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## **Title 46 – Shipping**

### **Chapter I – Coast Guard, Department of Homeland Security**

#### **Subchapter E – Load Lines**

#### **Part 46 Subdivision Load Lines for Passenger Vessels**

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## PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

**Authority:** 46 U.S.C. 3306; 46 U.S.C. 5101-5116; E.O. 12234, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

**Source:** CGFR 65-50, 30 FR 16769, Dec. 30, 1965, unless otherwise noted.

### Subpart 46.01—Purpose

#### § 46.01-1 Purpose.

- (a) The purpose of the regulations in this part is to set forth uniform minimum requirements applicable to passenger vessels required to have subdivision load lines. These requirements deal with the following:
  - (1) Load line requirements applicable before a passenger vessel will be marked with and certificated as to subdivision load lines.
  - (2) Assigning, marking, and recording of subdivision load lines.
  - (3) Administration of subdivision load lines.
  - (4) Application of requirements to passenger vessels.

#### § 46.01-15 Application of regulations.

- (a) The regulations in this part establish subdivision load lines required on passenger vessels engaged in foreign voyages, as well as on passenger vessels of 150 gross tons or over engaged in coastwise or Great Lakes voyages.
- (b) When engaged in voyages subject to this part, no passenger vessel required to be marked with subdivision load lines shall depart from or arrive at any port or place under the jurisdiction of the United States, nor shall such United States vessel operate on the high seas nor the Great Lakes, unless such vessel has been marked with subdivision load lines in accordance with the regulations in this part, has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks, and is otherwise in compliance with the applicable requirements of law and regulations in this part.
- (c) No passenger vessel of the United States of 150 gross tons or over and subject to 46 U.S.C. 5101-5116, shall engage in coastwise voyages or voyages on the Great Lakes unless such vessel has been marked with subdivision load lines in accordance with the regulations in this part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.
- (d) No foreign passenger vessel belonging to a country that has ratified or acceded to the applicable International Convention for Safety of Life at Sea shall arrive or depart from any port or place under the jurisdiction of the United States, and no foreign passenger vessel subject to 46 U.S.C. 5101-5116, shall arrive or depart from any port or place under the jurisdiction of the United States, including ports on the Great Lakes, unless that vessel has been marked with subdivision load lines in accordance with the regulations in this part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.
- (e) Subdivision load lines shall be marked on both sides of passenger vessels where determined and in a manner described in subpart 46.15 as applicable to the vessel's service. The subdivision load line certificates shall be in accordance with §§ 46.10-30 and 46.10-35.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGD 80-120, 47 FR 5723, Feb. 8, 1982; CGD 97-057, 62 FR 51044, Sept. 30, 1997; USCG-1998-4442, 63 FR 52190, Sept. 30, 1998]

## § 46.01-20 Penalties for violations.

- (a) Penalties for violations of the regulations in this part by passenger vessels of the United States engaged in foreign voyages shall be in accordance with those laws which require the inspection and certification of the vessel. In addition, for passenger vessels subject to 46 U.S.C. 5101-5116, which engage in voyages described in § 42.03-5, § 42.03-10, or § 45.01-1, the penalties for violations of the regulations in this part shall be those set forth in the load line act applicable to the vessel.
- (b) For a further description of the actions which may be taken see § 42.07-50, of this subchapter. The procedures governing the assessment, collection, remission and mitigation of any monetary penalty imposed for a violation of a law or the regulations prescribed thereunder in this part, as well as the appeal procedures followed, are in subpart 2.50 of part 2 of subchapter A (Procedures Applicable to the Public) of this chapter.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968; CGD 80-120, 47 FR 5723, Feb. 8, 1982; CGD 97-057, 62 FR 51044, Sept. 30, 1997]

## Subpart 46.05—Definitions Used in This Part

### § 46.05-1 Passenger vessel.

- (a) For the purpose of the regulations in this part, a vessel is a passenger vessel if:
  - (1) Engaged on an international voyage by sea, it carries or is authorized to carry more than 12 passengers; or,
  - (2) Engaged on a coastwise voyage by sea or a voyage on the Great Lakes, it carries or is authorized to carry more than 16 persons in addition to the crew.

### § 46.05-10 Foreign voyage.

- (a) A foreign voyage for the purpose of marking passenger vessels with subdivision load lines is a voyage by sea between a port under the jurisdiction of the United States and a port of a foreign country, its colonies, territories, or protectorates, or conversely (a voyage exclusively on the Great Lakes excepted).

