

(6) An applicant remains eligible for a raise of grade of license while on probation as a result of action under part 5 of this chapter. A raise of grade of license issued to a person on probation will be subject to the same probationary conditions imposed against the applicant's other certificates or licenses. The offense for which he or she was placed on probation will be considered on the merits of the case in determining fitness to hold the license applied for. No applicant will be examined for a raise of grade of license during any period when a suspension without probation or a revocation imposed under part 5 of this chapter is effective against the applicant's license or certificate or while an appeal from these actions is pending.

(d) *Professional Examination.* (1)(i) When the OCMI finds an applicant's experience and training for raise of grade to be satisfactory and the applicant is eligible in all other respects, the OCMI will authorize the examination. Oral-assisted examinations may be administered in accordance with §10.205(i)(1). The OCMI will place in the applicant's file a record indicating the subjects covered.

(ii) The general instructions for administration of examinations and the lists of subjects for all licenses appear in Subpart I of this part.

(2) The qualification requirements for *radar observer* are contained in §10.480.

(e) *Physical requirements.* (1) An applicant for raise of grade of a license who has not had a physical examination for an original license or renewal of license within three years must submit a certification by a licensed physician or physician assistant that he or she is in good health and has no physical impairment or medical condition which would render him or her incompetent to perform the ordinary duties of the license applied for.

(2) If the OCMI has reason to believe that an applicant for raise of grade of license suffers from some physical impairment or medical condition which would render the applicant incompetent to perform the ordinary duties of that license, the applicant may be required to submit the results of an examination by a licensed physician or

physician assistant that meets the requirements for an original license.

(3) An applicant who has lost the sight of one eye may obtain a raise of grade of license, provided that the applicant is qualified in all other respects and that the visual acuity in the one remaining eye passes the test required under §10.205(d).

(f) *Firefighting certificate.* Applicants for raise of grade of license who have not previously met the requirements in §10.205(g), must do so.

(g) *Chemical testing for dangerous drugs.* To obtain a raise of grade of a license each applicant shall produce evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in §16.220 of this subchapter.

(h) *Criminal Record Review.* Each applicant for a raise of grade may be required to submit to a criminal record check under §10.201(h).

(i) *National Driver Register.* Each applicant for a raise of grade of a license shall consent to an NDR check under §10.201(i) if the license is reissued with a new expiration date.

[CGD 81-059, 52 FR 38623, Oct. 16, 1987, as amended at 54 FR 134, Jan. 4, 1989; CGD 91-002, 58 FR 15238, Mar. 19, 1993; CGD 91-223, 60 FR 4524, Jan. 23, 1995; CGD 91-212, 60 FR 65486, Dec. 19, 1995; CGD 94-029, 61 FR 47063, Sept. 6, 1996; CDG 95-062, 62 FR 34530, June 26, 1997; USCG-1997-2799, 64 FR 42815, Aug. 5, 1999; USCG-2004-17455, 71 FR 2166, Jan. 13, 2006]

§ 10.209 Requirements for renewal of licenses, certificates of registry, and STCW certificates and endorsements.

(a) *General.* Except as provided in paragraph (g) of this section, an applicant for renewal of a license or certificate of registry shall establish possession of all of the necessary qualifications before the license or certificate of registry is issued.

(1) Each application must be on a Coast Guard furnished form and be accompanied by the evaluation fee set out in table 10.109 in §10.109. An approved application is valid for 12 months.

(2) Although the written portion of the application may be initiated by mail, fax, or other electronic means, no application for renewal is complete

§ 10.209

46 CFR Ch. I (10-1-08 Edition)

until the applicant appears in person at a Regional Examination Center (REC), is fingerprinted, and provides evidence of his or her identity in accordance with the requirements of §10.105.

(3) The applicant shall submit the original or a photocopy of the license or certificate of registry to be renewed. A photocopy will include the back and all attachments. If requested, the old license or certificate of registry will be returned to the applicant.

