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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part E--Merchant Seamen Licenses, Certificates, and Documents

CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7101. Issuing and classifying licenses and certificates of
registry

(a) Licenses and certificates of registry are established for individuals who are required to hold licenses or certificates under this subtitle.

- (b) Under regulations prescribed by the Secretary, the Secretary--
- (1) issues the licenses and certificates of registry; and
 - (2) may classify the licenses and certificates of registry as provided in subsections (c) and (f) of this section, based on--
 - (A) the tonnage, means of propulsion, and horsepower of machine-propelled vessels;
 - (B) the waters on which vessels are to be operated; or
 - (C) other reasonable standards.

(c) The Secretary may issue licenses in the following classes to applicants found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness:

- (1) masters, mates, and engineers.
- (2) pilots.
- (3) operators.
- (4) radio officers.

(d) In classifying individuals under subsection (c)(1) of this section, the Secretary shall establish, when possible, suitable career patterns and service and other qualifying requirements appropriate to the particular service or industry in which the individuals are engaged.

(e) An individual may be issued a license under subsection (c)(2) of this section only if the applicant--

- (1) is at least 21 years of age;
- (2) is of sound health and has no physical limitations that would hinder or prevent the performance of a pilot's duties;
- (3) has a thorough physical examination each year while holding the license, except that this requirement does not apply to an individual who will serve as a pilot only on a vessel of less than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;
- (4) demonstrates, to the satisfaction of the Secretary, that the applicant has the requisite general knowledge and skill to hold the license;
- (5) demonstrates proficiency in the use of electronic aids to navigation;
- (6) maintains adequate knowledge of the waters to be navigated

and knowledge of regulations for the prevention of collisions in those waters;

(7) has sufficient experience, as decided by the Secretary, to evidence ability to handle any vessel of the type and size which the applicant may be authorized to pilot; and

(8) meets any other requirement the Secretary considers reasonable and necessary.

(f) The Secretary may issue certificates of registry in the following classes to applicants found qualified as to character, knowledge, skill, and experience:

- (1) pursers.
- (2) medical doctors.
- (3) professional nurses.

(g) The Secretary may not issue a license or certificate of registry under this section unless an individual applying for the license or certificate makes available to the Secretary, under section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note), any information contained in the National Driver Register related to an offense described in section 205(a)(3)(A) or (B) of that Act committed by the individual.

(h) The Secretary may review the criminal record of an individual who applies for a license or certificate of registry under this section.

(i) The Secretary shall require the testing of an individual who applies for issuance or renewal of a license or certificate of registry under this chapter for use of a dangerous drug in violation of law or Federal regulation.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 539; Pub. L. 98-557, Sec. 29(a), Oct. 30, 1984, 98 Stat. 2873; Pub. L. 101-380, title IV, Sec. 4101(a), Aug. 18, 1990, 104 Stat. 509; Pub. L. 104-324, title VII, Sec. 720, Oct. 19, 1996, 110 Stat. 3938.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7101.....	46:214
	46:224
	46:226
	46:228
	46:229
	46:229a
	46:229b
	46:242
	46:243
	46:244
	46:247

Section 7101(a) provides the authority for the establishment of licenses and certificates of registry for officers and individuals operating vessels who are required to hold them under Subtitle II.

Subsection (b) authorizes the Secretary to issue licenses and certificates of registry based on tonnage, means of propulsion, horsepower, vessel operating area, and other reasonable standards.

Subsection (c) authorizes the Secretary to issue licenses to masters, mates, engineers, pilots, operators, and radio officers when found qualified as to age, character, habits of life, experience,

professional qualifications, and physical fitness. These qualifying standards must by necessity be reasonable and related to the rigors of the profession.

Subsection (d) requires the Secretary to establish, when possible, suitable career patterns and service for and other qualifying requirements appropriate to the particular service or industry for the individuals so engaged.

Subsection (e) sets forth the requirements that pilots must meet before being issued a license.

Subsection (f) authorizes the Secretary to issue certificates of registry to qualified individuals as pursers, medical doctors, and professional nurses.

References in Text

Sections 205(a)(3)(A) or (B) and 206(b)(7) of the National Driver Register Act of 1982, referred to in subsec. (g), are sections 205(a)(3)(A), (B) and 206(b)(7) of Pub. L. 97-364, which are set out as a note under section 401 of Title 23, Highways.

Amendments

1996--Subsec. (e)(3). Pub. L. 104-324 inserted ``as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ``1,600 gross tons''.

1990--Subsecs. (g) to (i). Pub. L. 101-380 added subsecs. (g) to (i).

1984--Subsec. (e)(3). Pub. L. 98-557 inserted exemption for pilots on a vessel of less than 1,600 gross tons.

