

§ 90.05-1

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

and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
§ 91.27-13	1625-0065
§ 91.40-3	1625-0032
§ 91.40-5	1625-0032
§ 97.15-7	1625-0064
§ 97.15-17	1625-0064

[CGD 88-072, 53 FR 34297, Sept. 6, 1988, as amended by CGD 82-004a, 55 FR 2525, Jan. 25, 1990; CGD 89-037, 57 FR 41822, Sept. 11, 1992; USCG-2004-18884, 69 FR 58347, Sept. 30, 2004]

Subpart 90.05—Application

§ 90.05-1 Vessels subject to requirements of this subchapter.

(a) This subchapter is applicable to all U.S.-flag vessels indicated in Column 4 of Table 90.05-1(a) and to all such foreign-flag vessels which carry 12 or fewer passengers from any port in

the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1974, and which has on board a current, valid safety equipment certificate.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

(b) Notwithstanding the exception previously noted in paragraph (a)(1) of this section, foreign vessels of novel design or construction or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01-13 of subchapter A (Procedures Applicable to the Public) of this chapter.

(c) Notwithstanding the exception noted in paragraph (a)(1) of this section, each foreign vessel shall report marine casualties occurring while the vessel is in the navigable waters of the United States as required by Subpart 97.07.

Table 90.05-1(a)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certificated under--			Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2, 3, 4, and 5} or Subchapter K or T--Small Passenger Vessels. ^{2, 3, and 4}	Subchapter I--Cargo and Miscellaneous Vessels. ^{2, 3, 4, 5, 6, 7, 8, and 9}	Subchapter C--Uninspected Vessels. ^{2, 3, 4, 5, 6, 7, 8, and 9}	Subchapter U--Oceanographic Vessels. ^{2, 3, 4, 5, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥ 300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ³	<p>i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.⁷</p> <p>ii) All vessels < 100 gross tons that--</p> <ul style="list-style-type: none"> A) Carry more than 6 passengers-for-hire whether chartered or not, or B) Carry more than 6 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷ <p>iii) All vessels ≥ 100 gross tons that--</p> <ul style="list-style-type: none"> A) Carry more than 12 passengers-for-hire whether chartered or not, or B) Carry more than 12 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷ <p>iv) These regulations do not apply to--</p> <ul style="list-style-type: none"> A) Recreational vessels not engaged in trade. B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel⁸ in addition to the crew, as restricted by the definition of passenger.⁷ 	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²	

Table 90.05-1(a) (continued)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certified under--			Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels, ^{3, 4, and 5} or Subchapter K or T--Small Passenger Vessels. ^{2, 3, and 4}	Subchapter I--Cargo and Miscellaneous Vessels. ^{2 and 5}	Subchapter C--Uninspected Vessels. ^{2, 3, 6, 7, and 8}	Subchapter U--Oceanographic Vessels. ^{2, 3, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(2) Motor, seagoing vessels ≥ 300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ii) These regulations do not apply to-- A) Recreational vessels not engaged in trade. B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel in addition to the crew, as restricted by the definition of passenger. ⁷	All vessels, including recreational vessels not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
(3) Non-self-propelled vessels < 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	i) All vessels that-- A) Carry more than 6 passengers-for-hire whether chartered or not, or B) Carry more than 6 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel, E) Carry more than 12 passengers on an international voyage.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire, except those covered by column 3.	None.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. ^{1, 1.1, and 12}
(4) Non-self-propelled vessels ≥ 100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	i) All vessels that-- A) Carry more than 12 passengers-for-hire whether chartered or not, or B) Carry more than 12 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel, or E) Carry more than 12 passengers on an international voyage.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire, except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. ^{1, 1.1, and 12}

Table 90.05-1(a) (continued)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certificated under--			Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{3, 4, and 5} or Subchapter K or T--Small Passenger Vessels. ^{2, 3, and 4}	Subchapter I--Cargo and Miscellaneous Vessels. ^{2, 4, and 9}	Subchapter C--Uninspected Vessels. ^{2, 3, 6, 7, and 9}	Subchapter U--Oceanographic Vessels. ^{2, 3, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(5) Sail, ¹³ vessels ≤ 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ³	i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ii) All vessels < 100 gross tons that-- A) Carry more than 6 passengers-for-hire whether chartered or not, or B) Carry more than 6 passengers when chartered with crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. iii) All vessels ≥ 100 gross tons that-- A) Carry more than 12 passengers-for-hire whether chartered or not, or B) Carry more than 12 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. iv) These regulations do not apply to-- A) Recreational vessels not engaged in trade. B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel ⁶ in addition to the crew, as restricted by the definition of passenger. i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.	Those vessels carrying dangerous cargoes when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
(6) Sail, ¹³ vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. ³		Those vessels carrying dangerous cargoes when required by 46 CFR part 98.	None.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or Part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²

