

**§ 12102. Vessels requiring documentation**

(a) IN GENERAL.—Except as otherwise provided, a vessel may engage in a trade only if the vessel has been issued a certificate of documentation with an endorsement for that trade under this chapter.

(b) VESSELS LESS THAN 5 NET TONS.—A vessel of less than 5 net tons may engage in a trade without being documented if the vessel otherwise satisfies the requirements to engage in the particular trade.

(c) BARGES.—A barge qualified to engage in the coastwise trade may engage in the coastwise trade, without being documented, on rivers, harbors, lakes (except the Great Lakes), canals, and inland waters.

(d) AQUACULTURE WAIVER.—

(1) PERMITTING OF NONQUALIFIED VESSELS TO PERFORM CERTAIN AQUACULTURE SUPPORT OPERATIONS.—Notwithstanding section 12113 and any other law, the Secretary of Transportation may issue a waiver allowing a documented vessel with a registry endorsement or a foreign flag vessel to be used in operations that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if the Secretary finds, after publishing a notice in the Federal Register, that a suitable vessel of the United States is not available that could perform those services.

(2) PROHIBITION.—Vessels operating under a waiver issued under this subsection may not engage in any coastwise transportation.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1492; Pub. L. 111-281, title IX, § 901(c)(1), Oct. 15, 2010, 124 Stat. 3008.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12102(a) .....	46:12106(b). 46:12108(b). 46:12110(a).	
12102(b) .....	46:12102(a) (related to tonnage).	
12102(c) .....	46:12110(b).	

PRIOR PROVISIONS

A prior section 12102, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 99-509, title V, § 5102(b)(6), Oct. 21, 1986, 100 Stat. 1927; Pub. L. 100-239, § 7(a), Jan. 11, 1988, 101 Stat. 1782; Pub. L. 100-710, title I, § 104(a)(4), (5), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101-225, title III, § 301(a)(2), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 104-324, title XI, § 1136(a), Oct. 19, 1996, 110 Stat. 3986; Pub. L. 105-277, div. C, title II, § 202(a), Oct. 21, 1998, 112 Stat. 2681-617; Pub. L. 105-383, title IV, §§ 401(a)(1), 421, Nov. 13, 1998, 112 Stat. 3424, 3439; Pub. L. 107-20, title II, § 2202(a), July 24, 2001, 115 Stat. 168; Pub. L. 107-206, title I, § 1103, Aug. 2, 2002, 116 Stat. 884; Pub. L. 108-136, div. C, title XXXV, § 3534(b)(1), Nov. 24, 2003, 117 Stat. 1818, originally derived from section 65b of former Title 46, Shipping, related to vessels eligible for documentation, prior to the general amendment of this chapter by Pub. L. 109-304. See this section and sections 12103, 12111, and 12113 of this title.

AMENDMENTS

2010—Subsec. (d). Pub. L. 111-281 added subsec. (d).

REGULATIONS

Pub. L. 111-281, title IX, § 901(c)(2), Oct. 15, 2010, 124 Stat. 3008, provided that: “The Secretary of the depart-

ment in which the Coast Guard is operating shall, in accordance with section 553 of title 5, United States Code, and after public notice and comment, promulgate regulations necessary and appropriate to implement this subsection [amending this section]. The Secretary may grant interim permits pending the issuance of such regulations upon receipt of applications containing the required information.”

**§ 12103. General eligibility requirements**

(a) IN GENERAL.—Except as otherwise provided, a certificate of documentation for a vessel may be issued under this chapter only if the vessel is—

- (1) wholly owned by one or more individuals or entities described in subsection (b);
- (2) at least 5 net tons as measured under part J of this subtitle; and
- (3) not documented under the laws of a foreign country.

(b) ELIGIBLE OWNERS.—For purposes of subsection (a)(1), the following are eligible owners:

- (1) An individual who is a citizen of the United States.
- (2) An association, trust, joint venture, or other entity if—
  - (A) each of its members is a citizen of the United States; and
  - (B) it is capable of holding title to a vessel under the laws of the United States or a State.
- (3) A partnership if—
  - (A) each general partner is a citizen of the United States; and
  - (B) the controlling interest in the partnership is owned by citizens of the United States.
- (4) A corporation if—
  - (A) it is incorporated under the laws of the United States or a State;
  - (B) its chief executive officer, by whatever title, and the chairman of its board of directors are citizens of the United States; and
  - (C) no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum.
- (5) The United States Government.
- (6) The government of a State.

(c) TEMPORARY CERTIFICATES PRIOR TO MEASUREMENT.—Notwithstanding subsection (a)(2), the Secretary may issue a temporary certificate of documentation for a vessel before it is measured.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1492.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12103(a) .....	46:12102(a) (less ownership), (b) (1st sentence).	
12103(b) .....	46:12102(a) (related to ownership)	
12103(c) .....	46:12102(b) (last sentence).	

PRIOR PROVISIONS

A prior section 12103, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 100-710, title I, § 104(a)(4), (6), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101-225, title III, § 301(a)(3), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 102-388, title III,