

Document No. 199
FOR INFORMATION

February 15, 1935

THE MARITIME LAW ASSOCIATION OF THE UNITED STATES

PENDING PROPOSALS FOR LEGISLATION

ADDITIONAL BILLS OF THE LEGISLATIVE PROGRAM OF THE BUREAU
OF NAVIGATION AND STEAMBOAT INSPECTION OF THE
DEPARTMENT OF COMMERCE

To the Members of the Maritime Law Association:

A series of bills is being drafted by the Bureau of Navigation and Steamboat Inspection, for introduction into Congress at a subsequent date. Thirteen of these bills were submitted for examination in Document 198. Three more are submitted herewith.

Matter enclosed in square brackets [] represents annotations to the texts.

New matter is in italics, or is otherwise indicated by a statement that the text is new.

Members interested in commenting on any of these bills are requested to communicate with the President or the Secretary of the Association, or with members of the following committees:

Committee on Current Legislation

Emory H. Niles, Chairman, Baltimore Life Building, Baltimore, Md.

Wharton Poor, 80 Broad Street, New York City.

William J. Dean, 27 William Street, New York City.

Committee on Limitation of Shipowners' Liability, Harter Act and Hague Rules

Charles S. Haight, 80 Broad Street, New York City.

D. Roger Englar, 99 John Street, New York City.

Ira A. Campbell, 27 William Street, New York City

(Shortly after March 1, Mr. Campbell's address will be 120 Broadway.)

Committee on Safety at Sea

Earle Farwell, Chairman, 72 Wall Street, New York City.
Braden Vandeventer, Citizens Bank Building, Norfolk, Va.
Albert T. Gould, 1 Federal Street, Boston, Mass.

Further draft texts are expected to be available for release to the members in the same way from time to time as the program develops.

ARNOLD W. KNAUTH, *Secretary*,
80 Broad Street, New York City.

FOURTEENTH BILL

To reduce the number and increase the qualifications of
supervising inspectors of vessels.

New matter in italics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4404 of the Revised Statutes [46 U. S. Code 373] is hereby amended to read:

"SEC. 4404. There shall be *seven* supervising inspectors, who shall be appointed by the *Secretary of Commerce without regard to the Civil Service rules and regulations. In all such appointments after the passage of this Act, selection shall be made from the Principal Traveling Inspectors.* Each supervising inspector shall be entitled to a salary of *not to exceed \$6,000* per annum and his actual necessary traveling expenses while traveling on official business assigned him by competent authority together with his actual and reasonable expenses for transportation of instruments which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

"In the case of the absence of any such supervising inspector from his official station, the Secretary of Commerce may designate some officer of the Bureau of Marine Inspection and Navigation to perform the duties of such officer during his absence."

[Note to the Fourteenth Bill: R. S. 4404 at present provides for eleven supervising inspectors, appointed by the President with the advice and consent of the Senate, each to be selected for his knowledge, skill and practical experience; the salary is \$3,450. The requirements as to knowledge, skill, etc., are hereafter to be found in the Third Bill, creating ten traveling inspectors, from whose number supervisors are to be chosen.]

FIFTEENTH BILL

To provide for compensation for overtime services of local inspectors of steam vessels, United States shipping commissioners and their deputies, and for other purposes.

[This text is entirely new.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce shall fix a reasonable rate of extra compensation for overtime services of local inspectors of steam vessels and their assistants, United States shipping commissioners and their deputies and assistants who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels, on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond five o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from five o'clock postmeridian to eight o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation shall be paid by the master, owner, or agent of such vessel to the local inspectors of steam vessels or the United States shipping commissioners, as the case may be, who shall pay the same to the several employes entitled thereto according to the rates fixed therefor by the Secretary of Commerce;

Provided, that such extra compensation shall be paid if such officers or employes have been ordered to report for duty and have so reported, whether the actual inspection of the vessel or her equipment, or the supplying, or signing on or discharging crews takes place or not;

Provided further, that in those ports where customary working hours are other than those hereinabove mentioned, the local inspectors of steam vessels or United States shipping commissioners as the case may be, are vested with authority to regulate the hours of such employes so as to agree with prevailing working hours in said ports, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the local inspectors, their assistants, the United States shipping commissioners and their deputies and assistants or the overtime pay herein fixed.

The Secretary of Commerce may make such regulations as may be necessary to carry out the purposes of this Act.

SIXTEENTH BILL

To amend Section 4283 of the Revised Statutes
(U. S. C. Title 46, Sec. 183)

[LIMITATION OF PASSENGER INJURY AND DEATH CLAIMS PERMITTED ONLY IF CERTAIN INSURANCE AGAINST NEGLIGENT INJURY IS PROVIDED.]

New matter in italics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4283 of the Revised Statutes be amended by removing the period after the words "then pending" at the end of the section and substituting therefor a comma, and inserting the following:

except that in case of death or injury to any person embarked on such vessel to be transported for hire in, to, or from any port or place in the United States, the limitation of liability herein provided for shall not be granted unless such owner has procured for the benefit of such person or his legal representatives valid and collectible insurance against personal injury or death when due to the fault or neglect of the master, officers, crew, or other servants of the owner of such vessel in such sum (or shall himself pay such sum) as, when added to the amount of liability, if and as limited, will be compensation for personal injury for all or such part of \$5,000 as may be legally established, and for death, for all or such part of \$10,000 as may be legally established;

Provided that said insurance may be increased at the option of such person upon his paying the owner the reasonable cost of such increased insurance upon or before embarkation;

Provided further, that liability for loss of or damage to baggage and personal effects of any such person, shall not be limited, by virtue of this section to any amount less than \$500.

[Note to Sixteenth Bill: The existing text of R. S. 4283 would not be altered. It reads as follows: 46 U. S. Code 183. The liability of the owner of any vessel for any embezzlement, loss, or destruction, by any person, of any property, goods or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending. R. S. 4283.]