### § 46.05-15 Coastwise voyages.

- (a) A coastwise voyage by sea, for the purpose of marking passenger vessels with subdivision load lines, is a voyage in which a vessel in the usual course of her employment proceeds from one port or place in the United States to another port or place in the United States or from a port or place in a possession to another port or place in the same possession, and passes outside the line dividing inland waters from the high seas (a voyage exclusively on the Great Lakes excepted), as well as a voyage in which a vessel proceeds from a port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas and navigates on the high seas, and then returns to the same port or place.

### § 46.05-20 Great Lakes voyage.

A Great Lakes voyage is any voyage from a United States port or place on the Great Lakes to another United States port or place on the Great Lakes or to a Canadian port or place on the Great Lakes, or conversely.

### § 46.05-25 New passenger vessel.

A new passenger vessel is a vessel whose keel was laid or was a vessel converted into a passenger vessel on or after May 26, 1965.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968]

### § 46.05-30 Existing passenger vessel.

An existing passenger vessel in respect to its voyage is any passenger vessel that is not a new passenger vessel as defined in § 46.05-25.

## Subpart 46.10—Administration

### § 46.10-1 Relaxation from regulations.

- (a) New passenger vessels making foreign voyages by sea shall comply with the requirements in this part. An existing passenger vessel engaged in foreign voyages by sea may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U.S. Coast Guard, such requirements are unreasonable or impracticable.
- (b) A new passenger vessel making coastwise voyages by sea or making Great Lakes voyages shall comply with the requirements in this part. An existing passenger vessel making coastwise voyages by sea or Great Lakes voyages may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U.S. Coast Guard, such requirements are unreasonable or impracticable.

### § 46.10-5 Load line requirements for subdivision.

- (a) The load line requirements of parts 42, 44, 45 of this subchapter as applicable to the passenger vessel and her service, shall be complied with before a passenger vessel will be marked with and certificated as to subdivision load lines.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968]

### § 46.10-10 Marks to indicate subdivision load lines.

- (a) Marks to indicate the maximum mean draft to which a passenger vessel may be lawfully submerged shall be permanently marked on each side of the passenger vessel in the form, manner, and location provided in this part.
- (b) The Commandant, U.S. Coast Guard, will determine the position of the subdivision load lines by the application of the requirements contained in this part and parts 170 and 171 of this chapter. The correct marking of subdivision load lines will be certified by the American Bureau of Shipping or a classification society approved by the Commandant for that purpose.
- (c) Certificates certifying to the correctness of subdivision load line marks shall not be furnished until it is determined that the marks have been correctly placed upon the passenger vessel.
- (d) In the case of passenger vessels that are required by the International Convention for Safety of Life at Sea to have on board a safety certificate, the certification of subdivision, load line marks shall be made by letter to the cognizant Officer in Charge, Marine Inspection, U.S. Coast Guard.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968; CGD 79-023, 48 FR 51007, Nov. 4, 1983; CGD 88-070, 53 FR 34534, Sept. 7, 1988; USCG-2009-0702, 74 FR 49228, Sept. 25, 2009]

### § 46.10-15 Survey for the establishment and renewal of subdivision load line marks.

- (a) Every passenger vessel to be marked with and certificated for subdivision load lines must comply with the requirements as set forth in subchapter H (Passenger Vessels) of this chapter for ocean, coastwise, and Great Lakes service as applicable to the particular vessel and the service in which she is to be employed.
- (b) Every passenger vessel marked with a subdivision load line shall be subjected to the surveys specified in this paragraph. The details of the surveys or inspections indicated in paragraphs (b)(1) through (3) of this section shall be as set forth in the applicable sections of part 71 of subchapter H (Passenger Vessels) of this chapter.
  - (1) A survey before the vessel is put in service.
  - (2) A periodical survey once every 12 months.
  - (3) Additional surveys as occasion arises.
  - (4) Surveys required by part 42, part 44, or part 45 of this subchapter.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968]

### § 46.10-20 Application for the assignment and renewal of subdivision load lines.

- (a) Application for assignment and renewal of subdivision load lines and certification thereof shall be made in writing to the Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968; CGD 88-070, 53 FR 34534, Sept. 7, 1988; USCG-2013-0671, 78 FR 60147, Sept. 30, 2013]

### § 46.10-25 Equivalents.

- (a) Where in the regulations in this part it is provided that a particular fitting, appliance, apparatus, or type thereof, shall be fitted or carried in a vessel engaged on foreign voyages by sea or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof or any other arrangement provided that the Commandant, U.S. Coast Guard, shall have been satisfied by suitable trials that the fitting, appliance, or apparatus, or type thereof, or that the arrangement substituted is at least as effective as that specified in this part.
- (b) Where, in the application of the regulations in this part to passenger vessels engaged in coastwise voyages by sea and on Great Lakes voyages, it is desired to substitute other construction, arrangement, fitting, or appliance, or type thereof, such substitution may be made if approved by the Commandant, U.S. Coast Guard, provided the degree of safety provided by this part is obtained.