Table 90.05-1(a) (continued)

Method of propulsion, qualified by size or other limitation. ¹	Vessels inspected and certificated under--		Vessels subject to the provisions of--			
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2, 3, 4, and 5} , or Subchapter K or T--Small Passenger Vessels. ^{2, 3, and 4}	Subchapter I--Cargo and Miscellaneous Vessels. ^{2 and 5}	Subchapter C--Uninspected Vessels. ^{2, 3, 6, 7, and 8}	Subchapter U--Oceanographic Vessels. ^{2, 3, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰
(7) Steam vessels ≤ 19.8 meters (65 feet) in length.	Column 2 All vessels carrying combustible or flammable liquid cargo in bulk. ³	Column 3 i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ⁷ ii) All vessels < 100 gross tons that-- A) Carry more than 6 passengers-for-hire whether chartered or not, or B) Carry more than 6 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. iii) All vessels ≥ 100 gross tons that-- A) Carry more than 12 passengers-for-hire whether chartered or not, or B) Carry more than 12 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. iv) These regulations do not apply to-- A) Recreational vessels not engaged in trade. B) Documented cargo or bulk vessels issued a permit to carry 10 or fewer persons in addition to the crew. C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel ⁶ in addition to the crew, as restricted by the definition of passenger. ⁶	Column 4 All tugboats and towboats. All vessels carrying dangerous cargoes when required by 46 CFR Part 98.	Column 5 All vessels not covered by columns 2, 3, 4, and 6.	Column 6 None.	Column 7 All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹⁰
(8) Steam vessels > 19.8 meters (65 feet) in length.	Column 2 All vessels carrying combustible or flammable liquid cargo in bulk. ³	Column 3 i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ⁷ ii) All vessels < 100 gross tons that-- A) Carry more than 6 passengers-for-hire whether chartered or not, or B) Carry more than 6 passengers when chartered with the crew provided, or C) Carry more than 12 passengers when chartered with no crew provided, or D) Carry at least 1 passenger-for-hire and is a submersible vessel. iv) These regulations do not apply to-- A) Recreational vessels not engaged in trade. B) Documented cargo or bulk vessels issued a permit to carry 10 or fewer persons in addition to the crew. C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel ⁶ in addition to the crew, as restricted by the definition of passenger. ⁶	Column 4 All vessels not covered by columns 2, 3, 6, and 7.	Column 5 None.	Column 6 All vessels engaged in oceanographic research.	Column 7 All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would

Table 90.05-1(a) (continued)

Method of propulsion, size or other limitation. ¹	Vessels inspected and certificated under--				Vessels subject to the provisions of--		
	Subchapter D--Tank Vessels. ²	Subchapter H--Passenger Vessels ^{2, 3, 4, and 5} or Subchapter K or T--Small Passenger Vessels. ^{2, 3, and 4}	Subchapter I--Cargo and Miscellaneous Vessels. ^{2 and 5}	Subchapter C--Uninspected Vessels. ^{2, 3, 6, 7, and 8}	Subchapter U--Oceanographic Vessels. ^{2, 3, 6, 7, and 9}	Subchapter O--Certain Bulk and Dangerous Cargoes. ¹⁰	
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	
(8) Steam, vessels > 19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	<p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iii) All vessels ≥ 100 gross tons that--</p> <p>A) Carry more than 12 passengers-for-hire whether chartered or not, or</p> <p>B) Carry more than 12 passengers when chartered with the crew provided, or</p> <p>C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>D) Carry at least 1 passenger-for-hire and is a submersible vessel.⁷</p> <p>iv) These regulations do not apply to--</p> <p>A) Recreational vessels not engaged in trade.</p> <p>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</p> <p>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel in addition to the crew, as restricted by the definition of passenger.⁶</p>	Column 4	Column 5	Column 6	Column 7 otherwise be subject to these parts. ¹⁰	

