

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4058

To amend title 46, United States Code, to improve the safety of towing vessels.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1994

Mr. STUDDS introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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## A BILL

To amend title 46, United States Code, to improve the safety of towing vessels.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Towing Safety Act”.

5       **SEC. 2. INSPECTION OF TOWING VESSELS.**

6       (a) IN GENERAL.—Section 3301 of title 46, United  
7 States Code, is amended by adding at the end the follow-  
8 ing:

9               “(14) towing vessels.”.

1 (b) EXCEPTION.—Section 3302 of title 46, United  
2 States Code, is amended by adding at the end the follow-  
3 ing:

4 “(n) A towing vessel is not subject to inspection  
5 under section 3301(14) of this title if the vessel—

6 “(1) is used only for towing disabled vessels; or

7 “(2) is not used to pull, push, or haul alongside  
8 a barge that is subject to inspection under section  
9 3301 of this title.”.

10 (c) EQUIPMENT REQUIREMENTS.—Section 3306 of  
11 title 46, United States Code, is amended by adding at the  
12 end the following:

13 “(h) In prescribing regulations for towing vessels, the  
14 Secretary shall—

15 “(1) consider the characteristics, methods of  
16 operation, and nature of the service of towing ves-  
17 sels;

18 “(2) consult with the Towing Safety Advisory  
19 Committee; and

20 “(3) require, to the extent appropriate, the in-  
21 stallation, maintenance, and use of the following  
22 equipment on each towing vessel, other than a tow-  
23 ing vessel that is used only for towing disabled ves-  
24 sels:

25 “(A) A radar system.

1 “(B) An electronic position-fixing device.

2 “(C) Adequate communications equipment.

3 “(D) A sonic depth finder.

4 “(E) A compass or swing meter.

5 “(F) Adequate towing equipment.

6 “(G) Up-to-date navigational charts and  
7 publications for the areas normally transited by  
8 the vessel.

9 “(H) Other equipment the Secretary deter-  
10 mines will minimize the risk of injury to the  
11 crew or the risk of a vessel or barge casualty.”.

12 (d) REGULATIONS.—The Secretary of Transportation  
13 shall prescribe regulations implementing this section with-  
14 in 1 year after the date of enactment of this Act.

15 **SEC. 3. MANNING OF TOWING VESSELS.**

16 (a) LICENSED MASTERS AND MATES.—

17 (1) MINIMUM NUMBER OF LICENSED INDIVID-  
18 UALS.—Section 8301(a) of title 46, United States  
19 Code, is amended in the material preceding para-  
20 graph (1) by inserting “passenger” before “vessel”  
21 the first place that it appears.

22 (2) LICENSE AND CERTIFICATION CLASSIFICA-  
23 TION AND CONDITIONS.—Section 7101 of title 46,  
24 United States Code, is amended—

1 (A) in subsection (b)(2)(A), by striking  
2 “and”, and by inserting “, barge tonnage, and  
3 barge number or configuration” after “vessels”;  
4 and

5 (B) by adding at the end the following new  
6 subsections:

7 “(j) An individual may be issued a license as a master  
8 or mate of towing vessels only if the individual—

9 “(1) demonstrates proficiency in the use of the  
10 equipment listed in section 3306(h)(3) of this title;  
11 and

12 “(2) demonstrates proficiency in operating a  
13 towing vessel or has successfully completed a Coast  
14 Guard-approved towing vessel simulator course.

15 “(k) The Secretary may not issue a license under this  
16 section to an individual who has failed an examination,  
17 or any portion thereof, for that license 3 consecutive  
18 times.”.

19 (3) CONFORMING AMENDMENT.—Section 8904  
20 of title 46, United States Code, is amended by strik-  
21 ing subsections (a) and (b) and inserting the follow-  
22 ing:

23 “A vessel that is used only for towing disabled vessels  
24 for consideration shall be operated by an individual li-  
25 censed by the Secretary to operate that type of vessel in

1 the particular geographic area, under prescribed regula-  
2 tions.”.

3           (4) REGULATIONS.—In prescribing regulations  
4 implementing this subsection, the Secretary of  
5 Transportation shall use the requirements for an op-  
6 erator uninspected towing vessel license as the mini-  
7 mum requirements for the towing vessel master li-  
8 cense required by this subsection, and the require-  
9 ments for a second class operator uninspected tow-  
10 ing vessel license as the minimum requirements for  
11 the towing vessel mate license required by this sub-  
12 section, as those requirements are set forth in part  
13 10.464 of title 46, Code of Federal Regulations.

14           (5) EXISTING LICENSE.—

15           (A) TREATED AS TOWING VESSEL LI-  
16 CENSE.—A license described in subparagraph  
17 (B)(i) or (ii) that is valid on the effective date  
18 of this section shall be treated as a master or  
19 mate license, respectively, required for towing  
20 vessels by the amendments made by this sub-  
21 section until such license is required to be re-  
22 newed under section 7106 of title 46, United  
23 States Code.

