

[Home Page](#) > [Executive Branch](#) > [Code of Federal Regulations](#) > [Electronic Code of Federal Regulations](#)

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Title 46: Shipping

[Browse Previous](#) | [Browse Next](#)

PART 14—SHIPMENT AND DISCHARGE OF MERCHANT MARINERS

Section Contents

Subpart A—General

- [§ 14.101 Purpose of part.](#)
- [§ 14.103 Addresses of Coast Guard.](#)
- [§ 14.105 Disclosure and privacy.](#)

Subpart B—Shipment of Merchant Mariners

- [§ 14.201 Voyages upon which shipping articles are required.](#)
- [§ 14.203 Voyages upon which shipping articles are not required.](#)
- [§ 14.205 Production of credentials by merchant mariner signing shipping articles.](#)
- [§ 14.207 Content and form of shipping articles.](#)
- [§ 14.209 Preparation of shipping articles at beginning of voyage.](#)
- [§ 14.211 Posting of copy of shipping articles.](#)
- [§ 14.213 Report of shipment of merchant mariner.](#)

Subpart C—Discharge of Merchant Mariners

- [§ 14.301 Paying off of merchant mariner during or after voyage upon which shipping articles are required.](#)
- [§ 14.303 Discharge of merchant mariner in foreign port.](#)
- [§ 14.305 Entries in continuous discharge book.](#)
- [§ 14.307 Entries on certificate of discharge.](#)
- [§ 14.309 Entries in shipping articles at end of voyage.](#)
- [§ 14.311 Report of discharge of merchant mariner.](#)
- [§ 14.313 Storage of shipping articles and of certificates of discharge.](#)

Subpart D—Oceanographic Research Vessels

- [§ 14.401 General.](#)
- [§ 14.403 Exemptions.](#)
- [§ 14.405 Procedures.](#)
- [§ 14.407 Reports.](#)

Authority: 5 U.S.C. 552; 46 U.S.C. Chapters 103 and 104; 46 U.S.C. 70105.

Source: CGD 94-004, 61 FR 56637, Nov. 4, 1996, unless otherwise noted.

Subpart A—General**§ 14.101 Purpose of part.**

This part prescribes rules for the shipment and discharge of merchant mariners aboard certain vessels of the United States.

§ 14.103 Addresses of Coast Guard.

(a) U.S. postal mail: U.S. Coast Guard National Maritime Center (NMC-42), 100 Forbes Drive, Martinsburg, West Virginia 25404.

(b) Electronic mail: IASKNMC@uscg.mil.

(c) World wide web: <http://www.uscg.mil/nmc>.

[USCG-2008-0906, 73 FR 56508, Sept. 29, 2008]

§ 14.105 Disclosure and privacy.

The Coast Guard makes information available to the public in accordance with 49 CFR part 7, including appendix B.

Subpart B—Shipment of Merchant Mariners**§ 14.201 Voyages upon which shipping articles are required.**

(a) Before proceeding either upon a foreign, intercoastal, or coastwise voyage (including a voyage on the Great Lakes) listed in paragraph (b) of this section or with the engagement or replacement of a merchant mariner for such a voyage, each master or individual in charge of a vessel or seagoing barge of the United States shall execute shipping articles however prepared, manually or electronically. The master or individual in charge and each mariner engaged or replaced shall sign the articles.

(b) Except as provided by §14.203, articles are required upon each voyage by a vessel of the United States—

(1) Of 100 gross tons or more, on a foreign voyage, which is a voyage from a port in the United States to any foreign port other than a port in—

(i) Canada;

(ii) Mexico; or

(iii) The West Indies.

(2) Of 75 gross tons or more on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Coast; or

(3) Of 50 gross tons or more on a voyage between a port in one State and a port in another State other than an adjoining State.

§ 14.203 Voyages upon which shipping articles are not required.



Although they may be used for the voyage; shipping articles are not required for any voyage by—

(a) A yacht;

(b) A vessel engaged exclusively in fishing or whaling;

(c) A vessel aboard which the merchant mariners are by custom or agreement entitled to participate in the profits or results of a cruise or voyage;

(d) A vessel employed exclusively in trade on the navigable rivers of the United States; or

(e) A ferry, or a tug used in ferrying, if the vessel is employed exclusively in trade on the Great Lakes, other lakes, bays, sounds, bayous, canals, or harbors.

