

Subpart M–N [Reserved]

Subpart A—General

PARTS 184–186—[RESERVED]

§ 187.1 Applicability.

PART 187—VESSEL IDENTIFICATION SYSTEM

(a) This part establishes minimum requirements for States electing to participate in the vessel identification system (VIS) established under 46 U.S.C. chapter 125. This part also prescribes guidelines for State vessel titling systems and the procedures for obtaining certification of compliance with those guidelines for those States electing to establish titling systems to support preferred mortgages.

Subpart A—General

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- 187.1 Applicability.
- 187.3 Definitions.
- 187.5 Vessel identifier.
- 187.7 Participation procedures.
- 187.9 Procedures for certification of compliance with guidelines for State vessel titling systems.

(b) This part applies only to vessels numbered or titled under the laws of a State. It does not apply to vessels documented under 46 U.S.C. chapter 121 and the regulations in 46 CFR parts 67 and 68.

Subpart B—Information To Be Collected by Participating States

§ 187.3 Definitions.

- 187.101 Information to identify a vessel owner.
- 187.103 Information to identify a vessel.
- 187.105 Information on titled vessels.
- 187.107 Information to assist law enforcement officials.

The following definitions apply to terms used in this part.

Subpart C—Vessel Identification System Participation Requirements

Certificate of Origin (COO) means a document establishing the initial chain of ownership, such as manufacturer's certificate of origin (MCO) or statement of origin (MSO), importer's certificate of origin (ICO) or statement of origin (ISO), and builder's certification (Form CG-1261; see 46 CFR part 67).

- 187.201 Participating State requirements.
- 187.203 Voluntary provisions for participating States.

Subpart D—Guidelines for State Vessel Titling Systems

Commandant means the Commandant of the United States Coast Guard.

- 187.301 Eligibility for preferred mortgage status.
- 187.303 Definitions.
- 187.305 Application for title.
- 187.307 Dealer and manufacturer provisions.
- 187.309 Transfer of title.
- 187.311 Transfer by operation of law.
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- 187.315 Surrender of title for purposes of documentation.
- 187.317 Information on a certificate of title.
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- 187.321 Hull identification number (HIN) provisions.
- 187.323 Perfection of security interests.
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Dealer means any person who engages wholly or in part in the business of buying, selling, or exchanging new or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage or otherwise, and who has an established place of business for the sale, trade, and display of such vessels.

Department or *division* means the State agency designated to issue certificates of number or title, or both for vessels, and its duly authorized representatives.

Documented vessel means a vessel documented under 46 U.S.C. chapter 121.

HIN means the hull identification number assigned to an undocumented vessel in accordance with subpart C of part 181 of this subchapter.

Issuing authority means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a State numbering system has not been approved.

Appendix A to Part 187—PARTICIPATING AUTHORITIES

Appendix B to Part 187—PARTICIPATING AND CERTIFIED TITLING AUTHORITIES

AUTHORITY: 46 U.S.C. 2103; 49 CFR 1.46.

SOURCE: CGD 89-050, 60 FR 20315, Apr. 25, 1995, unless otherwise noted.

Lienholder means a person holding a security interest.

Manufacturer means any person engaged in the business of manufacturing or importing new vessels for the purpose of sale or trade.

Owner means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest in it that entitles that person to such possession.

Participating State means a State that has elected to participate in VIS and has been certified as complying with the participation requirements in subpart C of this part. Certified States participating in VIS are listed in Appendix A of this part.

Person means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

Security interest means an interest that is reserved or created by an agreement and that secures payment or performance of an obligation and is valid against third parties generally.

State means a State of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

Titled vessel means a vessel titled in accordance with the laws of a State.

Titling authority means a State whose vessel titling system has been certified by the Coast Guard as complying with the guidelines for State vessel titling systems listed in this part. Titling authorities participating in VIS are listed in Appendix B of this part.

Vessel includes every description of watercraft other than a seaplane on the water, used or capable of being used, as a means of transportation on water.

§ 187.5 Vessel identifier.

(a) The vessel identifier is the hull identification number (HIN) assigned to an undocumented vessel in accordance with subpart C of part 181 of this subchapter. The vessel identifier for a documented vessel is the official number assigned by the Coast Guard in accordance with 46 U.S.C. chapter 121.

(b) If the vessel does not have an HIN, the vessel identifier for vessels subject to the numbering requirements of parts 173 and 174 of this subchapter is the number issued on a certificate of number by the issuing authority for the State in which the vessel is principally operated.

(c) If a vessel subject to the numbering requirements of parts 173 and 174 of this subchapter is transferred to a new owner, or the vessel is required to be numbered in a new State of principal operation, or application for a title is made, a hull identification number meeting the format requirements of § 181.25 shall be assigned by the issuing authority for the State in which the vessel is principally operated in accordance with the State's established procedures if the vessel does not have a valid HIN.