Effective Date of 1990 Amendment

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

Plan for Licensing Operators of Fishing Industry Vessels

Pub. L. 100-424, Sec. 3, Sept. 9, 1988, 102 Stat. 1590, provided that: ``The Secretary of the department in which the Coast Guard is operating shall, within two years after the date of enactment of this Act [Sept. 9, 1988], and in close consultation with the Commercial Fishing Industry Vessel Advisory Committee established under section 4508 of title 46, United States Code (as amended by this Act), prepare and submit to the Congress a plan for the licensing of operators of documented fishing, fish processing, and fish tender vessels. The plan shall take into consideration the nature and variety of the different United States fisheries and of the vessels engaged in those fisheries, the need to license all operators or only those working in certain types of fisheries or vessels, and other relevant factors.''

Section Referred to in Other Sections

This section is referred to in sections 8101, 8302, 8304, 8502, 8503, 8703, 9302, 9303, 11108 of this title; section 1295c of Appendix

to this title; title 49 section 30305.

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TITLE 46--SHIPPING

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7102. Citizenship

Licenses and certificates of registry for individuals on documented vessels may be issued only to citizens of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7102.....	46:242 46:1132(a)

Section 7102 requires that any individual issued a license or certificate of registry allowing the individual to be engaged on a documented vessel must be a U.S. citizen.

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TITLE 46--SHIPPING

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7103. Licenses for radio officers

(a) A license as radio officer may be issued only to an applicant who has a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(b) Except as provided in section 7318 of this title, this part does not affect the status of radiotelegraph operators serving on board vessels operating only on the Great Lakes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7103.....	46:229a
	46:229b
	46:229g

Section 7103 requires an applicant for a license as a radio officer to have, as a prerequisite, a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission (FCC). It also excepts radiotelegraph operators that are engaged on Great Lakes vessels from the requirement of having to obtain a radio officer's license.

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7104. Certificates for medical doctors and nurses

A certificate of registry as a medical doctor or professional nurse may be issued only to an applicant who has a license as a medical doctor or registered nurse, respectively, issued by a State.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7104.....	46:243

Section 7104 requires an applicant for a certificate of registry as a medical doctor or professional nurse to have, as a prerequisite, a license as a medical doctor or registered nurse issued by a State.

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7105. Oaths

An applicant for a license or certificate of registry shall take, before the issuance of the license or certificate, an oath before a designated official, without concealment or reservation, that the applicant will perform faithfully and honestly, according to the best skill and judgment of the applicant, all the duties required by law.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7105.....	46:229e
	46:231
	46:244

Section 7105 requires all individuals who wish to be issued a license or certificate of registry to take an oath before a government official that they will perform all the duties required by law according to their best skill and judgment.

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Sec. 7106. Duration of licenses

A license issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540; Pub. L. 101-380, title IV, Sec. 4102(a), Aug. 18, 1990, 104 Stat. 509.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7106.....	46:214(c) 46:225 46:226 46:228 46:229 46:229c

Section 7106 sets a 5 year time limit on the validity of a license. It also requires a licensed radio officer to be in continuous possession of an FCC license.

Amendments

1990--Pub. L. 101-380 inserted ``and may be renewed for additional 5-year periods'' after ``for 5 years''.

Effective Date of 1990 Amendment

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

Termination of Existing Licenses, Certificates, and Documents;
 Applicability of 1990 Amendment

Section 4102(d) of Pub. L. 101-380 provided that: ``A license, certificate of registry, or merchant mariner's document issued before the date of the enactment of this section [Aug. 18, 1990] terminates on the day it would have expired if--

``(1) subsections (a), (b), and (c) [amending this section and sections 7107 and 7302 of this title] were in effect on the date it was issued; and

``(2) it was renewed at the end of each 5-year period under section 7106, 7107, or 7302 of title 46, United States Code.''

Section Referred to in Other Sections

This section is referred to in section 7108 of this title.

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7107. Duration of certificates of registry

A certificate of registry issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540; Pub. L. 101-380, title IV, Sec. 4102(b), Aug. 18, 1990, 104 Stat. 509.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7107.....	46:243

Section 7107 specifies that there is no time limit on the validity of a certificate of registry issued to a medical doctor or a professional nurse but is conditioned on the continuous possession of the appropriate license issued by a State.

Amendments

1990--Pub. L. 101-380 substituted ``is valid for 5 years and may be renewed for additional 5-year periods'' for ``is not limited in duration''.

Effective Date of 1990 Amendment

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

Termination of Existing Licenses, Certificates, and Documents;
 Applicability of 1990 Amendment

For provisions that a certificate of registry issued before Aug. 18,

1990, terminates on the day it would have expired if the amendment to this section by Pub. L. 101-380 were in effect on date it was issued and was renewed at the end of each 5-year period under this section, see section 4102(d) of Pub. L. 101-380, set out as a note under section 7106 of this title.