§ 14.205 Production of credentials by merchant mariner signing shipping articles.



On engagement for a voyage upon which shipping articles are required, each merchant mariner shall present to the master or individual in charge of the vessel every document, certificate, credential, or license required by law for the service the mariner would perform.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2006-24371, 74 FR 11260, Mar. 16, 2009]

§ 14.207 Content and form of shipping articles.



(a)(1) The content and form of shipping articles for each vessel of the United States of 100 gross tons or more upon a foreign or intercoastal voyage must conform to the present shipping articles, form CG-705A, which meets the requirements of 46 U.S.C. 10302, 10303, 10304, and 10305. The articles must identify the nature of the voyage and specify at least the name, the license, MMD, or MMC number, the capacity of service, the time due on board to begin work, and the name and address of the next of kin of, and the wages due to each merchant mariner, either who was discharged or whose services were otherwise terminated during the month.

(2) The content and form of articles for each such vessel upon a coastwise voyage (including a voyage on the Great Lakes) must also conform to the present shipping articles, form CG-705A, which meet the requirements of 46 U.S.C. 10502. The articles must specify at least the matter identified by paragraph (a)(1) of this section, except that they must not specify the wages due to the mariner. The wages section of the form shall be left blank for coastwise voyages.

(b) Any shipping company that manually prepares the articles may, upon request, obtain Shipping Articles, Form CG-705A, from any Officer in Charge, Marine Inspection (OCMI), of the Coast Guard.

(c) Any company that electronically prepares the articles may, upon request submitted to either address

in §14.103, obtain a copy of software developed by the Coast Guard to produce articles in the proper format. Alternatively, a company may develop its own software or buy it off the shelf; but, in either of these cases, it must secure approval of the software from the National Maritime Center at either address in §14.103.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2006-24371, 74 FR 11260, Mar. 16, 2009]

§ 14.209 Preparation of shipping articles at beginning of voyage.



Each master or individual in charge of a vessel when shipping articles are required shall prepare an original and two copies of the articles. The original and one copy must be signed by the master or individual in charge and by each merchant mariner; but the second copy must not be signed by any of them.

§ 14.211 Posting of copy of shipping articles.



On commencement of a foreign, intercoastal, or coastwise voyage (including a voyage on the Great Lakes), each master or individual in charge of a vessel when shipping articles are required shall ensure that a legible copy of the articles, unsigned by the mariner, and without the next of kin information, is posted at a place accessible to the crew.

§ 14.213 Report of shipment of merchant mariner.



(a) When a vessel of the United States sails upon a foreign, intercoastal, or coastwise voyage (excluding a voyage on the Great Lakes), each master or individual in charge shall, at the commencement of the voyage, send one copy of shipping articles, signed by the master and by each merchant mariner, to the owner, charterer, or managing operator. The master shall keep the original throughout the voyage and enter in it all charges made to the crew during the voyage.

(b) (1) When a vessel of the United States sails exclusively on the Great Lakes, each master or individual in charge shall, at the commencement of the season, or once the vessel is put into service, whichever occurs earlier, send one copy of articles, signed by the master and by each mariner, to the owner, charterer, or managing operator.

(2) The master or individual in charge shall every 60 days send supplementary particulars of engagement covering each mariner engaged during this period, signed by the master and by each mariner, to the owner, charterer, or managing operator.

(3) The master or individual in charge shall, at the close of the season, or once the vessel is withdrawn from service, whichever occurs later, send articles, signed by the master and by each mariner, to the owner, charterer, or managing operator.

(c) When a vessel of the United States sails exclusively on bays or sounds, each master or individual in charge shall, at least every 60 days, send articles, signed by the master and by each mariner, to the owner, charter, or managing operator.

(d) Any person who fails to comply with the requirements of this section is subject to a civil penalty of \$5,000.

Subpart C—Discharge of Merchant Mariners



§ 14.301 Paying off of merchant mariner during or after voyage upon which shipping articles are required.

Each master or individual in charge of a vessel when shipping articles are required shall complete and sign, and each merchant mariner paid off during or after such a voyage shall sign the articles and otherwise comply with the requirements of this subpart. When signed by the master or individual in charge and by the mariner, the articles constitute a release from the duties to which they bound their parties.

