

## § 199.09

present uniquely hazardous circumstances that are not adequately addressed by existing requirements.

### § 199.09 Equivalents.

When this part requires a particular fitting, material, or lifesaving appliance or arrangement, the Commandant (CG-521) may accept any other fitting, material, or lifesaving appliance or arrangement that is at least as effective as that required by this part. The Commandant may require engineering eval-

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uations and tests to determine the equivalent effectiveness of the substitute fitting, material, or lifesaving appliance or arrangement.

[CGD 84-069, 61 FR 25313, May 20, 1996, as amended by USCG-2009-0702, 74 FR 49241, Sept. 25, 2009]

### § 199.10 Applicability.

(a) *General.* Unless expressly provided otherwise in this Chapter, this part applies to all vessels inspected under U.S. law as set out in Table 199.10(a).

TABLE 199.10(a)—LIFESAVING REQUIREMENTS FOR INSPECTED VESSELS.

46 CFR Subchapter	Vessel Type	Vessel Service	Subchapter W Subparts applicable <sup>1</sup>						Other <sup>2</sup>
			A	B	C	D	E	F	
D .....	Tank ≥ 500 tons .....	International voyage <sup>3</sup> ....	X	X	.....	X			46 CFR 108
D .....	Tank < 500 tons .....	International voyage <sup>3</sup> ....	X	X	.....	X	X	X	
D .....	Tank .....	All other services .....	X	X	.....	X	X	X	
H .....	Passenger .....	International voyage <sup>3</sup> ....	X	X	X				
H .....	Passenger .....	Short Inter'l voyage <sup>3</sup> ....	X	X	X				
H .....	Passenger .....	All other services .....	X	X	X		X	X	
I .....	Cargo ≥ 500 tons .....	International voyage <sup>3</sup> ....	X	X	.....	X			
I .....	Cargo < 500 tons .....	International voyage <sup>3</sup> ....	X	X	.....	X	X	X	
I .....	Cargo .....	All other services .....	X	X	.....	X	X	X	
I-A .....	MODU .....	All .....	.....	.....	.....	.....	.....	.....	
K .....	Small Passenger .....	International voyage <sup>3</sup> ....	X	X	X				46 CFR 117
K .....	Small Passenger .....	Short Inter'l voyage <sup>3</sup> ....	X	X	X				
K .....	Small Passenger .....	All other services .....	.....	.....	.....	.....	.....	.....	46 CFR 133
L .....	Offshore Supply .....	All .....	.....	.....	.....	.....	.....	.....	
R—Part 167 .....	Public Nautical School ...	International voyage <sup>3</sup> ....	X	X	X <sup>4</sup>	X <sup>5</sup>			46 CFR 169.500
R—Part 167 .....	Public Nautical School ...	All other services .....	X	X	X <sup>4</sup>	X <sup>5</sup>	X	X	
R—Part 168 .....	Civilian Nautical School ...	International voyage <sup>3</sup> ....	X	X	X <sup>4</sup>	X <sup>5</sup>			
R—Part 168 .....	Civilian Nautical School ...	All other services .....	X	X	X <sup>4</sup>	X <sup>5</sup>	X	X	
R—Part 169 .....	Sailing School .....	All services .....	.....	.....	.....	.....	.....	.....	
T .....	Small Passenger .....	International voyage <sup>3</sup> ....	X	X	X				
T .....	Small Passenger .....	Short Int'l voyage <sup>3</sup> ....	X	X	X				
T .....	Small Passenger .....	All other services .....	.....	.....	.....	.....	.....	.....	
U .....	Oceanographic Res. ....	International voyage <sup>3</sup> ....	X	X	X <sup>4</sup>	X <sup>5</sup>			
U .....	Oceanographic Res. ....	All other services .....	X	X	X <sup>4</sup>	X <sup>5</sup>	X	X	

#### NOTES:

<sup>1</sup> Subchapter W does not apply to inspected nonself-propelled vessels without accommodations or work stations on board.