(b) *Fitness.* No license or certificate of registry will be renewed if it has been suspended without probation or revoked as a result of action under part 5 of this chapter, or facts that would render a renewal improper have come to the attention of the Coast Guard.

(c) *Professional requirements.* (1) In order to renew a license as master, mate, engineer, pilot, or operator, the applicant shall:

(i) Present evidence of at least 1 year of sea service during the past 5 years;

(ii) Pass a comprehensive, open-book exercise covering the general subject matter contained in appropriate sections of subpart I of this part;

(iii) Complete an approved refresher training course; or

(iv) Present evidence of employment in a position closely related to the operation, construction or repair of vessels (either deck or engineer as appropriate) for at least 3 years during the past 5 years. An applicant for a deck license with this type of employment must also demonstrate knowledge on an applicable Rules of the Road exercise.

(2) The qualification requirements for renewal of *radar observer* endorsement are in §10.480.

(3) Additional qualification requirements for renewal of a license as pilot are contained in §10.713.

(4) An applicant for renewal of a radio officer's license shall, in addition to meeting the requirements of paragraphs (a) and (b) of this section, present a currently valid license as first- or second-class radiotelegraph operator issued by the Federal Communications Commission. This license will be returned to the applicant.

(5) An applicant for renewal of a medical doctor or professional nurse certificate of registry shall, in addition to

meeting the requirements of paragraphs (a) and (b) of this section, present evidence that he or she holds a currently valid appropriate license as physician, surgeon, or registered nurse issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(6) An applicant for renewal of a license as master or mate (pilot) of towing vessels shall submit satisfactory evidence of either by—

(i) Completing a practical demonstration of maneuvering and handling a towing vessel before a designated examiner; or

(ii) Submitting documentary proof of ongoing participation in training and drills during the validity of the license being renewed.

(d) *Physical requirements.* (1) An applicant for renewal of a license shall submit a certification by a licensed physician or physician assistant that he or she is in good health and has no physical impairment or medical condition which would render him or her incompetent to perform the ordinary duties of that license. This certification must address visual acuity and hearing in addition to general physical condition and must have been completed within 12 months of the date of application.

(2) If the OCMI has reason to believe that an applicant for renewal of a license suffers from some physical impairment or medical condition which would render the applicant incompetent to perform the ordinary duties of that license, the applicant may be required to submit the results of an examination by a licensed physician or physician assistant that meets the requirements for original license.

(3) An applicant who has lost the sight of one eye may obtain a renewal of license, provided that the applicant is qualified in all other respects and that the visual acuity in the one remaining eye passes the test required under §10.205(d).

(4) Physical examinations are not required for renewal of certificates of registry.

(e) *Special circumstances*—(1) *Period of grace.* Except as provided herein, a license may not be renewed more than 12 months after it has expired. To obtain

a reissuance of the license, an applicant must comply with the requirements of paragraph (f) of this section. When an applicant's license expires during a time of service with the Armed Forces and there is no reasonable opportunity for renewal, including by mail, this period may be extended. The period of military service following the date of license expiration which precluded renewal may be added to the 12 month period of grace. The 12 month period of grace, and any extension, do not affect the expiration date of the license. A license is not valid for use after the expiration date.

(2) *Renewal in advance.* A license or certificate of registry may not be renewed more than 12 months before expiration unless it is being renewed in conjunction with a merchant mariner's document which is either due for renewal or being endorsed, or unless the OCMI is satisfied that special circumstances exist to justify renewal.

(3) *Renewal by mail, fax, or other electronic means.* (i) This paragraph sets forth those required portions of the application that may be submitted by mail, fax, or other electronic means. Although an applicant may initiate, supplement, or complete a renewal by mail, fax, or other electronic means, no application for renewal is complete until the applicant appears in person at an REC, is fingerprinted, and provides evidence of his or her identity in accordance with §10.105. The following documents must be submitted by the applicant, but may be submitted by mail, fax, or other electronic means:

(A) A properly completed application on a Coast Guard furnished form and the evaluation fee required by table 10.109 in §10.109.

