master failing to advise a seaman is liable to the United States Government for a civil penalty of $50.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11506	46:710

Section 11506 prohibits a merchant seaman from carrying a sheath knife without permission of the master, and penalizes a master who does not advise a seaman of this provision.

§ 11507. Surrender of offending officers

When an officer of a vessel of the United States (except the master) has violated section 2191 of title 18, and the master has actual knowledge of the offense or if complaint is made within 3 days after reaching port, the master shall surrender the offending officer to the proper authorities. If the master fails to use diligence to comply with this section and the offender escapes, the owner, the master, and the vessel are liable for damages to the individual unlawfully punished.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
11507	46:712

Section 11507 requires a master of a vessel of the United States to surrender to the proper authorities any officer who has violated section 2191 of title 18 (which provides a penalty for cruelty to seamen by officers), and penalizes the master for noncompliance.

PART H—IDENTIFICATION OF VESSELS

CHAPTER 121—DOCUMENTATION OF VESSELS

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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This chapter was originally enacted by Pub.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 ''enrollment 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.

(d) AQUACULTURE WAIVER.—

(1) PERMITTING OF NONQUALIFIED VESSELS TO PERFORM CERTAIN AQUACULTURE SUPPORT OPERATIONS.—Notwithstanding section 12113 and any other law, the Secretary of Transportation may issue a waiver allowing a documented vessel with a registry endorsement or a foreign flag vessel to be used in operations that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if the Secretary finds, after publishing a notice in the Federal Register, that a suitable vessel of the United States is not available that could perform those services.

(2) PROHIBITION.—Vessels operating under a waiver issued under this subsection may not engage in any coastwise transportation.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1492; Pub. L. 111–281, title IX, § 901(c)(1), Oct. 15, 2010, 124 Stat. 3008.)

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.

AMENDMENTS

2010—Subsec. (d). Pub. L. 111–281 added subsec. (d).

REGULATIONS

Pub. L. 111–281, title IX, § 901(c)(2), Oct. 15, 2010, 124 Stat. 3008, provided that: ''The Secretary of the department in which the Coast Guard is operating shall, in accordance with section 553 of title 5, United States Code, and after public notice and comment, promulgate regulations necessary and appropriate to implement this subsection [amending this section]. The Secretary may grant interim permits pending the issuance of such regulations upon receipt of applications containing the required information.''

§ 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 the Secretary and under terms prescribed by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel eligible under section 12103 of this title. A temporary certificate issued under this subsection is valid for not more than 30 days.

(c) INFORMATION TO BE INCLUDED IN CERTIFICATE.—A certificate of documentation shall—

(1) identify and describe the vessel;

(2) identify the owner of the vessel; and

(3) contain additional information prescribed by the Secretary.

(d) PROCEDURES TO ENSURE INTEGRITY AND ACCURACY.—The Secretary shall prescribe procedures to ensure the integrity of, and the accuracy of information contained in, certificates of documentation.

(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)*
12105(a)	46:12103(a) (less filing by owner).	
12105(b)	46:12103a.	
12105(c)	46:12103(c).	
12105(d)	46:12103(d).	

In subsection (b), the words ''eligible under'' are substituted for ''if the applicant for the certificate of documentation meets the requirements set out in'' for consistency in the chapter and to eliminate unnecessary words.

PRIOR PROVISIONS

A prior section 12105, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 100–710, title I, § 104(a)(4), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101–225, title III, § 301(a)(5), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 109–241, title III, § 310, July 11, 2006, 120 Stat. 529, originally derived from section 65h of former Title 46, Shipping, related to registry

endorsements, prior to the general amendment of this chapter by Pub. L. 109–304. See section 12111 of this title.

§ 12106. Surrender of title and number

(a) IN GENERAL.—A documented vessel may not be titled by a State or required to display numbers under chapter 123 of this title, and any certificate of title issued by a State for a documented vessel shall be surrendered as provided by regulations prescribed by the Secretary.

(b) VESSELS COVERED BY PREFERRED MORTGAGE.—The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1494.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12106	46:12124.	

PRIOR PROVISIONS

A prior section 12106, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 98–454, title III, § 301(b), Oct. 5, 1984, 98 Stat. 1734; Pub. L. 100–239, § 6(a)(2), (3), Jan. 11, 1988, 101 Stat. 1781; Pub. L. 101–225, title III, § 301(a)(6), Dec. 12, 1989, 103 Stat. 1921; Pub. L. 101–380, title IV, § 4205, Aug. 18, 1990, 104 Stat. 533; Pub. L. 104–324, title VII, § 743, title XI, § 1113(d), Oct. 19, 1996, 110 Stat. 3942, 3971; Pub. L. 108–293, title VI, § 608(a), Aug. 9, 2004, 118 Stat. 1054, originally derived from section 65i of former Title 46, Shipping, related to coastwise endorsements, prior to the general amendment of this chapter by Pub. L. 109–304. See sections 12102, 12112, 12116, 12117, and 12119 of this title.

