

**CHAPTER 441—EVIDENCE OF FINANCIAL  
RESPONSIBILITY FOR PASSENGER TRANSPORTATION**

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**§ 44101. Application**

This chapter applies to a vessel that—

(1) has berth or stateroom accommodations for at least 50 passengers; and

(2) boards passengers at a port in the United States.

**§ 44102. Financial responsibility to indemnify passengers for nonperformance of transportation**

(a) **FILING REQUIREMENT.**—A person in the United States may not arrange, offer, advertise, or provide transportation on a vessel to which this chapter applies unless the person has filed with the Federal Maritime Commission evidence of financial responsibility to indemnify passengers for nonperformance of the transportation.

(b) **SATISFACTORY EVIDENCE.**—To satisfy subsection (a), a person must file—

(1) information the Commission considers necessary; or

(2) a copy of a bond or other security, in such form as the Commission by regulation may require.

(c) **AUTHORIZED ISSUER OF BOND.**—If a bond is filed, it must be issued by a bonding company authorized to do business in the United States.

**§ 44103. Financial responsibility to pay liability for death or injury**

(a) **GENERAL REQUIREMENT.**—The owner or charterer of a vessel to which this chapter applies shall establish, under regulations prescribed by the Federal Maritime Commission, financial responsibility to meet liability for death or injury to passengers or other individuals on a voyage to or from a port in the United States.

(b) **AMOUNTS.**—

(1) **IN GENERAL.**—The amount of financial responsibility required under subsection (a) shall be based on the number of passenger accommodations as follows:

- (A) \$20,000 for each of the first 500 passenger accommodations.
  - (B) \$15,000 for each additional passenger accommodation between 501 and 1,000.
  - (C) \$10,000 for each additional passenger accommodation between 1,001 and 1,500.
  - (D) \$5,000 for each additional passenger accommodation over 1,500.
- (2) MULTIPLE VESSELS.—If the owner or charterer is operating more than one vessel subject to this chapter, the amount of financial responsibility shall be based on the number of passenger accommodations on the vessel with the largest number of passenger accommodations.

(c) AVAILABILITY TO PAY JUDGMENT.—The amount determined under subsection (b) shall be available to pay a judgment for damages (whether less than or more than \$20,000) for death or injury to a passenger or other individual on a voyage to or from a port in the United States.

(d) MEANS OF ESTABLISHING.—Financial responsibility under this section may be established by one or more of the following if acceptable to the Commission:

- (1) Insurance.
- (2) Surety bond issued by a bonding company authorized to do business in the United States.
- (3) Qualification as a self-insurer.
- (4) Other evidence of financial responsibility.

#### **§ 44104. Civil penalty**

A person that violates section 44102 or 44103 of this title is liable to the United States Government for a civil penalty of not more than \$5,000, plus \$200 for each passage sold, to be assessed by the Federal Maritime Commission. The Commission may remit or mitigate the penalty on terms the Commission considers proper.

#### **§ 44105. Refusal of clearance**

The Secretary of Homeland Security shall refuse the clearance required by section 60105 of this title, at the port or place of departure from the United States, of a vessel that is subject to this chapter and does not have evidence issued by the Federal Maritime Commission of compliance with sections 44102 and 44103 of this title.

#### **§ 44106. Conduct of proceedings**

Part A of this subtitle applies to proceedings conducted by the Federal Maritime Commission under this chapter.”