(B) The expired license or certificate of registry to be renewed; or, if it has not expired, a photocopy of the license or certificate, including the back and all attachments.

(C) A certification from a licensed physician or physician assistant in accordance with paragraph (d) of this section for the renewal of a license.

(D) If the applicant desires to renew a license with a radar observer endorsement, either the radar observer certificate or a certified copy.

(E) Evidence of, or acceptable substitute for, sea service for the renewal of a license.

(F) For a certificate of registry as a medical doctor or professional nurse, evidence that he or she holds a currently valid, appropriate license as physician, surgeon, or registered nurse, issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(ii) The open-book exercise, if required, may be administered through the mail.

(iii) Upon receipt of the renewed license or certificate of registry, the applicant shall sign it in order to validate the license or certificate.

(4) *Concurrent renewal of licenses, certificates of registry, and merchant mariner's documents.* An applicant for concurrent renewal of more than one merchant mariner credential shall satisfy the individual renewal requirements and pay the applicable fees required by the tables in §§10.109 and 12.02-18 of this chapter for each license, certificate of registry, or merchant mariner's document being renewed.

(f) *Reissuance of expired license or certificate of registry.* (1) Whenever an applicant applies for reissuance of a license more than 12 months after expiration, in lieu of the requirements of paragraph (c) of this section, the applicant shall demonstrate continued professional knowledge by completing a course approved for this purpose, or by passing the complete examination for that license. The examination may be oral-assisted if the expired license was awarded on an oral exam. The fees listed in table 10.109 in §10.109 apply to these examinations. In the case of an expired radio officer's license, the license may be issued upon presentation of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(2) A certificate of registry that has been expired for more than 12 months shall be renewed in the same way as a current certificate of registry. There are no additional requirements for reissuing certificates of registry that have been expired for more than 12 months.

§ 10.210

46 CFR Ch. I (10–1–08 Edition)

(g) *Inactive license renewal.* (1) Applicants for renewal of licenses who are unwilling or otherwise unable to meet the requirements of paragraphs (c) or (d) of this section may renew their licenses, with the following restrictive endorsement placed on the back of the license: “License renewed for continuity purposes only; service under the authority of this license is prohibited.” Holders of licenses with this *continuity endorsement* may have the prohibition rescinded at any time by satisfying the renewal requirements in paragraphs (c), (d), and (h) of this section.

(2) Applications for renewal of a license with the continuity endorsement must include:

(i) The license to be renewed, or, if it is unexpired, a photocopy of the license including the back and all attachments; and,

(ii) A signed statement from the applicant attesting to an awareness of the restriction to be placed on the renewed license, and of the requirements for rescinding the continuity endorsement.

(h) *Chemical testing for dangerous drugs.* Except for applicants requesting an inactive license renewal under paragraph (g) of this section, each applicant for the renewal of a license or of a certificate of registry shall produce evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in §16.220 of

this subchapter. An applicant who fails a chemical test for dangerous drugs will not be issued a license or certificate of registry.

(i) Each applicant for a renewal may be required to consent to a criminal record check under §10.201(h).

(j) Each applicant for renewal of a license or certificate of registry shall consent to an NDR check under §10.201(i).

(k) Except as otherwise provided by §10.202, each candidate for a renewal of an STCW certificate or endorsement as master, mate, operator, or engineer, to be valid on or after February 1, 2002, for service on any vessel in ocean or near-coastal service, shall meet the applicable requirements of paragraphs (l), (m), (n), and (o) in §10.205 and shall meet the requirements of Section A-VI/2, paragraph 1 to 4 of the STCW Code.

[CGD 91–211, 59 FR 49299, Sept. 27, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §10.209, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 10.210 Eligibility for towing license.

The figure that follows illustrates the conversion of a towing license issued before May 21, 2001. The conversion will take place at the first renewal or upgrade of the license after May 20, 2001.