<sup>2</sup> Indicates section where primary lifesaving system requirements are located. Other regulations may also apply.

<sup>3</sup> Not including vessels solely navigating the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side Anticosti Island, the 63rd meridian.

<sup>4</sup> Applies to vessels carrying more than 50 special personnel, or vessels carrying not more than 50 special personnel if the vessels meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

<sup>5</sup> Applies to vessels carrying not more than 50 special personnel that do not meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(b) *Inspected vessels not covered under this subchapter.* This part does not apply to non-self-propelled vessels without accommodations or work stations on board. Unless otherwise required by this chapter, it does not apply to offshore supply vessels; mobile offshore drilling units; small passenger vessels; and sailing school vessels.

(c) *Conversion of cargo vessel to passenger vessel.* For purposes of the application of this part, a cargo vessel,

whenever constructed, which is converted to a passenger vessel is deemed to be a passenger vessel that is constructed on the date on which the conversion commences.

(d) *Vessels on international voyages.* This subpart and subparts B, C, and D of this part apply to vessels engaged on international voyages, except—

(1) Cargo vessels of less than 500 tons gross tonnage;

(2) Vessels not propelled by mechanical means;

(3) Wooden vessels of primitive build; and

(4) Vessels solely navigating the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island, and on the north side Anticosti Island, the 63rd meridian.

(5) Tank vessels constructed before October 1, 1996 engaged in voyages between the continental United States and Alaska or Hawaii, and all other vessels engaged on international voyages which were constructed before July 1, 1986, must meet the requirements of §§199.70(b)(4)(i), 199.80, 199.90, 199.100, 199.180, 199.190 (paragraph (b) applies as much as practicable), 199.214, 199.217, 199.250, 199.261 (b)(2) and (e), and 199.273, and must fit retro-reflective material on all floating appliances, lifejackets and immersion suits. Except for the requirements of §199.261 (b)(2) and (e), vessels may retain the number, type, and arrangement of life-saving appliances previously required and approved for the vessel as long as the arrangement or appliance is maintained in good condition to the satisfaction of the OCMI.

(e) *Passenger vessels.* For the purposes of this part, the following vessels must meet the requirements for passenger vessels:

(1) Passenger vessels.

(2) Special purpose vessels carrying more than 50 special personnel.

(3) Special purpose vessels carrying not more than 50 special personnel if the vessels meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(f) *Cargo vessels.* For the purposes of this part, the following vessels must meet the requirements for cargo vessels:

(1) Cargo vessels.

(2) Tank vessels.

(3) Special purpose vessels carrying not more than 50 special personnel that do not meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(g) *Subparts applying to vessels on international and short international voyages.* (1) Passenger vessels on international voyages must meet the requirements of this subpart and subparts B and C of this part.

(2) Cargo vessels on international voyages must meet the requirements of this subpart and subparts B and D of this part.

(3) The provisions for passenger vessels on short international voyages in this subpart and subparts B and C of this part do not apply to special purpose vessels described in paragraphs (e)(2) and (3) of this section.

(h) *Vessels not subject to SOLAS.* Vessels not on international voyages and vessels listed in paragraph (d) of this section must meet the requirements of this subpart and subparts B, C, D, and E of this part unless otherwise exempted or permitted by subpart F of this part.

(1) Vessels on other than international voyages and vessels listed in paragraph (d) of this section which were constructed prior to October 1, 1996, must—

(i) By October 1, 1999, meet the requirements of §§199.70(b)(4)(i), 199.80, 199.90, 199.100, 199.180, 199.190 (paragraph (b) applies as much as practicable), 199.217, 199.250, 199.273, and 199.510, and fit retroreflective material on all floating appliances, lifejackets, and immersion suits;

(ii) By October 1, 2003, passenger vessels must carry the number and type of survival craft specified in table 199.630 of this part and cargo vessels in oceans and coastwise service must carry the number and type of survival craft specified in §199.261(b)(2) and (e);

(iii) By October 1, 2003, passenger vessels must carry the immersion suits and thermal protective aids specified in §199.214; and

(iv) Except for the requirements in paragraphs (h)(1)(ii) and (h)(1)(iii) of this section, vessels may retain the number, type, and arrangement of life-saving equipment, including lifeboats, lifeboat davits, winches, inflatable life rafts, liferaft launching equipment, rescue boats, lifeboats, and buoyant apparatus previously required and approved for the vessel as long as the arrangement or appliance is maintained

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in good condition to the satisfaction of the OCMI.

