

Coast Guard, DHS**§ 12.40-5**

training in maintenance of GMDSS installations on board vessels.

[CGD 95-062, 62 FR 34538, June 26, 1997, as amended by USCG-1999-5610, 67 FR 66069, Oct. 30, 2002; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

Subpart 12.30—Ro-Ro Passenger Ships

SOURCE: CGD 95-062, 62 FR 34538, June 26, 1997, unless otherwise noted.

§ 12.30-1 Purpose of regulations.

The purpose of the regulations in this subpart is to establish requirements for endorsements for seamen serving on roll-on/roll-off (Ro-Ro) passenger ships.

[CGD 95-062, 62 FR 34538, June 26, 1997, as amended by CGD 97-057, 62 FR 51042, Sept. 30, 1997; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

§ 12.30-3 [Reserved]**§ 12.30-5 General requirements.**

To serve on a Ro-Ro passenger ship a person holding an endorsement and performing duties toward safety, cargo-handling, or care for passengers shall meet the appropriate requirements of STCW Regulation V/2 and of Section A-V/2 of the STCW Code (incorporated by reference in § 12.01-3), and hold documentary evidence to show his or her meeting these requirements.

[CGD 95-062, 62 FR 34538, June 26, 1997, as amended by USCG-1999-5610, 67 FR 66069, Oct. 30, 2002; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

Subpart 12.35—Crewmembers on a Passenger Ship, Other Than a Ro-Ro Passenger Ship, When on an International Voyage

SOURCE: USCG-1999-5610, 67 FR 66069, Oct. 30, 2002, unless otherwise noted.

§ 12.35-1 Purpose of rules.

The rules in this subpart establish requirements for the qualification of sea-

men serving on passenger ships as defined in part 10 of this chapter.

[USCG-1999-5610, 67 FR 66069, Oct. 30, 2002, as amended by USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.35-3 [Reserved]**§ 12.35-5 General requirements.**

A mariner with no endorsements, may serve on a passenger ship and perform duties that involve safety or care for passengers, only after meeting the following conditions—

(a) Meet the appropriate requirements of the STCW Regulation V/3 and of section A-V/3 of the STCW Code (incorporated by reference in § 12.01-3); and

(b) Hold documentary evidence to show that the mariner meets these requirements through approved or accepted training.

[USCG-1999-5610, 67 FR 66069, Oct. 30, 2002, as amended by USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

Subpart 12.40—Non-resident Alien Unlicensed Members of the Steward's Department on U.S. Flag Large Passenger Vessels

AUTHORITY: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701 and 8103; Department of Homeland Security Delegation No. 0170.1.

SOURCE: USCG-2007-27761, 74 FR 47734, Sept. 17, 2009, unless otherwise noted.

§ 12.40-1 Purpose of rules.

The rules in this subpart implement 46 U.S.C. 8103(k) by establishing requirements for the issuance of merchant mariner credentials, valid only for service in the steward's department of U.S. flag large passenger vessels, to non-resident aliens.

§ 12.40-3 [Reserved]**§ 12.40-5 General application requirements.**

(a) Unless otherwise expressly specified in this subpart, non-resident alien applicants for Coast Guard-issued merchant mariner credentials are subject

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to all applicable requirements contained in this subchapter.

(b) No application from a non-resident alien for a merchant mariner credential issued pursuant to this subpart will be accepted unless the applicant's employer satisfies all of the requirements of § 12.40-7 of this subpart.

§ 12.40-7 Employer requirements.

(a) The employer must submit the following to the Coast Guard, as a part of the applicant's merchant mariner credential application, on behalf of the applicant:

(1) A signed report that contains all material disciplinary actions related to the applicant, such as, but not limited to, violence or assault, theft, drug and alcohol policy violations, and sexual harassment, along with an explanation of the criteria used by the employer to determine the materiality of those actions;

(2) A signed report regarding an employer-conducted background check. The report must contain:

(i) A statement that the applicant has successfully undergone an employer-conducted background check;

(ii) A description of the employer-conducted background check, including all databases and records searched. The background check must, at a minimum, show that the employer has reviewed all information reasonably and legally available to the owner or managing operator, including the review of available court and police records in the applicant's country of citizenship, and any other country in which the applicant has received employment referrals, or resided, for the past 20 years prior to the date of application; and

(iii) All information derived from the employer-conducted background check.

(3) The employer-conducted background check must be conducted to the satisfaction of the Coast Guard for a merchant mariner credential to be issued to the applicant.

(b) If a merchant mariner credential is issued to the applicant, the report and information required in paragraph (a)(2) of this section must be securely kept by the employer on the U.S. flag large passenger vessel, or U.S. flag large passenger vessels, on which the applicant is employed. The report and

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information must remain on the last U.S. flag large passenger vessel on which the applicant was employed until such time as the merchant mariner credential is returned to the Coast Guard in accordance with paragraph (d) of this section.

(c) If a merchant mariner credential or a Transportation Worker Identification Credential (TWIC) is issued to the applicant, each merchant mariner credential and TWIC must be securely kept by the employer on the U.S. flag large passenger vessel on which the applicant is employed. The employer must maintain a detailed record of the seaman's total service on all authorized U.S. flag large passenger vessels, and must make that information available to the Coast Guard upon request, to demonstrate that the limitations of § 12.40-13(c) of this subpart have not been exceeded.

(d) In the event that the seaman's merchant mariner credential and/or TWIC expires, the seaman's visa status terminates, the seaman serves onboard the U.S. flag large passenger vessel(s) for 36 months in the aggregate as a nonimmigrant crewman, the employer terminates employment of the seaman or if the seaman otherwise ceases working with the employer, the employer must return the merchant mariner credential to the Coast Guard and the TWIC to the Transportation Security Administration within 10 days of the event.

(e) In addition to the initial material disciplinary actions report and the initial employer-conducted background check specified in paragraph (a) of this section, the employer must:

(1) Submit an annual material disciplinary actions report to update whether there have been any material disciplinary actions related to the applicant since the last material disciplinary actions report was submitted to the Coast Guard.

(i) The annual material disciplinary actions report must be submitted to the satisfaction of the Coast Guard in accordance with the same criteria set forth in paragraph (a)(1) of this section, except that the period of time examined for the material disciplinary actions report need only extend back to