

title, numbered under chapter 123 of this title, or titled under the law of a State.

(Pub. L. 100-710, title I, § 102(c), Nov. 23, 1988, 102 Stat. 4738.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
30101(1)	46:911(1), (2), (4)
30101(2)	2101
30101(3)	New
30101(4)	2101
30101(5)	New
30101(6)	2101
30101(8), (9)	2101

This section defines general terms to be used throughout subtitle III of title 46. Some of the terms will not be used in chapter 313, but will be used in other chapters in the subtitle when they are codified.

Section 30101(1) defines a “documented vessel” to be a vessel documented under chapter 121 of title 46.

Section 30101(2) defines a “foreign vessel” to be a vessel of a foreign registry or operated under the authority of a foreign country. This definition is from section 2101 of the already codified subtitle II of title 46.

Section 30101(3) defines a “public vessel” to be a vessel that is owned, demise chartered, or operated by the United States Government or a government of a foreign country.

Section 30101(4) defines a “recreational vessel” to be a vessel used primarily for pleasure; or leased, rented, or demise chartered to another for the latter’s pleasure. This is the same definition as in section 2101.

Section 30101(5) defines a “seaman” to be a master or a crewmember of a vessel in operation.

Section 30101(6) defines a “State” to mean the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States. This is the same definition as in section 2101.

Section 30101(7) defines a “State vessel” to be a vessel owned or demise chartered by the government of a State or an authority or political subdivision of a State.

Section 30101(8) defines the “United States” when it is used in a geographic sense. This means the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States. This is the same definition as in section 2101.

Section 30101(9) defines a “vessel of the United States” to be a vessel that is documented under chapter 121 or numbered under chapter 123. This is the same definition as in section 2101.

HOUSE FLOOR STATEMENT

Paragraph (9) of this section amends the definition of “vessel of United States” to include vessels titled under the law of a State.

EFFECTIVE DATE

Section 107 of title I of Pub. L. 100-710 provided that: “(a) This title and amendments made by this title [enacting this section and sections 12501 to 12507, 31301 to 31309, 31321 to 31330, and 31341 to 31343 of this title, amending sections 2101, 2110, 12102, 12103, 12105, 12109 to 12112, 12117, 12119, and 12120 of this title and sections 808, 1242, and 1271 of the Appendix to this title, repealing sections 12113 to 12116, 12118, and 12121 of this title and sections 838, 840, 911, 921 to 927, 941, 951 to 954, 961, 971 to 975, 981 to 984, and 1011 to 1014 of the Appendix to this title, enacting provisions set out as notes under sections 12501, 12502, and 12505 of this title and preceding section 2101 of this title, and repealing provisions set out as a note under section 961 of the Appendix to this title and in Title 5, Appendix, Government Organization and Employees] take effect on January 1, 1989.

However, sections 31321 and 31322 of title 46 (as enacted by section 102 of this Act), United States Code (as sections 31321 and 32322 [probably should be 31322] apply to vessels for which an application for documentation has been filed), take effect on January 1, 1990.

“(b) An instrument filed before January 1, 1989, but not recorded before that date, is deemed to comply with section 31321 of title 46, United States Code, if it is in substantial compliance with the provisions in that section that had corresponding requirements under the law on December 31, 1988. However, the mortgage may not become a preferred mortgage until the vessel is documented.

“(c) This title and the amendments made by this title do not affect the validity of any instrument filed or recorded before January 1, 1989, if there was a corresponding requirement under the law on December 31, 1988.

“(d) An instrument filed or recorded before January 1, 1989, is deemed to comply with any new requirement under chapter 313 of title 46, United States Code (as enacted by section 102 of this Act), affecting the validity of that instrument.

“(e) Section 102 of this Act and amendments made by that section [enacting sections 30101, 31301 to 31309, 31321 to 31330, and 31341 to 31343 of this title and provisions set out as a note preceding section 2101 of this title] do not affect any civil action filed before January 1, 1989.

“(f) Section 104(b) of this Act and the amendments made by section 104(b) of this Act [amending section 808 of the Appendix to this title] do not apply to any change in control resulting from, or which may at any time result from, any proposed plan of reorganization filed under the United States bankruptcy laws prior to the date of enactment of this Act [Nov. 23, 1988], except that transactions undertaken as a result of such a plan shall continue to be governed by section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as it existed prior to the date of enactment of this Act, to the extent that such section 9 would have governed such transactions.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 11 section 1110.

[CHAPTERS 303-311—RESERVED]

CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

SUBCHAPTER I—GENERAL

Sec.	
31301.	Definitions.
31302.	Availability of instruments, copies, and information.
31303.	Certain civil actions not authorized.
31304.	Liability for noncompliance.
31305.	Waiver of lien rights.
31306.	Declaration of citizenship.
31307.	State statutes superseded.
31308.	Secretary of Commerce or Transportation as mortgagee.
31309.	General civil penalty.

SUBCHAPTER II—COMMERCIAL INSTRUMENTS

31321.	Filing, recording, and discharge.
31322.	Preferred mortgages.
31323.	Disclosing and incurring obligations before executing preferred mortgages.
31324.	Retention and examination of mortgages of vessels covered by preferred mortgages.
31325.	Preferred mortgage liens and enforcement.
31326.	Court sales to enforce preferred mortgage liens and maritime liens and priority of claims.
31327.	Forfeiture of mortgagee interest.
[31328.]	Repealed.]
31329.	Court sales of documented vessels.
31330.	Penalties.

SUBCHAPTER III—MARITIME LIENS

31341.	Persons presumed to have authority to procure necessities.
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