(2) This paragraph does not apply to public vessels.

(i) *New lifesaving appliances or arrangements.* When any lifesaving appliance or arrangement on a vessel subject to this part is replaced, or when the vessel undergoes repairs, alterations, or modifications of a major character involving replacement of, or any addition to, the existing lifesaving appliance or arrangements, each new lifesaving appliance and arrangement must meet the requirements of this part, unless the OCMI determines that the vessel cannot accommodate the new appliance or arrangement, except that—

(1) A survival craft is not required to meet the requirements of this part if it is replaced without replacing its davit and winch; and

(2) A davit and its winch are not required to meet the requirements of this part if one or both are replaced without replacing the survival craft.

(j) *Repairs and alterations to lifesaving appliances.* No extensive repairs or alterations, except in an emergency, may be made to a lifesaving appliance without advance notification to the OCMI. Insofar as possible, each repair or alteration must be made with material, and tested in the manner, specified in this subchapter and applicable to the new construction requirements in subchapter Q of this chapter. Emergency repairs or alterations must be reported as soon as practicable to the OCMI responsible for the port or location where the vessel may call after such repairs are made. Lifeboats, rescue boats, or rigid liferafts may not be reconditioned for use on a vessel other than the one they were originally built for, unless specifically accepted by the OCMI.

(k) *Vessels reflagged under Sec. 1137, Coast Guard Authorization Act of 1996.* Vessels that qualify for a certificate of inspection under the provisions of section 1137, Coast Guard Authorization Act of 1996, Public Law 104–324, 110 Stat. 3988 (46 U.S.C.A. app. 1187, Note), are not subject to the requirements of this part if such vessels meet lifesaving equipment standards required under

section 1137 as determined by the Commandant.

[CGD 84–069, 63 FR 52817, Oct. 1, 1998; 63 FR 56066, Oct. 20, 1998; 63 FR 63798, Nov. 17, 1998; USCG–1999–6216, 64 FR 53229, Oct. 1, 1999]

### § 199.20 Exemptions.

(a) *Vessels engaged on international voyages.* (1) The following types of vessels engaged on international voyages may request an exemption from Commandant (CG–543) from requirements of this part:

(i) A vessel for which the sheltered nature and conditions of an international voyage would render the application of any specific requirements of this part unreasonable or unnecessary and which in the course of the voyage does not proceed more than 20 miles from the nearest land.

(ii) A vessel embodying features of a novel kind to which the application of any provision of this part would seriously impede research into the development of such features and their incorporation on vessels engaged on international voyages.

(2) A written request for exemption under this section must be submitted to the cognizant OCMI for review and forwarding to Commandant (CG–543).

(b) *Single voyage exemption from SOLAS requirements.* A vessel that is not normally engaged on international voyages, but which, under exceptional circumstances, is required to undertake a single international voyage, may be exempted from the applicable requirements in this subpart and subparts B, C, and D of this part by the Commandant (CG–543). A written request for exemption under this paragraph must be submitted to the cognizant OCMI for review and forwarding to Commandant (CG–543).

(c) *Exemption Certificates.* When Commandant (CG–543) grants an exemption under paragraph (a) or (b) of this section, an Exemption Certificate describing the exemption will be issued by the appropriate OCMI. The Exemption Certificate must be carried on board the vessel at all times and must be available to Coast Guard personnel upon request.

(d) *Vessels not engaged on international voyages.* (1) If a District Commander determines that the overall safety of