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## Title 33 — Navigation and Navigable Waters

### Chapter I — Coast Guard, Department of Homeland Security

#### Subchapter P — Ports and Waterways Safety

#### Part 160 — Ports and Waterways Safety—General

**Authority:** 46 U.S.C. 70001-70003, 70034, and Chapter 701; DHS Delegation 00170.1, Revision No. 01.2. Subpart C is also issued under the authority of 46 U.S.C. 3715 and 46 U.S.C. 70011.

**Source:** CGD 79-026, 48 FR 35404, Aug. 4, 1983, unless otherwise noted.

#### Subpart D Crewmember Identification

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#### Subpart D—Crewmember Identification

**Source:** USCG-2007-28648, 74 FR 19140, Apr. 28, 2009, unless otherwise noted.

#### § 160.300 Applicability.

- (a) This subpart applies to crewmembers on the following vessels in the navigable waters of the United States en route to a U.S. port or place of destination or at a U.S. port or place:
- (1) A foreign vessel engaged in commercial service, and
  - (2) A U.S. vessel engaged in commercial service and coming from a foreign port or place of departure.
- (b) This subpart also applies to the operators of the vessels listed in paragraph (a) of this section.

#### § 160.305 Exceptions.

Requirements in this subpart do not apply to crewmembers and operators on a vessel bound for a U.S. port or place of destination under *force majeure*.

#### § 160.310 Definitions.

As used in this subpart, and only for purposes of this subpart—

*Acceptable identification* means a:

- (1) Passport;
- (2) U.S. Permanent Resident Card;
- (3) U.S. merchant mariner document;

- (4) U.S. merchant mariner credential;
- (5) Transportation Worker Identification Credential (TWIC) issued by the Transportation Security Administration under 49 CFR part 1572; or
- (6) Seafarer's Identification Document (SID) issued by or under the authority of the government of a country that has ratified the International Labour Organization Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185), meeting all the requirements of ILO 185.

**Commercial service** means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

**Crewmember** means all persons carried onboard a vessel to provide: navigation services; maintenance of the vessel, its machinery, or systems; arrangements essential for propulsion or safe navigation; or services for other persons onboard.

**Foreign vessel** means a vessel of foreign registry or operated under the authority of a country except the United States.

**Navigable waters of the United States** means the same as this term is defined in 33 CFR 2.36(a). This includes a 12-nautical-mile wide U.S. territorial sea as measured from the baseline, U.S. internal waters subject to tidal influence, and certain U.S. internal waters not subject to tidal influence.

**Operator** means any person including, but not limited to, an owner, a charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

**Passport** means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

**Port or place of departure** means any port or place in which a vessel is anchored or moored.

**Port or place of destination** means any port or place in which a vessel is bound to anchor or moor.

### **§ 160.315 Crewmember identification requirement.**

- (a) A crewmember subject to this subpart must carry and present on demand an acceptable identification. An operator subject to this subpart must ensure that every crewmember on the vessel has an acceptable identification in his or her possession when the vessel is in the navigable waters of the United States. For purposes of this section, a crewmember may secure his or her acceptable identification with the vessel's master, so long as the identification can be presented on demand.
- (b) Compliance with the requirements in this section does not relieve vessel crewmembers and operators of any requirements under the Immigration and Nationality Act (INA) or INA implementing regulations. Likewise, compliance with INA requirements does not relieve vessel crewmembers and operators of the requirements in this section.

### **§ 160.320 Sanctions and vessel control.**

Failure to comply with this subpart will subject the crewmember and operator to a civil penalty under 46 U.S.C. 70119 and the vessel to control under 46 U.S.C. 70002.

[USCG-2007-28648, 74 FR 19140, Apr. 28, 2009, as amended by USCG-2020-0304, 85 FR 58280, Sept. 18, 2020]