

117TH CONGRESS
1ST SESSION

S. 2805

To revise laws regarding liability in certain civil actions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 21), 2021

Mr. SCHUMER (for Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To revise laws regarding liability in certain civil actions,
and for other purposes.

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 “Small Passenger Vessel
5 Liability Fairness Act of 2021”.

6 **SEC. 2. EXONERATION AND LIMITATION OF LIABILITY FOR**
7 **SMALL PASSENGERS VESSELS.**

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

1 (1) by inserting the following before section
2 30501:

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

4 (2) by inserting the following before section
5 30503:

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

8 and

9 (3) by redesignating sections 30503 through
10 30512 as sections 30521 through 30530, respec-
11 tively.

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

14 **“§ 30501. Definitions**

15 “In this chapter—

16 “(1) the term ‘owner’ includes a charterer that
17 mans, supplies, and navigates a vessel at the
18 charterer’s own expense or by the charterer’s own
19 procurement; and

20 “(2) the term ‘covered small passenger vessel’—

21 “(A) means a small passenger vessel, as
22 defined in section 2101 of this title, that—

23 “(i) is less than 100 gross tons as
24 measured under section 14502 of this title,
25 or an alternate tonnage measured under

1 section 14302 of this title as prescribed by
 2 the Secretary under section 14104 of this
 3 title; and

4 “(ii) is carrying—

5 “(I) for overnight domestic voy-
 6 ages, not more 49 passengers; and

7 “(II) for all other voyages, not
 8 more than 150 passengers; and

9 “(B) includes any wooden vessel con-
 10 structed prior to March 11, 1996, that carries
 11 passengers on overnight domestic voyages.”.

12 (c) APPLICABILITY.—

13 (1) IN GENERAL.—Section 30502 of title 46,
 14 United States Code, is amended to read as follows:

15 **“§ 30502. Application**

16 “(a) IN GENERAL.—Except as otherwise provided
 17 and subject to subsection (b)—

18 “(1) subchapter II (except section 30521) of
 19 this title shall apply to seagoing vessels and vessels
 20 used on lakes or rivers or in inland navigation, in-
 21 cluding canal boats, barges, and lighters that are not
 22 covered small passenger vessels; and

23 “(2) subchapter III of this title shall apply to
 24 seagoing vessels, and vessels used on lakes or rivers
 25 or in inland navigation, including canal boats,

1 barges, and lighters, that are covered small pas-
 2 senger vessels.

3 “(b) DECLARATION OF NATURE AND VALUE OF
 4 GOODS.—Section 30521 of this title shall not apply to ves-
 5 sels described in subsection (a) of this section.”.

6 (d) RULES FOR SMALL PASSENGER VESSELS.—
 7 Chapter 305 of title 46, United States Code, is amended
 8 by adding at the end the following:

9 **“Subchapter III—Exoneration and Limitation**
 10 **of Liability for Covered Small Passenger**
 11 **Vessels**

12 **“§ 30541. Exoneration and limitation of liability pro-**
 13 **visions**

14 “(a) IN GENERAL.—By not later than 180 days after
 15 the date of enactment of the Small Passenger Vessel Li-
 16 ability Fairness Act of 2021, the Commandant shall pro-
 17 mulgate rules relating to exoneration and limitation of li-
 18 ability for all covered small passenger vessels that—

19 “(1) provide just compensation in any claim for
 20 which the owner or operator of a covered small pas-
 21 senger vessel is found liable; and

22 “(2) comply with the requirements of subsection
 23 (b) of this section.

24 “(b) REQUIREMENTS.—

1 “(1) PRIVACY OR KNOWLEDGE.—In a claim for
 2 personal injury or death to which this subchapter
 3 applies, the privacy or knowledge of the master or
 4 the owner’s superintendent or managing agent, at or
 5 before the beginning of each voyage, is imputed to
 6 the owner.

7 “(2) APPORTIONMENT OF LOSSES.—The re-
 8 quirements of section 30525 of this title shall apply
 9 to a covered small passenger vessel in the same
 10 manner as such section applies to a vessel described
 11 in section 30502(a)(1).

12 “(3) TIMING CONSIDERATIONS.—The require-
 13 ments of subsections (b) through (d) of section
 14 30526 of this title shall apply to a covered small
 15 passenger vessel in the same manner as the require-
 16 ments apply to a vessel subject to such section.

17 “(c) APPLICABILITY.—The rules promulgated under
 18 subsection (a) shall take effect as if promulgated on the
 19 effective date of the Small Passenger Vessel Liability Fair-
 20 ness Act of 2021.”.

21 (e) TABLES OF SUBCHAPTERS AND TABLES OF SEC-
 22 TIONS.—The table of sections for chapter 305 of title 46,
 23 United States Code, is amended—

24 (1) by inserting before section 30501 the fol-
 25 lowing:

“SUBCHAPTER I—GENERAL PROVISIONS”;

1 (2) by inserting after section 30502 the fol-
 2 lowing:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

3 (3) by redesignating the items relating to sec-
 4 tions 30503 through 30512 as items relating to sec-
 5 tions 30521 through 30530, respectively; and

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

“SUBCHAPTER III—EXONERATION AND LIMITATION OF LIABILITY FOR
 COVERED SMALL PASSENGER VESSELS

“Sec. 30541. Exoneration and limitation of liability provisions.”.

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

9 (1) in section 14305(a)(5), by striking “section
 10 30506” and inserting “section 30524”;

11 (2) in section 30523(a), as redesignated by sub-
 12 section (a) of this section, by striking “section
 13 30506” and inserting “section 30524”;

14 (3) in section 30524(b), as redesignated by sub-
 15 section (a) of this section, by striking “section
 16 30505” and inserting “section 30523”; and

17 (4) in section 30525—

18 (A) by striking “section 30505” and “sec-
 19 tion 30523”;

20 (B) by striking “section 30506” and in-
 21 serting “section 30524”; and

22 (C) by striking “section 30506(b)” and in-
 23 serting “section 30524(b)”.

1 **SEC. 3. EFFECTIVE DATE; SEVERABILITY.**

2 (a) EFFECTIVE DATE.—This Act, and the amend-
3 ments made by this Act, shall take effect as if enacted
4 into law on September 2, 2019.

5 (b) SEVERABILITY.—If any provision of this Act or
6 an amendment made by this Act, or any application of
7 such provision to any person or circumstance, is held to
8 be unconstitutional, the remainder of this Act, the amend-
9 ments made by this Act, and the application of this Act
10 and the amendments made by this Act to any other person
11 or circumstance shall not be affected.

○