

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

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AMENDMENTS

2002—Pub. L. 107-295, title II, §205(a)(2), Nov. 25, 2002, 116 Stat. 2096, substituted “notices of claim of maritime lien” for “liens on preferred mortgage vessels” in item 31343.

1996—Pub. L. 104-324, title XI, §1113(b)(3), Oct. 19, 1996, 110 Stat. 3970, struck out item 31328 “Limitations on parties serving as trustees of mortgaged vessel interests”.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 12111 of this title; section 1271 of Appendix to this title; title 42 section 9118; title 49 section 11301.

SUBCHAPTER I—GENERAL

§ 31301. Definitions

In this chapter—

(1) “acknowledge” means making—

(A) an acknowledgment or notarization before a notary public or other official authorized by a law of the United States or a State to take acknowledgments of deeds; or

(B) a certificate issued under the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, 1961;

(2) “district court” means—

(A) a district court of the United States (as defined in section 451 of title 28);

(B) the District Court of Guam;

(C) the District Court of the Virgin Islands;

(D) the District Court for the Northern Mariana Islands;

(E) the High Court of American Samoa; and

(F) any other court of original jurisdiction of a territory or possession of the United States;

(3) “mortgagee” means—

(A) a person to whom property is mortgaged; or

(B) when a mortgage on a vessel involves a trust, the trustee that is designated in the trust agreement;

(4) “necessaries” includes repairs, supplies, towage, and the use of a dry dock or marine railway;

(5) “preferred maritime lien” means a maritime lien on a vessel—