

111TH CONGRESS  
2D SESSION

# S. 3600

To amend the Jones Act and related statutes with respect to the liability of vessel owners and operators for damages.

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IN THE SENATE OF THE UNITED STATES

JULY 15, 2010

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Jones Act and related statutes with respect to the liability of vessel owners and operators for damages.

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 “Fairness in Admiralty  
5 and Maritime Law Act”.

6 **SEC. 2. REPEAL OF LIMITATION OF SHIPOWNERS’ LIABIL-**  
7 **ITY ACT OF 1851.**

8 (a) IN GENERAL.—Chapter 305 of title 46, United  
9 States Code, is amended—

1 (1) by striking sections 30505, 30506, 30507,  
2 30511, and 30512;

3 (2) by striking “(except section 30503)” after  
4 “chapter” in section 30502; and

5 (3) by redesignating sections 30508, 30509,  
6 and 30510 as sections 30505, 30506, and 30507,  
7 respectively.

8 (b) CONFORMING AMENDMENTS.—

9 (1) OIL POLLUTION ACT OF 1990.—Section  
10 1018 of the Oil Pollution Act of 1990 (33 U.S.C.  
11 2718) is amended—

12 (A) by striking “or the Act of March 3,  
13 1851” in subsection (a); and

14 (B) by striking “Act, the Act of March 3,  
15 1851 (46 U.S.C. 183 et seq.),” in subsection  
16 (c) and inserting “Act”.

17 (2) TITLE 46.—Section 14305(a) of title 46,  
18 United States Code, is amended by striking para-  
19 graph (5) and re-designating the paragraphs that  
20 follow as paragraphs (5) through (14), respectively.

21 (c) CLERICAL AMENDMENT.—The table of contents  
22 for chapter 305 of title 46, United States Code, is amend-  
23 ed by striking the items relating to sections 30505  
24 through 30512 and inserting the following:

“30505. Provisions requiring notice of claim or limiting time for bringing action  
“30506. Provisions limiting liability for personal injury or death  
“30507. Vicarious liability for medical malpractice with regard to crew”.

1 **SEC. 3. ASSESSMENT OF PUNITIVE DAMAGES IN MARITIME**  
 2 **LAW.**

3 (a) IN GENERAL.—Chapter 301 of title 46, United  
 4 States Code, is amended by adding at the end the fol-  
 5 lowing:

6 **“§ 30107. Punitive damages**

7 “In a civil action for damages arising out of a mari-  
 8 time tort, punitive damages may be assessed without re-  
 9 gard to the amount of compensatory damages assessed in  
 10 the action.”.

11 (b) CLERICAL AMENDMENT.—The table of contents  
 12 for chapter 301 of title 46, United States Code, is amend-  
 13 ed by adding at the end the following:

“30107. Punitive damages”.

14 **SEC. 4. AMENDMENTS TO THE DEATH ON THE HIGH SEAS**  
 15 **ACT.**

16 (a) IN GENERAL.—Chapter 303 of title 46, United  
 17 States Code, is amended—

18 (1) by inserting “or law” after “admiralty” in  
 19 section 30302;

20 (2) by inserting “survivors, including the dece-  
 21 dent’s” in section 30302;

22 (3) by inserting “and nonpecuniary loss” after  
 23 “pecuniary loss” in section 30303;

24 (4) by striking “sustained by” and all that fol-  
 25 lows in section 30303 and inserting “sustained, plus

1 a fair compensation for the decedent’s pain and suf-  
2 fering. In this section, the term ‘nonpecuniary loss’  
3 means the loss of care, comfort, and compani-  
4 ship.”;

5 (5) by inserting “or law” after “admiralty” in  
6 section 30305;

7 (6) by inserting “or law” after “admiralty” in  
8 section 30306; and

9 (7) by striking section 30307.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 303 of title 46, United States Code, is amend-  
12 ed by striking the item relating to section 30307.

13 **SEC. 5. AMENDMENTS TO THE JONES ACT.**

14 (a) IN GENERAL.—Chapter 301 of title 46, United  
15 States Code, is amended—

16 (1) by adding at the end the following: “In ad-  
17 dition to other amounts authorized under such laws,  
18 the recovery for a seaman who so dies shall include  
19 recovery for loss of care, comfort, and compani-  
20 ship.”; and

21 (2) by striking section 30105.

22 (b) CLERICAL AMENDMENT.—The table of contents  
23 for chapter 301 of title 46, United States Code, is amend-  
24 ed by striking the item relating to section 30105.

1 **SEC. 6. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply to—

3 (1) causes of action and claims arising after  
4 April 19, 2010; and

5 (2) actions commenced before the date of enact-  
6 ment of this Act that have not been finally adju-  
7 dicated, including appellate review, as of that date.

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