§ 14.303 Discharge of merchant mariner in foreign port.

Upon the discharge of any mariner in a foreign port, the master shall make the required entries on the ship's articles. Upon the request of the master or a mariner, the consular officer shall discharge the mariner in accordance with the requirements of 46 U.S.C. 10318.

§ 14.305 Entries in continuous discharge book.

If the merchant mariner holds a continuous discharge book, the master or individual in charge of the vessel shall make the proper entries in it.

§ 14.307 Entries on certificate of discharge.

(a) Each master or individual in charge of a vessel shall, for each merchant mariner being discharged from the vessel, prepare a certificate of discharge and two copies; whether by writing or typing them on the prescribed form with permanent ink or generating them from computer in the prescribed format; and shall sign them with permanent ink. The prescribed format for a certificate of discharge is the same as the present form CG-718A (Rev. 3-85). The left portion of the form has the mariner's printed name, signature, citizenship, MMD or MMC number; the certification statement, date and the master's signature. The right portion of the form contains the rate/rank the mariner is serving on the voyage, date and place of shipment, date and place of discharge, name of the vessel, name of the operating company, official number of the vessel, class of the vessel, and the nature of the voyage.

(b) Each mariner being discharged shall sign the certificate and both copies with permanent ink.

(c) When the mariner leaves the vessel, the master or individual in charge shall give the original certificate to the mariner.

(d) Except as directed by §14.313, the shipping company shall keep both copies of the certificate.

(e) The company shall provide copies of certificates of discharge to the mariner and the Coast Guard upon request.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2002-13058, 67 FR 61278, Sept. 30, 2002; USCG-2006-24371, 74 FR 11260, Mar. 16, 2009]

§ 14.309 Entries in shipping articles at end of voyage.

(a) At the end of each voyage upon which shipping articles are required, the master or individual in charge of the vessel shall—

(1) Complete the articles, conforming the pertinent entries in them to those on the certificate of discharge and its copies;

(2) Note in the articles the execution of each Mutual Release;

(3) Attach to the articles each Mutual Release and a copy of each certificate; and

(4) Pay to each merchant mariner all wages due.

(b) When paid off, each mariner shall sign the articles.

§ 14.311 Report of discharge of merchant mariner.



(a) At the end of each foreign, intercoastal, and coastwise voyage by a vessel of the United States, or of each voyage by such a vessel that sails exclusively on bays or sounds (or by such a vessel at the close of the season on the Great Lakes, or once the vessel is withdrawn from service there, whichever occurs later), the shipping company shall electronically transmit the data from the certificates of discharge to an electronic address which the shipping company may request from the National Maritime Center.

(b) If the data is submitted manually, the shipping companies shall provide the data for foreign and intercoastal voyages at the end of each voyage. For coastwise voyages or of each voyage by such a vessel that sails exclusively on bays or sounds (or by such a vessel at the close of the season of the Great Lakes, or once the vessel is withdrawn from service there, whichever occurs later), the shipping companies shall submit a copy of each certificate of discharge to the address in §14.103(a) at least once per calendar month.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2007-29018, 72 FR 53964, Sept. 21, 2007]

§ 14.313 Storage of shipping articles and of certificates of discharge.



(a) Each shipping company shall keep all original shipping articles and copies of all certificates of discharge for 3 years. After 3 years the shipping companies shall prepare the original shipping articles in alphabetical order by vessel name and send to the address in §14.103(a) for storage at the Federal Records Center at Suitland, Maryland. The company may dispose of the copies of certificates of discharge. The Coast Guard will dispose of copies of certificates submitted manually, once the data are entered into its sea-service database and are validated.

(b) Each shipping company that goes out of business or merges with another company shall send all original articles to the address in §14.103(a) within 30 days of the transaction.

(c) The shipping company must provide copies of shipping articles and certificates of discharge to the mariner and the Coast Guard upon request.

Subpart D—Oceanographic Research Vessels



§ 14.401 General.



Unless otherwise provided by Title 46 United States Code, by any act amending or supplementing that Title, or by this subpart, that Title as far as it governs the employment of merchant mariners remains, and any act amending or supplementing that title becomes, applicable to oceanographic research vessels.

