

CHAPTER 6.**CIVIL LIABILITY FOR OIL POLLUTION DAMAGE****ARRANGEMENT OF SECTIONS**

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An Act to provide the force and effect of law within the Republic for certain portions of the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969, as amended by the 1976 Protocol thereto.

Commencement: 15 October 1993
 Source: P.L. 1993-76
 P.L. 2013-7

§601. Short Title.

This Chapter may be cited as the Civil Liability for Oil Pollution Damage Act. [Short title supplied by Commissioner.]

§602. International Convention.

Articles I-XI of the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969, as amended by the 1976 Protocol thereto (the “Convention on Civil Liability”), a copy of which is annexed to the Nitijela Resolution providing for the accession of the Republic thereto, shall form a part of the laws of the Republic, subject to the provisions of Sections 603 to 607 of this Chapter. [P.L. 1993-76, §3(205)].

§603. Action for Compensation.

An action for compensation under this Chapter may be brought in the Republic if pollution damage resulting from an incident covered under the Convention on Civil Liability has been sustained within the Republic, including its territorial sea, or if measures have been taken to prevent or minimize such damage in that area. Any such action shall be brought before the High Court. [P.L. 1993-76, §3(206)].

§604. Limitation Fund.

The Limitation Fund referred to in Article V (3) of the Convention on Civil Liability shall be constituted with the High Court. [P.L. 1993-76, §3(207)]

§605. Procedure.

The High Court shall determine the procedure for the presentation of claims and for the distribution of the Limitation Fund. If the limitation amount is insufficient to satisfy the claims of those who are entitled to compensation, the amount of compensation of each claimant shall be reduced pro rata. [P.L. 1993-76, §3(208)].

§606. Certificates of Insurance.

With respect to vessels registered under the provisions of this Title, certificates attesting that insurance or other financial security is in force as required under Article VII (2) of the Convention on Civil Liability, shall be issued by the Maritime Administrator in the form prescribed in such Article, and such certificates shall be issued by the Maritime Administrator upon proof of financial responsibility, to ships flying the flag of a State not party to the Convention on Civil Liability that leave a port in the territory of the Republic. The Maritime Administrator shall determine the procedure for the issue of certificates of insurance or other financial security. [P.L. 1993-76, §3(209)].

§607. Penalty for lack of Certificate.

Each vessel carrying as cargo more than 2,000 tons of oil in bulk, as defined in Article I (5) of the Convention on Civil Liability, shall carry a valid certificate of insurance or other financial security prior to entering or leaving, as the case may be, a port or terminal installation within the territory of the Republic. The owner and Master of any vessel which fails to comply with such requirement shall each be subject to a fine not to exceed ten thousand US dollars (US 10,000). [P.L. 1993-76, §3(210)][Amended by P.L.2013-7].