TITLE 46 - SHIPPING
Subtitle III - Maritime Liability
CHAPTER 301 - GENERAL LIABILITY PROVISIONS

§ 30102. Liability to passengers

(a) Liability.— The owner and master of a vessel, and the vessel, are liable for personal injury to a passenger or damage to a passenger’s baggage caused by—

(1) a neglect or failure to comply with part B or F of subtitle II of this title; or

(2) a known defect in the steaming apparatus or hull of the vessel.

(b) Not Subject to Limitation.— A liability imposed under this section is not subject to limitation under chapter 305 of this title.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1509.)

Historical and Revision Notes

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<th>Revised Section</th>
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<td>30102</td>
<td>46 App.:491 (words before semicolon).</td>
<td>R.S. § 4493 (words before semicolon).</td>
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In subsection (a), before paragraph (1), the words “or either of them” are omitted as unnecessary. The words “are liable for personal injury to a passenger or damage to a passenger’s baggage” are substituted for “Whenever damage is sustained by any passenger or his baggage” and “shall be liable to each and every person so injured” for clarity and to eliminate unnecessary words. The words “from explosion, fire, collision, or other cause” are omitted as unnecessary. The words “caused by” are substituted for “if it happens through” to eliminate unnecessary words. In paragraph (1), the words “part B or F of subtitle II of this title” are substituted for “title 52 of the Revised Statutes” because of the prior codification of subtitle II of title 46. In paragraph (2), the word “imperfections” is omitted as included in “defect”.

Subsection (b) is substituted for “to the full amount of damage” for clarity. See Hines v. Butler, 278 F. 877, 880, 881 (4th Cir. 1921), cert. denied, 257 U.S. 659 (1922); The Annie Faxon, 75 F. 312, 317–319 (9th Cir. 1896).