§ 187.7 Participation procedures.

(a) To participate in VIS, a State official within the department must submit a written request to the Commandant (G-OPB) and certify that the State will comply with the VIS participation requirements in subpart C of this part.

(b) Appendix A of this part lists those States that have elected to participate in VIS and comply with the participation requirements prescribed in this part. A State will remain listed in Appendix A of this part as long as it continues to comply with the participation requirements in subpart C of this part.

[CGD 89-050, 60 FR 20315, Apr. 25, 1995, as amended by CGD 96-026, 61 FR 33670, June 28, 1996]

§ 187.9 Procedures for certification of compliance with guidelines for State vessel titling systems.

(a) Under 46 U.S.C. 31322(d), a mortgage or instrument perfected under State law for a vessel titled under the law of a participating State is deemed to be a preferred mortgage if the State has been certified as complying with the guidelines in subpart D of this part.

(b) To obtain certification of compliance with the State titling guidelines, a State official within the department must submit a written request along with a copy of the State's titling laws,

regulations and administrative procedures, to the Commandant (G-OPB), and certify that the State will comply with the participation requirements in subpart C of this part.

(c) The Commandant will review the material, and, if the State complies with the guidelines provided in subpart D of this part, certify compliance.

(d) Appendix B of this part indicates those States that participate in VIS and, have been certified by the Commandant as complying with the guidelines prescribed in subpart D of this part and the date of that certification. A State with a vessel titling system that complies with the guidelines of subpart D of this part will remain listed, in Appendix B of this part.

[CGD 89-050, 60 FR 20315, Apr. 25, 1995, as amended by CGD 96-026, 61 FR 33670, June 28, 1996]

Subpart B—Information To Be Collected by Participating States

§ 187.101 Information to identify a vessel owner.

A participating State must collect the following information regarding the ownership of vessels numbered or titled under the laws of that State:

- (a) Name of each owner.
- (b) The address of the principal place of residence of at least one individual owner, or the address of the principal place of business of an owner that is not an individual, including zip code.
- (c) Mailing address of at least one owner, if different from the address required by paragraph (b) of this section.
- (d) If the owner is an individual, the owner's social security number, or, if that number is not available, the individual's birth date and driver's license number or, if the individual does not have a driver's license, the individual's birth date and other information to identify that individual as prescribed by the State or titling authority.
- (e) If the owner is other than an individual, the owner's—
 - (1) Taxpayer identification number; or
 - (2) If the owner does not have a taxpayer identification number, the social security number, or if the social security number is not available, birth date and driver's license number, or if no

driver's license number is available, the birth date and other identifying information prescribed by State regulation, of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for numbering the vessel.

§ 187.103 Information to identify a vessel.

A participating State must collect the following information regarding the identity of a vessel numbered or titled under the laws of that State:

- (a) Make of vessel or name of vessel builder, if known.
- (b) Manufacture year, year vessel built, or vessel model year, if known.
- (c) Vessel identifier required by § 187.5 of this part.
- (d) Official number assigned by U.S. Coast Guard or predecessor agency, if applicable.
- (e) Number currently assigned by the State issuing authority, as printed on the certificate of number.
- (f) Length of vessel.
- (g) Type of vessel (open, cabin, house, or other).
- (h) Whether the hull is wood, fiberglass, metal, plastic, or other.
- (i) Whether the propulsion is inboard, outboard, inboard-outdrive, sail, or other.
- (j) Whether the fuel is gasoline, diesel, or other.
- (k) Whether the vessel is operated for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial operation.
- (l) Number previously issued to the vessel by an issuing authority.
- (m) Expiration date of certificate of number issued by the State vessel numbering authority.

§ 187.105 Information on titled vessels.

- (a) In addition to the information required under § 187.103, a participating State must collect the following information on a vessel titled in that State:
- (1) Title number issued by the State.
 - (2) Where evidence of a lien or other security interest may be found against a vessel titled in that State.
 - (3) Name(s) of the lienholder(s).

(4) Address of principal place of residence of each individual lienholder and the address of the principal place of business of each lienholder that is not an individual, including zip code.

(b) Participating States may collect the following information on titled vessels:

(1) Mailing address of any lienholder that is different from the addresses required by paragraph (a)(4) of this section.

(2) Telephone number of each lienholder.

§ 187.107 Information to assist law enforcement officials.

(a) Participating States must make the following information available to assist law enforcement officials:

(1) Notice that a vessel, identified by its vessel identifier, has been reported lost, stolen, destroyed, abandoned, or recovered.

(2) Name and telephone number of organization to contact for additional information or to notify regarding the recovery of a vessel.

(b) Participating States may make the following information available to assist law enforcement officials:

(1) Reported date that the vessel was stolen.

