

117TH CONGRESS  
1ST SESSION

# H. R. 5329

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

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2021

Mr. CARBAJAL (for himself and Ms. BROWNLEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## 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”.

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

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

5 (1) by inserting the following before section  
6 30501:

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

8 (2) by inserting the following before section  
9 30503:

10 **“Subchapter II—Exoneration and Limitation**  
11 **of Liability Generally”;**

12 and

13 (3) by redesignating sections 30503 through  
14 30512 as sections 30521 through 30530, respec-  
15 tively.

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

18 **“§ 30501. Definitions**

19 “In this chapter—

20 “(1) the term ‘owner’ includes a charterer that  
21 mans, supplies, and navigates a vessel at the  
22 charterer’s own expense or by the charterer’s own  
23 procurement; and

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

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

1 “(i) is less than 100 gross tons as  
2 measured under section 14502 of this title,  
3 or an alternate tonnage measured under  
4 section 14302 of this title as prescribed by  
5 the Secretary under section 14104 of this  
6 title; and

7 “(ii) is carrying—

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

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

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

15 (c) APPLICABILITY.—

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

18 **“§ 30502. Application**

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

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

1           “(2) subchapter III of this title shall apply to  
 2           seagoing vessels, and vessels used on lakes or rivers  
 3           or in inland navigation, including canal boats,  
 4           barges, and lighters, that are covered small pas-  
 5           senger vessels.

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

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

12       **“Subchapter III—Exoneration and Limitation**  
 13       **of Liability for Covered Small Passenger**  
 14       **Vessels**

15       **“§ 30541. Exoneration and limitation of liability pro-**  
 16       **visions**

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

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

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

3           “(b) REQUIREMENTS.—

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

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

15          “(3) TIMING CONSIDERATIONS.—The require-  
16          ments of subsections (b) through (d) of section  
17          30526 of this title shall apply to a covered small  
18          passenger vessel in the same manner as the require-  
19          ments apply to a vessel subject to such section.

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

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

4 (1) by inserting before section 30501 the fol-  
 5 lowing:

“SUBCHAPTER I—GENERAL PROVISIONS”;

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

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

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

11 (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.”.

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

14 (1) in section 14305(a)(5), by striking “section  
 15 30506” and inserting “section 30524”;

16 (2) in section 30523(a), as redesignated by sub-  
 17 section (a) of this section, by striking “section  
 18 30506” and inserting “section 30524”;

19 (3) in section 30524(b), as redesignated by sub-  
 20 section (a) of this section, by striking “section  
 21 30505” and inserting “section 30523”; and

22 (4) in section 30525—

1 (A) by striking “section 30505” and “sec-  
2 tion 30523”;

3 (B) by striking “section 30506” and in-  
4 serting “section 30524”; and

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

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

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

11 (b) **SEVERABILITY.**—If any provision of this Act or  
12 an amendment made by this Act, or any application of  
13 such provision to any person or circumstance, is held to  
14 be unconstitutional, the remainder of this Act, the amend-  
15 ments made by this Act, and the application of this Act  
16 and the amendments made by this Act to any other person  
17 or circumstance shall not be affected.

○