

[S. 913, 90th Cong., second sess.]

AN ACT To amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of the Interstate Commerce Act, relating to water carriers (49 U.S.C. 901 et seq.), is amended by—

(1) redesignating section 323 (49 U.S.C. 923) as section 324;

(2) inserting therein, immediately after section 322 (49 U.S.C. 922), the following new section:

“RECORDING OF EVIDENCES OF EQUIPMENT INDEBTEDNESS

“SEC. 323. Any mortgage (except mortgages under the Ship Mortgage Act, 1920, as amended), lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels, used or intended for use in interstate commerce by a carrier, whether or not subject to this part, or any assignment of rights or interest under any such instrument, or any supplement or amendment to any such instrument or assignment (including any release, discharge, or satisfaction thereof, in whole or in part), may be filed with the Commission, provided such instrument, assignment, supplement, or amendment is in writing, executed by the parties thereto, and acknowledged or verified in accordance with such requirements as the Commission shall prescribe; and any such instrument or other document, when so filed with the Commission, shall constitute notice to and shall be valid and enforceable against all persons including, without limitation, any purchaser from, or mortgagee, creditor, receiver, or trustee in bankruptcy of, the mortgagor, buyer, lessee, or bailee of the vessel or vessels covered thereby, from and after the time such instrument or other document is so filed with the Commission; and such instrument or other document need not be otherwise filed, deposited, registered, or recorded under the provisions of any other law of the United States of America, or of any State (or political subdivision thereof), territory, district, or possession thereof, respecting the filing, deposit, registration, or recordation of such instruments or documents: *Provided, however,* That nothing contained in this section shall, in any way, be construed to alter or amend the Ship Mortgage Act, 1920, as amended. The Commission shall establish and maintain a system for the recordation of each such instrument or document, filed pursuant to the provisions of this section, and shall cause to be marked or stamped thereon, a consecutive number, as well as the date and hour of such recordation, and shall maintain, open to public inspection, an index of all such instruments or documents, including any assignment, amendment, release, discharge, or satisfaction thereof, and shall record, in such index the names and addresses of the principal debtors, trustees, guarantors and other parties thereto, as well as such other facts as may be necessary to facilitate the determination of the rights of the parties to such transactions.”; and

(3) striking out in the section analysis of that part the item relating to section 323, and inserting in lieu thereof the following:

“Sec. 323. Recording of evidences of equipment indebtedness.

“Sec. 324. Separability of provisions.”

SEC. 2. Section 116, chapter 10, of the Bankruptcy Act (11 U.S.C. 516) is amended by adding at the end thereof the following new paragraph:

“(6) Notwithstanding any other provisions of this chapter, the title of any owner, whether as trustee or otherwise, to a vessel or vessels of the United States (as the term is defined in the Ship Mortgage Act, 1920, as now in effect or hereafter amended) leased, subleased, or conditionally sold to any water carrier whether or not subject to part III of the Interstate Commerce Act, and any right of such owner or of any other lessor to such water carrier to take possession of such property in compliance with the provisions of any such lease or conditional sale contract shall not be affected by the provisions of this chapter if the terms of such lease or conditional sale so provide, and if such lease or conditional sale is recorded under section 323 of the Interstate Commerce Act.”

Passed the Senate April 25, 1968.

FRANCIS R. VALEO,
Secretary.