(2) Reported location of vessel when stolen.

(3) Vessel insurance policy number, if insured.

(4) Name of the insurance company.

(5) Address of insurance company, including zip code.

(6) Mailing address of the insurance company for notification, if different from the address provided under paragraph (b)(5) of this section.

(7) Telephone number of insurance company.

(8) Date that the vessel was recovered.

(9) Location of vessel when recovered.

(10) Name(s) and telephone number(s) of organization(s), in addition to the one provided under paragraph (a) of this section, public or private, to contact for additional information on sighting and recovery of vessels.

(11) Request to be notified if vessel is sighted.

(12) Purpose of sighting notification request.

(13) Date and time when vessel last sighted.

(14) Location of vessel when last sighted.

(15) Organization to contact for additional information on sighting.

Subpart C—Vessel Identification System Participation Requirements

§ 187.201 Participating State requirements.

A participating State must comply with the following requirements:

(a) Collect the required information listed in subpart B of this part and provide that information to the vessel identification system in the manner and form specified in the applicable Coast Guard-State Cooperative Agreement.

(b) Obtain specific evidence of ownership, such as certificate of origin or current certificate of title or number, to identify a vessel's owner.

(c) Return any surrendered Certificate of Documentation to the Coast Guard National Vessel Documentation Center.

(d) Retain previously issued certificate of number or title and notify issuing authority by mail or electronic message.

(e) Retain information identifying the type of evidence used to establish the accuracy of the information required to be made available to VIS, and make it available to the Coast Guard upon request.

(f) Update the information required to be made available to VIS on a vessel that has not been re-registered by labeling the vessel file "inactive" or, if notified that a vessel has been moved to a nonparticipating State, by indicating the new State and notifying the Coast Guard.

[CGD 89-050, 60 FR 20315, Apr. 25, 1995, as amended by CGD 97-023, 62 FR 33365, June 19, 1997]

§ 187.203 Voluntary provisions for participating States.

A participating State may—

(a) Provide VIS with the optional information listed in subpart B of this part;

(b) Make updated information provided by the vessel owner, government

agency or lienholder, available to VIS regarding a vessel that has been moved to a nonparticipating State; and

(c) Interact with nonparticipating States to make information available to, or request information from, VIS concerning a vessel or nationwide statistics.

Subpart D—Guidelines for State Vessel Titling Systems

EFFECTIVE DATE NOTE: At 61 FR 6943, Feb. 23, 1996, subpart D is suspended through April 23, 1998. At 63 FR 19658, Apr. 21, 1998, the effective date of subpart D was further delayed until Apr. 24, 1999.

§ 187.301 Eligibility for preferred mortgage status.

A State vessel titling system that meets the requirements of this subpart may be certified by the Commandant under 46 U.S.C. 31322 (d)(1)(A), in accordance with the procedures of § 187.9, as complying with the guidelines for vessel titling systems for the purpose of conveying preferred mortgage status on mortgages perfected after the date of certification, covering the whole of a vessel titled in that State, provided that the State also complies with the vessel identification system participation requirements of § 187.7 and subpart C of this part.

§ 187.303 Definitions.

A State must define the terms, “certificate of origin”, “dealer”, “department” or “division”, “documented vessel”, “issuing authority”, “lienholder”, “manufacturer”, “owner”, “person”, “security interest”, “titling authority”, and “vessel”, substantially as those terms are defined in § 187.3.

§ 187.305 Application for title.

(a) Except as provided in § 187.307, a State must require application for a title within a specified period of time, not to exceed 60 days, after a vessel is first purchased, ownership is transferred, or there is a change in vessel data listed on the certificate of title.

(b) A State must require disclosure of the existence of indebtedness covered by any security agreement pertaining

to the vessel in its titling application form.

(c) The title application must include an entry for identification of the State or country in which the vessel was last numbered or titled, if applicable.

(d) A State must require that the title application include a signed certification that statements made are true and correct to the best of the applicant’s knowledge, information and belief, under penalty of perjury.

§ 187.307 Dealer and manufacturer provisions.

A State must include the following provisions for dealers or manufacturers, building, buying, acquiring, or transferring vessels, in that State.

(a) Dealers must be required to either report acquisition of a used numbered vessel for resale, or, apply for certificate of title if such vessel is required to be titled.

(b) Dealers must be allowed to apply for a certificate of title for a new vessel acquired for resale.

(c) Dealers and manufacturers must be required to provide to the vessel owner a certificate of origin, or other document, at the time of delivery of a new vessel to initiate the chain of ownership.

(d) Dealers and manufacturers must be required to maintain for at least 3 years a record of any vessel bought, sold, exchanged, or received for sale or exchange, and have such records open for inspection by the State.

§ 187.309 Transfer of title.