Section Referred to in Other Sections

This section is referred to in section 7108 of this title.

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TITLE 46--SHIPPING

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7108. Termination of licenses and certificates of registry

When the holder of a license or certificate of registry, the duration of which is conditioned under section 7106 or 7107 of this title, fails to hold the license required as a condition, the license or certificate of registry issued under this part is terminated.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7108.....	46:229c 46:243

Section 7108 specifies if any individual issued a license or certificate of registry fails to have the required FCC or appropriate State medical license, the license or certificate is automatically terminated. The suspension and revocation procedures provided in chapter 77 are not applicable in these cases.

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7109. Review of criminal records

The Secretary may review the criminal record of each holder of a license or certificate of registry issued under this part who applies for renewal of that license or certificate of registry.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540; Pub. L. 101-380, title IV, Sec. 4102(e)(1), Aug. 18, 1990, 104 Stat. 510.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7109.....	46:225 46:233

Section 7109 authorizes the Secretary to renew licenses and certificates of registry for additional 5 year periods.

Amendments

1990--Pub. L. 101-380 substituted ``Review of criminal records'' for ``Renewal of licenses'' in section catchline and amended text generally. Prior to amendment, text read as follows: ``A license issued under this part may be renewed for additional 5-year periods.''

Effective Date of 1990 Amendment

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7110. Exhibiting licenses

Each holder of a license issued under this part shall display, within 48 hours after employment on a vessel for which that license is required, the license in a conspicuous place on the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7109.....	46:229f 46:232

Section 7110 requires licensed individuals to display the license in a conspicuous place on the vessel within 48 hours after they are employed.

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Sec. 7111. Oral examinations for licenses

An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under part B of this subtitle.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541; Pub. L. 98-364, title IV, Sec. 402(8)(B), July 17, 1984, 98 Stat. 447; Pub. L. 99-307, Sec. 1(10), May 19, 1986, 100 Stat. 445.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7109.....	46:224a(2)

Section 7111 provides for oral tests for licenses for individuals on fishing vessels that are not required to be inspected under part B.

Amendments

1986--Pub. L. 99-307 substituted ``part'' for ``Part''.

1984--Pub. L. 98-364 substituted in section catchline ``Oral examinations for licenses'' for ``Licenses for fishing vessels not subject to inspection'' and in text ``An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under Part B of this subtitle'' for ``Examinations for licensing individuals on fishing vessels not required to be inspected under part B of this subtitle shall be oral''.

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TITLE 46--SHIPPING

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7112. Licenses of masters or mates as pilots

A master or mate licensed under this part who also qualifies as a pilot is not required to hold 2 licenses. Instead, the qualification of the master or mate as pilot shall be endorsed on the master's or mate's license.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7112.....	46:230

Section 7112 provides for the endorsement of a master's or mate's license as a pilot if they meet those specifications. These individuals do not have to hold two separate licenses.

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7113. Exemption from draft

A licensed master, mate, pilot, or engineer of a vessel inspected under part B of this subtitle, propelled by machinery or carrying hazardous liquid cargoes in bulk, is not liable to draft in time of war, except for performing duties authorized by the license. When performing those duties in the service of the United States Government, the master, mate, pilot, or engineer is entitled to the highest rate of wages paid in the merchant marine of the United States for similar services. If killed or wounded when performing those duties, the master, mate, pilot, or engineer, or the heirs or legal representatives of the master, mate, pilot, or engineer, are entitled to all the privileges under the pension laws of the United States provided to members of the Armed Forces.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7113.....	46:225

Section 7113 exempts licensed masters, mates, pilots, and engineers of inspected vessels that are propelled by machinery or carrying hazardous liquid cargo from the Selective Service draft in time of war.

This section also provides that, while serving in that capacity during war, they shall be entitled to the highest rate of pay paid in the U.S. merchant marine for similar services.

If a master, mate, pilot, or engineer is killed or wounded when performing those duties during a war, these individuals, their heirs or legal representatives, are entitled to all the privileges provided to members of the Armed Forces under the pension laws of the United States.

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CHAPTER 71--LICENSES AND CERTIFICATES OF REGISTRY

Sec. 7114. Fees

The Secretary may prescribe by regulation reasonable fees for the inspection of and the issuance of a certificate, license, or permit related to small passenger vessels and sailing school vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
7114.....	46:390a(b)

Section 7114 allows the Secretary to prescribe reasonable fees for the issuance of a certificate of inspection, license, or registry, or permits related to small passenger vessels and sailing school vessels.