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CODIFICATION

This chapter was originally enacted by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584, and amended by Pub. L. 98-364, July 17, 1984, 98 Stat. 440; Pub. L. 98-454, Oct. 5, 1984, 98 Stat. 1732; Pub. L. 99-36, May 15, 1985, 99 Stat. 67; Pub. L. 99-307, May 19, 1986, 100 Stat. 444; Pub. L. 99-509, Oct. 21, 1986, 100 Stat. 1874; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207; Pub. L. 100-239, Jan. 11, 1988, 101 Stat. 1778; Pub. L. 100-710, Nov. 23, 1988, 102 Stat. 4735; Pub. L. 101-225, Dec. 12, 1989, 103 Stat. 1908; Pub. L. 101-380, Aug. 18, 1990, 104 Stat. 484; Pub. L. 101-595, Nov. 16, 1990, 104 Stat. 2979; Pub. L. 102-388, Oct. 6, 1992, 106 Stat. 1520; Pub. L. 102-587, Nov. 4, 1992, 106 Stat. 5039; Pub. L. 104-208, Sept. 30, 1996, 110 Stat. 3009; Pub. L. 104-324, Oct. 19, 1996, 110 Stat. 3901; Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681; Pub. L. 105-383, Nov. 13, 1998, 112 Stat. 3411; Pub. L. 106-31, May 21, 1999, 113 Stat. 57; Pub. L. 107-20, July 24, 2001, 115 Stat. 155; Pub. L. 107-206, Aug. 2, 2002, 116 Stat. 820; Pub. L. 107-295, Nov. 25, 2002, 116 Stat. 2064; Pub. L. 108-136, Nov. 24, 2003, 117 Stat. 1392; Pub. L. 108-293, Aug. 9, 2004, 118 Stat. 1028; Pub. L. 109-241, July 11, 2006, 120 Stat. 516. This chapter is shown here, however, as having been enacted by Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1491, without reference to those intervening amendments because of the general amendment of this chapter by Pub. L. 109-304.

SUBCHAPTER I—GENERAL

§ 12101. Definitions

(a) REBUILT IN THE UNITED STATES.—In this chapter, a vessel is deemed to have been rebuilt in the United States only if the entire rebuilding, including the construction of any major component of the hull or superstructure, was done in the United States.

(b) RELATED TERMS IN OTHER LAWS.—When the following terms are used in a law, regulation, document, ruling, or other official act referring to the documentation of a vessel, the following definitions apply:

(1) REGISTRY ENDORSEMENT.—The terms “certificate of registry”, “register”, and “registry” mean a certificate of documentation with a registry endorsement issued under this chapter.

(2) COASTWISE ENDORSEMENT.—The terms “license”, “enrollment and license”, “license for the coastwise (or coasting) trade”, and “en-

rollment and license for the coastwise (or coasting) trade” mean a certificate of documentation with a coastwise endorsement issued under this chapter.

(3) YACHT.—The term “yacht” means a recreational vessel even if not documented.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|---|
| 12101(a) | 46:12101(a)(2). 46 App.:883 (2d proviso related to meaning of “rebuilt”). | June 5, 1920, ch. 250, § 27 (2d proviso related to meaning of “rebuilt”), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86-583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100-239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782. |
| 12101(b) | 46:12101(b). | |

In subsection (a), the words “its territories” and “or its possessions” are omitted because of the definition of “United States” in chapter 1 of the revised title. The words “(not including trust territories)” are omitted because the Trust Territory of the Pacific Islands has terminated. See 48 U.S.C. 1681 note prec.

PRIOR PROVISIONS

A prior section 12101, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 98-364, title IV, § 402(16), July 17, 1984, 98 Stat. 450; Pub. L. 99-36, § 1(a)(7)(B), May 15, 1985, 99 Stat. 67; Pub. L. 100-239, § 3(2), (3), Jan. 11, 1988, 101 Stat. 1778; Pub. L. 101-225, title III, § 301(a)(1), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 104-324, title XI, § 1115(b)(2), Oct. 19, 1996, 110 Stat. 3972, originally derived from section 65w of former Title 46, Shipping, related to definitions and related terms in other laws, prior to the general amendment of this chapter by Pub. L. 109-304. See this section and section 108 of this title.

§ 12102. Vessels requiring documentation

(a) IN GENERAL.—Except as otherwise provided, a vessel may engage in a trade only if the vessel has been issued a certificate of documentation with an endorsement for that trade under this chapter.

(b) VESSELS LESS THAN 5 NET TONS.—A vessel of less than 5 net tons may engage in a trade without being documented if the vessel otherwise satisfies the requirements to engage in the particular trade.

(c) BARGES.—A barge qualified to engage in the coastwise trade may engage in the coastwise trade, without being documented, on rivers, harbors, lakes (except the Great Lakes), canals, and inland waters.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1492.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|----------------------------|
| 12102(a) | 46:12106(b). 46:12108(b). 46:12110(a). | |
| 12102(b) | 46:12102(a) (related to tonnage). | |
| 12102(c) | 46:12110(b). | |

PRIOR PROVISIONS

A prior section 12102, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 99-509, title V, § 5102(b)(6), Oct. 21, 1986, 100 Stat. 1927; Pub. L. 100-239, § 7(a), Jan. 11, 1988, 101 Stat. 1782; Pub. L. 100-710, title I, § 104(a)(4), (5), Nov.