### § 46.10-30 Subdivision load line certificates.

- (a) Passenger vessels engaged in foreign voyages by sea shall have their subdivision load lines certified on the safety certificate required by the International Convention for Safety of Life at Sea, 1960. Safety certificates shall be issued by the Commandant, U.S. Coast Guard, for a period not to exceed one year. These vessels will also be provided with the load line certificate required by part 42 of this subchapter, the

minimum freeboard shown thereon to be not less than the minimum freeboard corresponding to the principal passenger condition. The fact that they are subdivision load lines is to be noted on the load line certificate.

- (b) Passenger vessels engaged on coastwise voyages by sea or Great Lakes voyages shall have the position of their subdivision load lines recorded on a load line certificate in the form required by part 42 or part 45 of this subchapter. The fact that they are subdivision load lines is to be noted on the load line certificate.
- (c) A note shall be added to the load line certificate below the signature of the assigning—authority in the following form:

The bulkhead deck used for determining the position of the subdivision load lines certified above is \_\_\_\_\_ (here described bulkhead deck).

- (d) Annual inspections of passenger vessels shall be as required by §§ 42.09-40 and 46.10-15 of this subchapter and renewal of passenger vessels' load line certificates shall be as required by §§ 42.09-15 and 42.09-20.
- (e) Each new passenger vessel which receives its first load line certificate shall also be provided with a copy of the load line survey report as required by § 42.09-1(c) or § 45.01-30 of this subchapter.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968; CGFR 68-126, 34 FR 9019, June 5, 1969; CGD 80-120, 47 FR 5723, Feb. 8, 1982; CGD 88-070, 53 FR 34534, Sept. 7, 1988]

#### § 46.10-35 Validity of subdivision load line certificates.

- (a) Subdivision load line certificates issued to passenger vessels shall only be valid during the time for which the certificates are issued.
- (b) If, due to any cause, the conditions as required by this part are changed, or the regulations in this part are not carried out, the load line certificate may be cancelled and the load lines considered nonexistent: *Provided*, That if the conditions causing the cancellation of the certificate are satisfactorily corrected, the load line certificate shall be reinstated for the remainder of its term.
- (c) A valid subdivision load line certificate for foreign voyages by sea shall be valid for coastwise voyages by sea and Great Lakes voyages. A valid subdivision load line certificate for coastwise voyages by sea shall be valid for Great Lakes voyages but not for foreign voyages by sea. A valid subdivision load line certificate for Great Lakes voyages shall not be valid for foreign or coastwise voyages by sea.

#### § 46.10-40 Nonsubmergence subdivision load line (Great Lakes).

- (a) Passenger vessels on the Great Lakes of 150 gross tons or over shall not submerge the subdivision load line applicable to the voyage.

#### § 46.10-45 Nonsubmergence subdivision load lines in salt water.

- (a) Passenger vessels required to be marked with subdivision load lines, engaged on foreign and coastwise voyages other than the Great Lakes voyages, shall not submerge in salt water the subdivision load line applicable to the voyage. Passenger vessels engaged on ocean, foreign or coastwise voyages may be marked with fresh water load lines. A passenger vessel on foreign or coastwise voyages (except Great Lakes voyages) may have an allowance made for the degree of brackishness of the water in which the

vessel is floating but not for the weight of fuel, water, etc., required for consumption between the point of departure and the open sea, and no allowance is to be made for bilge or ballast water that may be in the passenger vessel at the time of departure.

### § 46.10-50 Drills and inspections.

- (a) For the required drills and inspections to be conducted on passenger vessels, see subpart 78.17 of subchapter H (Passenger Vessels) of this chapter.

### § 46.10-55 Logbook entries.

- (a) For required logbook entries to be made on passenger vessels, see subpart 78.17 of subchapter H (Passenger Vessels) of this chapter.