§ 12107. Wrecked vessels

(a) REQUIREMENTS.—A vessel is a wrecked vessel under this chapter if it—

(1) was wrecked on a coast of the United States or adjacent waters; and

(2) has undergone repairs in a shipyard in the United States equal to at least 3 times the appraised salvage value of the vessel.

(b) APPRAISALS.—The Secretary may appoint a board of three appraisers to determine whether a vessel satisfies subsection (a)(2). The costs of the appraisal shall be paid by the owner of the vessel.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1494.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12107	46 App.:14 (words before last proviso).	R.S. § 4136 (words before last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103–182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220.

The words ''The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement'' and ''when purchased by a citizen or citizens of the United States'' are omitted as unnecessary because section 12112, as revised by the bill, provides the requirements for a wrecked vessel to obtain a coastwise endorsement.

In subsection (c)(1), the words ''or her possessions'' are omitted as unnecessary because of the definition of ''United States'' in chapter 1 of the revised title.

PRIOR PROVISIONS

A prior section 12107, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 100–239, § 6(a)(4), (5), Jan. 11, 1988, 101 Stat. 1782; Pub. L. 101–225, title III, § 301(a)(7), Dec. 12, 1989, 103 Stat. 1921, originally derived from section 65j of former Title 46, Shipping, related to Great Lakes endorsements, prior to being repealed by Pub. L. 104–324, title XI, § 1115(a), Oct. 19, 1996, 110 Stat. 3972.

A prior section 12108, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 98–454, title III, § 301(c), Oct. 5, 1984, 98 Stat. 1734; Pub. L. 100–239, §§ 3(4), (5), 6(a)(6), Jan. 11, 1988, 101 Stat. 1779, 1782; Pub. L. 101–225, title III, § 301(a)(8), Dec. 12, 1989, 103 Stat. 1921; Pub. L. 104–208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41; Pub. L. 104–324, title III, § 301(e), title VII, § 744, Oct. 19, 1996, 110 Stat. 3917, 3942; Pub. L. 107–295, title IV, § 409, Nov. 25, 2002, 116 Stat. 2117, originally derived from section 65k of former Title 46, Shipping, related to fishery endorsements, prior to being omitted in the general amendment of this chapter by Pub. L. 109–304. See sections 12102, 12113, and 12116 of this title.

A prior section 12109, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 99–36, § 1(a)(7)(C), May 15, 1985, 99 Stat. 67; Pub. L. 99–570, title III, § 3151, Oct. 27, 1986, 100 Stat. 3207–94; Pub. L. 100–710, title I, § 106(b)(5), Nov. 23, 1988, 102 Stat. 4752; Pub. L. 101–225, title III, § 301(a)(9), Dec. 12, 1989, 103 Stat. 1921; Pub. L. 101–595, title VI, § 603(9), Nov. 16, 1990, 104 Stat. 2993, originally derived from section 65*l* of former Title 46, Shipping, related to recreational endorsements, prior to being omitted in the general amendment of this chapter by Pub. L. 109–304. See section 12114 of this title.

A prior section 12110, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 588; Pub. L. 99–36, § 1(a)(7)(D), May 15, 1985, 99 Stat. 67; Pub. L. 100–710, title I, § 104(a)(4), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101–225, title III, § 301(a)(10), Dec. 12, 1989, 103 Stat. 1922; Pub. L. 102–388, title III, § 348(b), Oct. 6, 1992, 106 Stat. 1554; Pub. L. 102–587, title V, § 5213(a)(2), Nov. 4, 1992, 106 Stat. 5077; Pub. L. 104–324, title III, § 301(c), (d)(1), Oct. 19, 1996, 110 Stat. 3916; Pub. L. 108–293, title IV, § 404(a), Aug. 9, 2004, 118 Stat. 1043, originally derived from section 65m of former Title 46, Shipping, related to limitations on operations authorized by certificates, prior to being omitted in the general amendment of this chapter by Pub. L. 109–304. See sections 12102, 12114, and 12131 of this title.

SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

§ 12111. Registry endorsement

(a) REQUIREMENTS.—A registry endorsement may be issued for a vessel that satisfies the requirements of section 12103 of this title.

(b) AUTHORIZED ACTIVITY.—A vessel for which a registry endorsement is issued may engage in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef.

(c) CERTAIN VESSELS OWNED BY TRUSTS.—

(1) NONAPPLICATION OF BENEFICIARY CITIZENSHIP REQUIREMENT.—For the issuance of a certificate of documentation with only a registry endorsement, the beneficiaries of a trust are not required to be citizens of the United States if the trust qualifies under paragraph (2) and the vessel is subject to a charter to a citizen of the United States.

(2) REQUIREMENTS FOR TRUST TO QUALIFY.—

(A) IN GENERAL.—Subject to subparagraph (B), a trust qualifies under this paragraph with respect to a vessel only if—

(i) each trustee is a citizen of the United States; and

(ii) the application for documentation of the vessel includes the affidavit of each