

P.L. 108-293 COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

SEC. 415. INSPECTION OF TOWING VESSELS.

(a) VESSELS SUBJECT TO INSPECTION.—Section 3301 of title 46, United States Code, is amended by adding at the end the following:

“(15) towing vessels.”.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3306 of chapter 33 of title 46, United States Code, is amended by adding at the end the following:

“(j) The Secretary may establish by regulation a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels.”.

From the “Conference Report” H.R. 2443

Section 415. Inspection of Towing Vessels (REPORT)

The House bill does not contain a comparable provision.

The Senate amendment does not contain a comparable provision.

The Conference substitute adds towing vessels, as defined in section 2101 of title 46, United States Code, as a class of vessels that are subject to safety inspections under chapter 33 of that title. Section 3306 of title 46 details the items that are to be regulated under the chapter to secure the safety of individuals and property on board the vessel. This includes design, construction, alteration and repair of the superstructures, hulls, fittings, equipment appliances, propulsion equipment, machinery, lifesaving equipment, firefighting equipment, and vessel stores and other supplies of a dangerous nature.

The Coast Guard may prescribe different standards for towing vessels than for other types of inspected vessels. Similarly, the Coast Guard can prescribe different standards for the various types of towing vessels based on size, horsepower, type of operation, area of operation. For example, the Coast Guard can prescribe different standards with regard to propulsion machinery and hulls for a towing vessel pushing barges down the Mississippi River than for vessels that provide towing assistance for recreational vessels.

New section 3306(j) of title 46, United States Code, authorizes the Secretary of the department in which the Coast Guard is operating to establish by regulation a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels. Safety management systems allow the Coast Guard to oversee the maintenance and repair of vessel equipment and ship systems subject to inspection through an approved safety management plan that includes maintenance schedules and system tests. The Coast Guard may enforce the plan through audits of the vessel's logs and vessel operator's records rather than having to directly oversee the repair or maintenance work conducted on a particular piece of equipment or ship system.