Except for transfers by operation of law such as inheritance, order in bankruptcy, replevin, default judgment or execution sale, a State must require that to complete the sale, assignment or transfer of a titled vessel, a manufacturer, dealer or individual, must deliver the vessel’s certificate of title to the new owner.

§ 187.311 Transfer by operation of law.

A State must require a new owner to apply for a certificate of title within a specified period of time, not to exceed 60 days, if ownership of a vessel is transferred by operation of law, such as inheritance, order in bankruptcy, replevin, default judgment or execution

sale, and to include an original or certified copy of the legal transfer document along with the application.

§ 187.313 Title of another State.

A State must provide for honoring a current and valid title issued by another State, or a Certificate of Ownership issued by the Coast Guard, as proof of ownership for transfer or sale of a vessel, and for applying for certificates of number or title in a new State of principal operation.

§ 187.315 Surrender of title for purposes of documentation.

A State must deem a title issued by that State as invalid when a vessel owner surrenders it to the U.S. Coast Guard for vessel documentation purposes. Upon receipt of a title from the U.S. Coast Guard, a State must accept the returned title for administrative processing and cancellation.

§ 187.317 Information on a certificate of title.

(a) A State must specify the following information on a certificate of title:

- (1) Current owner(s) name(s).
- (2) The address of the principal place of residence of an individual owner, and the address of the principal place of business of an owner that is not an individual, including zip code.
- (3) Date of title issuance.
- (4) Vessel description, including the vessel identification number required by § 187.05 of this part, name of manufacturer or model, year built or the model year, vessel length, vessel type, drive or propulsion type, vessel use, hull material and fuel type.
- (5) Each lienholder's name and address.
- (6) Recording or perfection date of new liens and original recording date of any liens outstanding.

(b) Space must be provided on the certificate of title form for assignment of interests in the vessel, with a certification that statements provided on the title assignment are true and correct to the best of the owner's knowledge, under penalty of perjury.

§ 187.319 Duplicate title.

(a) The term "DUPLICATE" must be clearly and permanently marked on the face of a duplicate certificate.

(b) A State must require the holder of an original title, whether the owner or lienholder, to apply for a duplicate title within a specified period of time after, or after the discovery of, the loss, theft, mutilation, or destruction of an original certificate of title; provide information concerning the original certificate and the circumstances of its loss, theft, mutilation, or destruction; and surrender to the department any recovered original title or remains.

§ 187.321 Hull identification number (HIN) provisions.

A State must—

(a) Assign an HIN and require that it be affixed to an undocumented vessel that does not have an HIN at the time of registration or application for title after transfer of ownership or change of State of principal operation;

(b) Assign an HIN to an undocumented vessel without an HIN at time of title application and record the HIN on the certificate of title; and

(c) Prohibit removal or alteration of an HIN without authorization from the Commandant.

§ 187.323 Perfection of security interests.

(a) A State must provide that a security interest is not valid under State law unless perfected under procedures specified by the State. If a vessel is already subject to a security interest when it is brought into a State, the validity of the security interest is to be determined by the law of the jurisdiction where the vessel was titled when the security interest attached. The State must specify at least the following procedures.

(1) The procedures by which a security interest is perfected, including a requirement for the delivery of an application for new or amended certificate of title.

(2) The procedures by which the date of perfection is determined.

(b) The perfection provisions required to be established under paragraphs (a)

and (b) of this section must not apply to—

- (1) A lien given by statute or rule of law to a supplier of services or materials for the vessel;
- (2) A lien given by statute to the United States, a State, or a political subdivision thereof; or
- (3) Any lien arising out of an attachment of a vessel.

§ 187.325 Assignments.

A State must specify whether a security interest in a vessel titled under the State titling system may be assigned and the procedures for perfecting assignments.

§ 187.327 Satisfaction of security interests.

A State must specify evidence and information that lienholders are required to submit to the State regarding satisfaction of a security interest, and establish procedures and time limits for its submission.

§ 187.329 Forms.

A State must prescribe and provide the application, certificate of title, notice of security interests, and other

forms needed to comply with the titling system provisions.

§ 187.331 Retaining information.

A State must retain information identifying the evidence used to establish the accuracy of the information required for vessel titling purposes for 3 years and make the information available to the Coast Guard on request.

APPENDIX A TO PART 187—
PARTICIPATING AUTHORITIES

The following States comply with the requirements for participating in VIS:
[No States currently comply with the requirements for participating in VIS.]

APPENDIX B TO PART 187—
PARTICIPATING AND CERTIFIED TITLING AUTHORITIES

The following States both comply with the requirements for participating in VIS and have a titling system certified to be in compliance with the guidelines for State vessel titling systems:
[No States currently have a certified titling system and participate in VIS.]

PARTS 188–199 [RESERVED]