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Maritime Law Primer: Maritime Liens and Arrests under U.S. Law

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MARITIME LIENS

What is a maritime lien?

A maritime lien is a non-possessory right in a vessel that gives the lienholder a right to proceed *in rem* against the property. In the United States, maritime liens are based on the fiction of a “personified” vessel. Under this legal fiction, a vessel is considered to be a legal person separate and distinct from its owner or operator and can be held liable for torts and contractual obligations. A person claiming to hold a maritime lien against a vessel may file suit *in rem* against the vessel and have the court order the arrest of the vessel to secure their claim.

Maritime liens arise by operation of law. Although parties may waive or surrender the right to a maritime lien by contract or otherwise, they may not agree to confer a maritime lien where the law does not provide for one. Maritime liens are governed by the Commercial Instruments and Maritime Liens Act (“CIMLA”) and general maritime law.

Categories of Maritime Liens

Most maritime liens arise from torts, contracts, or particular maritime services such as salvage or towage. Maritime claims that give rise to maritime liens include the following claims:

- Seamen’s wages
- Salvage operations
- Torts that arise under the general maritime law

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