

§ 3302. Exemptions

- (a) A vessel is not excluded from one category only because the vessel is—
- (1) included in another category of section 3301 of this title; or
 - (2) excluded by this section from another category of section 3301 of this title.
- (b) Except as provided in subsection (c)(3) of this section, a fishing vessel, including a vessel chartered part-time as a fish tender vessel, is exempt from section 3301 (1), (7), (11), and (12) of this title.
- (c)
- (1) Except as provided in paragraph (3) of this subsection, a fish processing vessel of not more than 5,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title is exempt from section 3301 (1), (6), (7), (11), and (12) of this title.
 - (2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301 (1), (6), (7), (11), and (12) of this title:
 - (A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.
 - (B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.
 - (3)
 - (A) A fishing vessel or fish processing vessel is exempt from section 3301 (1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska if—
 - (i) that place does not receive weekly common carrier service by water from a place in the United States;
 - (ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or
 - (iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.
 - (B) A fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title, which is qualified to engage in the Aleutian trade is exempt from section 3301 (1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska outside the Aleutian trade geographic area if—
 - (i) that place does not receive weekly common carrier service by water from a place in the United States;
 - (ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or
 - (iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.
 - (C) In this paragraph, the term “proprietary cargo” means cargo that—
 - (i) is used by the owner of the vessel or any affiliated entity or subsidiary in activities directly related to fishing or the processing of fish;
 - (ii) is consumed by employees of the owner of the vessel or any affiliated entity or subsidiary who are engaged in fishing or in the processing of fish; or

(iii) consists of fish or fish products harvested or processed by the owner of the vessel or any affiliated entity or subsidiary.

(D) Notwithstanding the restrictions in subparagraph (B) of this paragraph, vessels qualifying under subparagraph (B) may transport cargo (including fishery-related products) from a place in Alaska receiving weekly common carrier service by water to a final destination in Alaska not receiving weekly service by water from common carriers.

(4) A fish tender vessel is exempt from section 3301 (1), (6), and (7) of this title when engaged in the Aleutian trade if the vessel—

(A) is not more than 500 gross tons as measured under section 14502 of this title, or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title;

(B) has an incline test performed by a marine surveyor; and

(C) has written stability instructions posted on board the vessel.

(3)

(A) A fishing vessel or fish processing vessel is exempt from section 3301 (1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska if—

(i) that place does not receive weekly common carrier service by water from a place in the United States;

(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service;
or

(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

(B) A fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title, which is qualified to engage in the Aleutian trade is exempt from section 3301 (1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska outside the Aleutian trade geographic area if—

(i) that place does not receive weekly common carrier service by water from a place in the United States;

(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service;
or

(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

(C) In this paragraph, the term “proprietary cargo” means cargo that—

(i) is used by the owner of the vessel or any affiliated entity or subsidiary in activities directly related to fishing or the