§ 14.403 Exemptions.



(a) Certain requirements of Title 46, United States Code do not apply to the employment of merchant mariners on oceanographic research vessels. These requirements are those concerned with, among other things, the shipment and discharge of mariners, their pay and allotments, and the adequacy of their clothing. 46 U.S.C. 2113(2) allows exemptions of oceanographic research vessels from certain requirements of parts B, C, F, or G of subtitle II of 46 U.S.C., upon such terms as the Secretary of the Department of Transportation deems suitable. The exemptions available under this subpart are subject to the following terms:

(1) No use of any exemption relieves the owner, charterer, managing operator, master, or individual in charge of the vessel of other statutory responsibilities for the protection of every mariner under his or her command.

(2) If it is presented at a reasonable time and in a reasonable manner, the master or individual in charge shall receive, consider, and appropriately address the legitimate complaint of any mariner.

(b) For any oceanographic research vessel sailing with any mariner employed by any firm, association, corporation, or educational or governmental body or agency, the Commandant may grant exemptions from—

(1) 46 U.S.C. 10301, Application;

(2) 46 U.S.C. 10302, Shipping articles (for foreign and intercoastal voyages);

(3) 46 U.S.C. 10307, Posting of articles;

(4) 46 U.S.C. 10308, Foreign engagements;

(5) 46 U.S.C. 10311, Certificates of discharge;

(6) 46 U.S.C. 10313 and 10504, Wages;

(7) 46 U.S.C. 10314 and 10505, Advances;

(8) 46 U.S.C. 10315, Allotments;

(9) 46 U.S.C. 10316 and 10506, Trusts;

(10) 46 U.S.C. 10321 and 10508, General penalties;

(11) 46 U.S.C. 10502, Shipping articles (for coastwise voyages); and

(12) 46 U.S.C. 10509, Penalty for failure to begin coastwise voyages.

§ 14.405 Procedures.



(a) Upon written request for the owner, charterer, managing operator, master, or individual in charge of the vessel to the OCMI of the Coast Guard in whose zone the vessel is located, the Commandant may grant an exemption of any oceanographic research vessel designated by 46 U.S.C. 2113(2) from any

requirement of any section listed by §14.403(b).

(b) The request must state—

(1) Any requirement of any section listed in §14.403(b) from which the applicant wishes an exemption; and

(2) What business practices regarding, among other things, the shipment and discharge of merchant mariners, their pay and allotments, and the adequacy of their clothing would justify the exemption.

(c) The OCMI will forward the request, along with his or her recommendation, to the Commandant, who will determine whether to grant any exemption of any vessel from any requirement. The OCMI will issue a letter indicating any exemption granted. The master or individual in charge of the vessel shall keep the letter aboard the vessel.

(d) If operating conditions change, the owner, charterer, managing operator, master, or individual in charge of the vessel shall so advise the OCMI. The OCMI will forward pertinent information on how the conditions have changed, along with his or her recommendation, to the Commandant, who will determine whether any exemption should remain granted.

§ 14.407 Reports.



(a) The owner, charterer, managing operator, master, or individual in charge of each oceanographic research vessel of 100 gross tons or more shall maintain a record of the employment, discharge, or termination of service of every merchant mariner in the crew. At least every 6 months, the person maintaining this record shall transmit it to the Coast Guard, either manually, in the form of a copy of a certificate of discharge, or electronically.

(b) The owner, charterer, managing operator, master, or individual in charge of the vessel shall keep original shipping articles and a copy of each certificate ready for review by the Coast Guard or the concerned mariner upon request. After January 3, 1997, the Coast Guard will no longer keep either original articles or copies of certificates; it will keep only electronic records of employment.

(c) The master or individual in charge of the vessel shall ensure that every entry made in the articles agrees with the corresponding entry made in a continuous discharge book, on a certificate, or in any other proof of sea service furnished to the mariner.

(d) Each oceanographic company shall keep all original articles and copies of all certificates for 3 years. After that each such company shall send all articles to the address in §14.103(a).

(e) Each oceanographic company that goes out of business or merges with another company shall send all original articles to the address in §14.103(a) within 30 days of the transaction.

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