

VESSELS NOT HAVING UNIQUE NUMBER; APPLICABILITY OF PROVISIONS FOR NUMBER ASSIGNMENT

Pub. L. 100-710, title I, §104(f), Nov. 23, 1988, 102 Stat. 4751, provided that: "Section 12502(a)(1) of title 46, United States Code (as enacted by section 101 of this Act), applies to a vessel of the United States that does not have a unique number as prescribed by the Secretary of Transportation under that section until the earlier of the following:

- "(1) the next time the vessel is documented, numbered, or titled.
- "(2) January 1, 1995."

§ 12503. Information available to the system

(a) Except as provided in subsections (b) and (c) of this section, a State or a State's delegate approved by the Secretary of Transportation may make information available to the Secretary if, in a manner and form prescribed by the Secretary, the State—

- (1) identifies the vessel;
- (2) identifies the owner of the vessel, including by—
 - (A) the owner's social security number or, if that number is not available, other means of identification acceptable to the Secretary; or
 - (B) for an owner other than an individual—
 - (i) the owner's taxpayer identification number; or
 - (ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;
- (3) identifies the State in which it is titled or numbered;
- (4) indicates whether the vessel is numbered or titled, or both;
- (5) if titled in a State, indicates where evidence of a lien or other security interest may be found against the vessel in that State;
- (6) includes information to assist law enforcement; and
- (7) includes other information agreed to by the Secretary and the State.

(b) Except as provided in subsection (c) of this section, the Secretary also may accept information under conditions and in a manner and form prescribed by the Secretary.

(c) The Secretary shall—

- (1) retain information on a vessel with a preferred mortgage under section 31322(d) of this title that is no longer titled in a State making information available to the Secretary under this chapter until the mortgage is discharged or the vessel is sold; and
- (2) accept information under section 31321(h) of this title only if that information cannot be provided to a State.

(Added Pub. L. 100-710, title I, §101(a), Nov. 23, 1988, 102 Stat. 4736; amended Pub. L. 101-225, title III, §302(2), Dec. 12, 1989, 103 Stat. 1922; Pub. L. 101-595, title VI, §603(10), Nov. 16, 1990, 104 Stat. 2993; Pub. L. 109-304, §15(24), Oct. 6, 2006, 120 Stat. 1704.)

HISTORICAL AND REVISION NOTES

Revised section 12503

Subsection (a) of section 12503 allows a State or approved State delegee to make vessel identification in-

formation available to the Secretary. Participation in the system is voluntary on the part of a State. A benefit to boat purchasers and financiers in States with approved titling systems participating in this system is that vessel mortgages or financing instruments made in those States are deemed to be preferred mortgages under chapter 313 of title 46, United States Code (as codified and enacted by this Act).

Under subsection (a), the Secretary may prescribe the manner and form in which the information is made available by the States. In this regard, the Committee intends that the Secretary employ the most efficient, up-to-date computer technology in maintaining information made available from the States to avoid duplication of effort in maintaining information and to reduce the costs of the system. In addition to the vessel identification information made available by States under paragraphs (1)–(6), the Secretary and a State may agree that the State make available other information. For example, the purpose for which a vessel is routinely used would be valuable information for the system.

The Committee intends that most of the information in the system will become available directly and exclusively from the States to the greatest extent possible. However, under subsection (b), the Secretary may accept information from others under conditions and in a manner and form prescribed by the Secretary. Thus, if the Secretary discovers a valuable and reliable source of data that can be conveniently made available to the system, the Secretary can approve it.

Under paragraph (c)(1), the Secretary must maintain information on a State-titled vessel with a preferred mortgage that moves to a nonparticipating, nontitle State, until the mortgage is discharged or the vessel is sold. Under paragraph (c)(2), the Secretary must accept information submitted under section 31321 of title 46 (as enacted by this Act) concerning a discharge of a preferred mortgage on a vessel title under State law. This would be necessary if the vessel moves to a nonparticipating State, and information on that vessel would not be provided to the system by that State. This subsection will allow the Secretary to keep the vessel information system current on these matters and purge files no longer required to be maintained.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-304 substituted "delegate" for "delegee" in introductory provisions.

1990—Subsec. (a)(2)(A). Pub. L. 101-595 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "the owner's social security number; or".

1989—Subsec. (a)(2). Pub. L. 101-225 amended par. (2) generally, adding subpars. (A) and (B).

§ 12504. Information available from the system

For law enforcement or other purposes and under conditions prescribed by the Secretary of Transportation, the Secretary—

- (1) shall make available information in the vessel identification system to a State making information available under section 12503(a) of this title; and
- (2) may make available information in the vessel identification system to others.

(Added Pub. L. 100-710, title I, §101(a), Nov. 23, 1988, 102 Stat. 4736; amended Pub. L. 101-225, title III, §302(3), Dec. 12, 1989, 103 Stat. 1923.)

HISTORICAL AND REVISION NOTES

Revised section 12504

This section requires that the Secretary make available information maintained in the vessel identification system to a State participating in the system for law enforcement or other purposes. The Secretary may make available information in the system to others,