1 (B) LICENSES DESCRIBED.—The licenses  
2 referred to in subparagraph (A) are the follow-  
3 ing:

4 (i) Operator uninspected towing ves-  
5 sel.

6 (ii) Second class operator uninspected  
7 towing vessel.

8 (b) MERCHANT MARINERS' DOCUMENTS RE-  
9 QUIRED.—

10 (1) REQUIREMENT.—Section 8701(a) of title  
11 46, United States Code, is amended—

12 (A) by striking “100” and inserting “5”;

13 (B) in paragraph (1), by striking “a vessel  
14 operating only on rivers and lakes (except the  
15 Great Lakes);” and inserting “a small pas-  
16 senger vessel, or an uninspected passenger ves-  
17 sel;”;

18 (C) by striking paragraph (2), and redesign-  
19 ating the subsequent paragraphs accordingly;  
20 and

21 (D) in paragraph (6) (as so redesignated)  
22 by striking “clause (6)” and inserting “para-  
23 graph (5)”.

24 (2) EXCEPTIONS.—Section 8701(b) of title 46,  
25 United States Code, is amended—

1 (A) by striking “A person” and inserting  
2 “(1) Except as provided in paragraphs (2) and  
3 (3), a person”; and

4 (B) by adding at the end the following:

5 “(2) The Secretary shall prescribe regulations  
6 which exempt employment categories on vessels from  
7 the requirements of paragraph (1). The regulations  
8 may exempt an employment category only if the re-  
9 sponsibilities of an individual employed in the cat-  
10 egory do not relate directly to the safe operation of  
11 the vessel.

12 “(3) A person may engage or employ an indi-  
13 vidual who does not have a merchant mariner’s doc-  
14 ument, and such an individual may serve, on a vessel  
15 in the 60-day period beginning on the first date the  
16 individual is employed by that company in an em-  
17 ployment category for which any merchant mariner’s  
18 document is required.”.

19 (c) CREW REQUIREMENTS.—

20 (1) ABLE SEAMEN REQUIRED.—Section 8702 of  
21 title 46, United States Code, is amended—

22 (A) in subsection (a)—

23 (i) in paragraph (1) by inserting “pas-  
24 senger” before “vessel”; and

1 (ii) by striking paragraph (2), and re-  
2 designating paragraphs (3) through (7) in  
3 order as paragraphs (2) through (6), re-  
4 spectively; and

5 (B) by striking subsection (c) and redesign-  
6 ating subsections (d) and (e) as subsections  
7 (c) and (d), respectively.

8 (2) CLASSIFICATION.—Section 7306(b) of title  
9 46, United States Code, is amended by adding at  
10 the end the following:

11 “(7) able seaman—towing vessel.”.

12 (3) RATING REQUIREMENT.—Chapter 73 of  
13 title 46, United States Code, is amended by adding  
14 at the end the following:

15 **“§ 7311b. Able seamen—towing vessels**

16 “For service on a towing vessel, an individual may  
17 be rated as able seaman—towing vessels if the individual  
18 has at least 18 months’ service on deck on board towing  
19 vessels operated on the navigable waters of the United  
20 States (including the Great Lakes).”.

21 (4) CLERICAL AMENDMENT.—The analysis at  
22 the beginning of chapter 73 of title 46, United  
23 States Code, is amended by inserting after the item  
24 7311a the following:

“7311b. Able seamen—towing vessel.”.



1 (d) EFFECTIVE DATE.—This section, other than sub-  
2 section (e), shall become effective one year after the date  
3 of enactment of this Act.

4 (e) REGULATIONS.—The Secretary of Transportation  
5 shall issue regulations implementing this section by not  
6 later than 1 year after the date of enactment of this Act.

7 **SEC. 4. VESSEL CASUALTIES.**

8 (a) EXPEDITED REPORTING REQUIRED.—Section  
9 6101(b) of title 46, United States Code, is amended by  
10 striking “within 5 days” and inserting “by as soon as  
11 practicable, but in no case later than within 5 days,”.

12 (b) PENALTY FOR FAILURE TO REPORT A CAS-  
13 UALTY.—Section 6103(a) of title 46, United States Code  
14 is amended by striking “\$1,000” and inserting  
15 “\$25,000”.

16 (c) PRESUMPTION.—Section 2304 of title 46, United  
17 States Code, is amended—

18 (1) in subsection (a) by inserting “(1)” after  
19 “(a)”;

20 (2) by redesignating subsection (b) as para-  
21 graph (2) of subsection (a); and

22 (3) by adding at the end the following:

23 “(b) A master or individual in charge of a vessel who  
24 unreasonably fails to provide assistance in accordance with  
25 subsection (a)(1) to an individual in danger of being lost

1 as a result of a collision between 2 or more vessels is  
2 deemed, for purposes of any action for damages that  
3 arises out of the collision, unless proven to the contrary,  
4 to have caused the collision by wrongful act, neglect, or  
5 default.”.

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