### § 46.10-60 Control.

The Director, Field Operations (DFO) or the Coast Guard District Commander may detain a passenger vessel for a survey if there is reason to believe that such a vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load lines certified on the safety certificate, load line certificate, or otherwise. The Coast Guard District Commander may detain a passenger vessel if it is so loaded as to be manifestly unsafe to proceed to sea. Except as otherwise required by this section, § 42.07-60 of this subchapter applies to all passenger vessels assigned load lines under the load line acts and the regulations of this subchapter.

[USCG-2012-0832, 77 FR 59777, Oct. 1, 2012]

### § 46.10-65 Construction.

- (a) The watertight subdivision of every passenger vessel must be as efficient as possible, having regard to its intended service. This principle is given effect by applying the requirements in part 171 of this chapter.
- (b) Passenger vessels engaged in foreign voyages by sea or coastwise voyages by sea or voyages on the Great Lakes, to be marked with subdivision load lines shall comply with the requirements in this part.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGD 79-023, 48 FR 51007, Nov. 4, 1983]

### § 46.10-70 Plans and inspections of new and converted vessels.

- (a) Plans for a new passenger vessel or a vessel to be converted to a passenger vessel shall be submitted to the Commandant as required by subpart 71.65 of subchapter H (Passenger Vessels) of this chapter.
- (b) Inspections shall be made during the construction or conversion of the vessel as required by subpart 71.20 of subchapter H (Passenger Vessels) of this chapter.
- (c) Upon completion of construction or conversion of a passenger vessel, a stability test must be performed and stability information must be supplied to the operator as required by part 170 of this chapter.

[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGD 79-023, 48 FR 51007, Nov. 4, 1983]

## Subpart 46.15—Subdivision Load Lines for Passenger Vessels Engaged in Foreign, Coastwise, and Great Lakes Voyages

### § 46.15-1 Procedure for determination of subdivision load line.

The procedure for determining the subdivision load line as well as special construction features of the vessel must be as set forth in subpart 72.01 and parts 170 and 171 of this chapter.

[CGD 79-023, 48 FR 51007, Nov. 4, 1983]

### § 46.15-5 Engineering requirements.

- (a) Bilge and ballast systems, piping, inlets and discharges, ash chutes, astern power, and auxiliary steering shall be in accordance with the provisions of subchapter F (Marine Engineering) of this chapter.

### § 46.15-10 Subdivision load lines.

- (a) Subdivision load lines shall be located by measuring vertically down from the deck line required by part 42 of this subchapter.
- (b) The length, width, and manner of marking the lines shall be as provided in subpart 42.13 of this subchapter.
- (c) No subdivision load line is to be placed so that the freeboard is reduced from that determined by the highest seasonal mark permitted by part 42.
- (d) When the highest subdivision load line is located on a vessel used as a passenger vessel in a position between the highest and lowest seasonal load line marks, the seasonal load line marks above the subdivision load line will be omitted and those below will be marked.
- (e) When the freeboard from the highest subdivision load line on a vessel used as a passenger vessel is greater than the freeboard from the lowest load line permitted by part 42 of this subchapter, the load lines required by part 42 of this subchapter shall be omitted and the disk with its horizontal line located in line with the highest subdivision load line.
- (f) One fresh water line shall be marked. When a subdivision and a normal load line are combined, the normal fresh water line only shall be used unless the position of the subdivision load line is such that confusion will result, in which case a subdivision fresh water line may be used, marked FC<sub>1</sub> and the normal fresh water line omitted.
- (g) Subdivision load lines shall be aft of the vertical line. The vertical line shall be extended as necessary to connect the lowest and highest load lines marked on the vessel.
- (h) When a vessel has spaces used for cargo and passengers alternatively so that the position of the subdivision load line varies with the service, subdivision load lines for the principal passenger condition shall be marked and denoted by C<sub>1</sub> and the alternative conditions marked and denoted by C<sub>2</sub>, C<sub>3</sub>, etc. The position of each load line and the conditions under which a particular load line is applicable shall be noted in the certificate.
- (i) The principal passenger condition for a vessel having spaces used for passengers and cargo alternatively is the condition where only those spaces appropriated exclusively to passengers are taken into consideration for determination of the subdivision load line.
- (j) For Great Lakes vessels, references to part 42 shall read part 45 and a "diamond" shall be substituted for the "disk". No "fresh water" line will be marked.



*[CGFR 65-50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68-60, 33 FR 10077, July 12, 1968]*