

[CITE: 33USC2038]

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 34--INLAND NAVIGATIONAL RULES

SUBCHAPTER I--RULES

Part E--Exemptions

Sec. 2038. Exemptions (Rule 38)

Any vessel or class of vessels, the keel of which is laid or which is at a corresponding stage of construction before December 24, 1980, provided that she complies with the requirements of—

- (a) Chapter 3 of this title for vessels navigating the waters subject to that chapter;
- (b) Chapter 5 of this title for vessels navigating the waters subject to that chapter;
- (c) Chapter 4 of this title for vessels navigating the waters subject to that chapter; or
- (d) Sections 3, 4, and 5 of the Act of April 25, 1940 (54 Stat.163), as amended (46 U.S.C. 526b, c, and d) for motorboats navigating the waters subject to that statute; shall be exempted from compliance with the technical Annexes to these Rules as follows:
 - (i) the installation of lights with ranges prescribed in Rule 22, until 4 years after the effective date of these Rules, except that vessels of less than 20 meters in length are permanently exempt;
 - (ii) the installation of lights with color specifications as prescribed in Annex I to these Rules, until 4 years after the effective date of these Rules, except that vessels of less than 20 meters in length are permanently exempt;
 - (iii) the repositioning of lights as a result of conversion to metric units and rounding off measurement figures, are permanently exempt; and
 - (iv) the horizontal repositioning of masthead lights prescribed by Annex I to these Rules:
 - (1) on vessels of less than 150 meters in length, permanent exemption.
 - (2) on vessels of 150 meters or more in length, until 9 years after the effective date of these Rules.
 - (v) the restructuring or repositioning of all lights to meet the prescriptions of Annex I these Rules, until 9 years after the effective date of these Rules;
 - (vi) power-driven vessels of 12 meters or more but less than 20 meters in length are permanently exempt from the provisions of Rule 23(a)(i) and 23(a)(iv) provided that, in place of these lights, the vessel exhibits a white light aft visible all round the horizon; and
 - (vii) the requirements for sound signal appliances prescribed in Annex III to these Rules, until 9 years after the effective date of these Rules.

(Pub. L. 96-591, Sec. 2, Dec. 24, 1980, 94 Stat. 3432.)

Repeal of Section

Pub. L. 108-293, title III, Sec. 303(a), (c), Aug. 9, 2004, 118 Stat. 1042, provided that this section is repealed effective on the effective date of final regulations prescribed by the Secretary of the Department in which the Coast Guard is operating under section 2071 of this title.

References in Text

Chapter 3 of this title, referred to in par. (a), was in the original ``The Act of June 7, 1897 (30 Stat. 96), as amended (33 U.S.C. 154-232)" , which was repealed by section 8(a) of Pub. L. 96-591. Chapter 5 of this title, referred to in par. (b), was in the original ``Section 4233 of the Revised Statutes (33 U.S.C. 301-356)" , which was repealed by section 8(a) of Pub. L. 96-591. Chapter 4 of this title, referred to in par. (c), was in the original ``The Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241-295)" , which was repealed by section 8(b) of Pub. L. 96-591. Sections 3, 4, and 5 of the Act of April 25, 1940 (54 Stat. 163), as amended (46 U.S.C. 526b, c, and d), referred to in par. (d), were repealed effective 12 months after Dec. 24, 1980, by section 8(a) of Pub. L. 96-591. Annexes and Annexes I and III to these Rules, referred to in par. (d), are to be established by the Secretary under section 2071 of this title. Rule 22, referred to in par. (d)(i), is classified to section 2022 of this title. The effective date of these Rules, referred to in par. (d), is 12 months after Dec. 24, 1980, except on the Great Lakes, where the effective date was established as Mar. 1, 1983. See section 7 of Pub. L. 96-591, set out as an Effective Date note under section 2001 of this title. Rule 23, referred to in par. (d)(vi), is classified to section 2023 of this title.

Codification

Section was enacted as part of section 2 of Pub. L. 96-591 which enacted the Inland Navigational Rules which comprise this subchapter.