial & Insurance Practice Law Journal (Winter 2016)
- Author, "The Dorothy J - A Missed Opportunity," published in American Bar Association Admiralty and Maritime Newsletter, (Summer 2011)

## Reported decisions

- *Woods Hole Oceanographic Institution v. ATS Specialized, Inc.*, 557 F.Supp.3d 261 (D.Mass. 2021)
- *Cruz v. United States*, 910 F.3d 1263, 2019 AMC 47 (9th Cir. 2018)
- *Guan v. Deng (In re Deng)*,, 2014 AMC 1295 (N.D. Cal. 2014)

- Author, "Recent Developments in Admiralty and Maritime Law," published in Tort Trial & Insurance Practice Law Journal (Winter 2015)
- Author, "In the Wake of Baker and Townsend," published in Benedict's Maritime Bulletin (Fourth Quarter 2011)

- *Prickett v. Bonnier Corporation*, 55 Cal. App. 5th 891 (2020)
- *White Knight Yacht, LLC v. Certain Lloyds at Lloyd's London Underwriters*, 407 F.Supp.3d 931, 2019 AMC 2159 (S.D. Cal. 2019)
- *Cruz v. United States*, 247 F.Supp.3d 1138, 2017 AMC 681 (S.D. Cal. 2017)
- *Effjohn Int'l Cruise Holdings, Inc. v. A&L Sales, Inc.*, 346 F.3d 552, 2003 AMC 2578 (5th Cir. 2003)

# Services

- **Catastrophic injury**
- **General liability**
- **Professional liability**
- **Marine**
- **Cyber risks**
- **Employers' liability**
- **Insurance coverage**
- **Product liability and product safety**
- **Fine art and specie**

# Sectors

- Insurance and reinsurance
- Shipping and international trade
- Transport and logistics
- Travel and tourism





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AREAS OF FOCUS

Litigation   Admiralty   Maritime

OVERVIEW

Barrett Hails represents marine businesses and vessel owners in casualty, property and commercial disputes. His multistate practice in Florida and Alabama equips him to counsel clients in the recreational boating sector with operations across the northern Gulf Coast. Barrett regularly advocates for clients in federal court in limitation of liability proceedings and vessel arrests and attachments. He also frequently represents livery operators and clients in the watersports industry and handles maritime products liability claims.

EXPERIENCE

INSIGHTS

## Experience

RECOGNITION

- Defended livery operator client in serious personal injury claim to successful resolution in limitation of liability proceedings in federal court.

EDUCATION

- Defense of marine repair facilities in breach of contract and warranty disputes.

CREDENTIALS

- Representation of vessel owners in capsizing and allision casualties in state and federal court.
- Successful vessel attachment and in rem arrest for maritime lien holders.

MEMBERSHIPS  
AND  
AFFILIATIONS

- Successful representation and defense of international product manufacturer in wrongful death products liability claim.

Related Services

## Insights

**Litigation****December 29, 2022****Admiralty****October 31, 2022****Maritime**Phelps Announces  
Election of New CounselBoating Briefs:  
Fall/Winter 2022**August 18, 2022**Best Lawyers in America  
Selects 158 Phelps  
Lawyers, Names 10  
"Lawyer of the Year,"  
Adds 40 to "Ones to  
Watch" List**May 5, 2022**Presentation of Boating  
Briefs**November 30, 2021**Super Lawyers Names  
23 Phelps Attorneys to  
2021 Mid-South Lists**November 5, 2021**

Recent Case Review

**August 19, 2021**More Than Half of  
Phelps Lawyers Chosen  
for Best Lawyers in  
America, 12 Named  
"Lawyer of the Year," 40  
Make "Ones to Watch"  
List**December 4, 2020**Introduction to Maritime  
Law**November 30, 2020****August 20, 2020**

15 Phelps Lawyers  
Honored by 2020 Mid-  
South Super Lawyers  
and Rising Stars

127 Phelps Lawyers  
Selected to Best Lawyers  
in America, 16 Named  
"Lawyer of the Year" and  
37 Chosen for First Class  
of "Ones to Watch"

April 30, 2020

National Survey on  
COVID-19's Impact on  
Recreational Boating

November 5, 2019

16 Attorneys Named  
2019 Mid-South Super  
Lawyers and Rising Stars

November 1, 2019

Entrenched Inter-Circuit  
Conflicts in Maritime  
Law: GML Damages, the  
McCorpen Counterclaim,  
and Red-Letter Clauses  
in Contracts to Repair  
Vessels

May 2, 2019

Choice of Law and  
Liability Considerations  
Arising From the 2015  
Dauphin Island Race

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## Recognition

- Commercial Litigation (2021-2023), Mass Tort Litigation / Class Actions - Defendants (2022-2023), *The Best Lawyers in America: Ones to Watch*
  - Mid-South Super Lawyers Rising Stars list, *Super Lawyers* (2018-2022)
  - Beaumont Aviation Prize, University of Southampton (2013)
- 

## Education

- University of Southampton, LL.M., Maritime Law, *with merit*, 2013
- University of Alabama School of Law, J.D., *cum laude*, 2012

- University of Mississippi, B.A., History and Political Science, *magna cum laude*, 2009
- 

## Credentials

- Alabama
  - Florida
  - U.S. District Court, Northern District of Alabama
  - U.S. District Court, Middle District of Alabama
  - U.S. District Court, Southern District of Alabama
  - U.S. District Court, Northern District of Florida
  - U.S. District Court, Middle District of Florida
  - U.S. District Court, Southern District of Florida
- 

## Memberships and Affiliations

### Professional

- Alabama State Bar
- The Florida Bar
- Mobile Bar Association
- Southeastern Admiralty Law Institute
- Maritime Law Association of the United States - Proctor in Admiralty, Recreational Boating Committee – Secretary, Boating Briefs – Editor, Offshore Industries Committee – Vice-Chair Civic

### Civic

- Propeller Club of the United States, Port of Mobile