23, 1988, 102 Stat. 4750; Pub. L. 101-225, title III, §301(a)(2), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 104-324, title XI, §1136(a), Oct. 19, 1996, 110 Stat. 3986; Pub. L. 105-277, div. C, title II, §202(a), Oct. 21, 1998, 112 Stat. 2681-617; Pub. L. 105-383, title IV, §§401(a)(1), 421, Nov. 13, 1998, 112 Stat. 3424, 3439; Pub. L. 107-20, title II, §2202(a), July 24, 2001, 115 Stat. 168; Pub. L. 107-206, title I, §1103, Aug. 2, 2002, 116 Stat. 884; Pub. L. 108-136, div. C, title XXXV, §3534(b)(1), Nov. 24, 2003, 117 Stat. 1818, originally derived from section 65b of former Title 46, Shipping, related to vessels eligible for documentation, prior to the general amendment of this chapter by Pub. L. 109-304. See this section and sections 12103, 12111, and 12113 of this title.

§ 12103. General eligibility requirements

(a) IN GENERAL.—Except as otherwise provided, a certificate of documentation for a vessel may be issued under this chapter only if the vessel is—

- (1) wholly owned by one or more individuals or entities described in subsection (b);
- (2) at least 5 net tons as measured under part J of this subtitle; and
- (3) not documented under the laws of a foreign country.

(b) ELIGIBLE OWNERS.—For purposes of subsection (a)(1), the following are eligible owners:

- (1) An individual who is a citizen of the United States.
- (2) An association, trust, joint venture, or other entity if—
 - (A) each of its members is a citizen of the United States; and
 - (B) it is capable of holding title to a vessel under the laws of the United States or a State.
- (3) A partnership if—
 - (A) each general partner is a citizen of the United States; and
 - (B) the controlling interest in the partnership is owned by citizens of the United States.
- (4) A corporation if—
 - (A) it is incorporated under the laws of the United States or a State;
 - (B) its chief executive officer, by whatever title, and the chairman of its board of directors are citizens of the United States; and
 - (C) no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum.
- (5) The United States Government.
- (6) The government of a State.

(c) TEMPORARY CERTIFICATES PRIOR TO MEASUREMENT.—Notwithstanding subsection (a)(2), the Secretary may issue a temporary certificate of documentation for a vessel before it is measured.

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1492.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|----------------------------|
| 12103(a) | 46:12102(a) (less ownership), (b) (1st sentence). | |
| 12103(b) | 46:12102(a) (related to ownership) | |
| 12103(c) | 46:12102(b) (last sentence). | |

PRIOR PROVISIONS

A prior section 12103, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 100-710, title I, §104(a)(4), (6), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101-225, title III, §301(a)(3), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 102-388, title III, §348(c)(1), Oct. 6, 1992, 106 Stat. 1554; Pub. L. 102-587, title V, §5213(a)(1), Nov. 4, 1992, 106 Stat. 5077; Pub. L. 107-295, title IV, §422(a), Nov. 25, 2002, 116 Stat. 2125, originally derived from section 65e of former Title 46, Shipping, related to certificates of documentation, prior to the general amendment of this chapter by Pub. L. 109-304. See sections 12104, 12105, and 12133 of this title.

A prior section 12103a, added Pub. L. 107-295, title IV, §422(b)(1), Nov. 25, 2002, 116 Stat. 2125, related to issuance of temporary certificate of documentation by third parties, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12105 of this title.

§ 12104. Applications for documentation

(a) IN GENERAL.—An application for a certificate of documentation or endorsement under this chapter must be filed by the owner of the vessel. The application must be filed in the manner, be in the form, and contain the information prescribed by the Secretary.

(b) APPLICANT'S IDENTIFYING INFORMATION.—The Secretary shall require the applicant to provide—

- (1) if the applicant is an individual, the individual's social security number; or
- (2) if the applicant is an entity—
 - (A) the entity's taxpayer identification number; or
 - (B) if the entity does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the entity and who signs the application.

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1493.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|----------------------------|
| 12104(a) | 46:12103(a) (related to filing by owner), (b)(1). | |
| 12104(b) | 46:12103(b)(2). | |

PRIOR PROVISIONS

A prior section 12104, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 99-36, §1(a)(7)(B), May 15, 1985, 99 Stat. 67; Pub. L. 101-225, title III, §301(a)(4), Dec. 12, 1989, 103 Stat. 1920, originally derived from section 65g of former Title 46, Shipping, related to effect of documentation, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12134 of this title.

§ 12105. Issuance of documentation

(a) IN GENERAL.—Except as provided in section 12152 of this title, the Secretary, on receipt of a proper application, shall issue a certificate of documentation or a temporary certificate of documentation for a vessel satisfying the requirements of section 12103 of this title. The certificate shall contain each endorsement under subchapter II of this chapter for which the owner applies and the vessel is eligible.

(b) TEMPORARY CERTIFICATES FOR RECREATIONAL VESSELS.—The Secretary may delegate, subject to the supervision and control of