

Pub. L. 104-208, Sept. 30, 1996, 110 Stat. 3009; Pub. L. 104-324, Oct. 19, 1996, 110 Stat. 3901; Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681; Pub. L. 105-383, Nov. 13, 1998, 112 Stat. 3411; Pub. L. 106-31, May 21, 1999, 113 Stat. 57; Pub. L. 107-20, July 24, 2001, 115 Stat. 155; Pub. L. 107-206, Aug. 2, 2002, 116 Stat. 820; Pub. L. 107-295, Nov. 25, 2002, 116 Stat. 2064; Pub. L. 108-136, Nov. 24, 2003, 117 Stat. 1392; Pub. L. 108-293, Aug. 9, 2004, 118 Stat. 1028; Pub. L. 109-241, July 11, 2006, 120 Stat. 516. This chapter is shown here, however, as having been enacted by Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1491, without reference to those intervening amendments because of the general amendment of this chapter by Pub. L. 109-304.

AMENDMENTS

2012—Pub. L. 112-213, title III, § 308(b), Dec. 20, 2012, 126 Stat. 1566, added item 12140.

TRANSPARENCY

Pub. L. 115-282, title V, § 516(a), Dec. 4, 2018, 132 Stat. 4279, provided that: “The Commandant of the Coast Guard shall publish any letter of determination issued by the Coast Guard National Vessel Documentation Center after the date of the enactment of this Act [Dec. 4, 2018] on the National Vessel Documentation Center website not later than 30 days after the date of issuance of such letter of determination.”

SUBCHAPTER I—GENERAL

§ 12101. Definitions

(a) **REBUILT IN THE UNITED STATES.**—In this chapter, a vessel is deemed to have been rebuilt in the United States only if the entire rebuilding, including the construction of any major component of the hull or superstructure, was done in the United States.

(b) **RELATED TERMS IN OTHER LAWS.**—When the following terms are used in a law, regulation, document, ruling, or other official act referring to the documentation of a vessel, the following definitions apply:

(1) **REGISTRY ENDORSEMENT.**—The terms “certificate of registry”, “register”, and “registry” mean a certificate of documentation with a registry endorsement issued under this chapter.

(2) **COASTWISE ENDORSEMENT.**—The terms “license”, “enrollment and license”, “license for the coastwise (or coasting) trade”, and “enrollment and license for the coastwise (or coasting) trade” mean a certificate of documentation with a coastwise endorsement issued under this chapter.

(3) **YACHT.**—The term “yacht” means a recreational vessel even if not documented.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12101(a)	46:12101(a)(2), 46 App.:883 (2d proviso related to meaning of “rebuilt”).	June 5, 1920, ch. 250, § 27 (2d proviso related to meaning of “rebuilt”), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86-583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100-239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782.
12101(b)	46:12101(b).	

In subsection (a), the words “its territories” and “or its possessions” are omitted because of the definition of “United States” in chapter 1 of the revised title. The

words “(not including trust territories)” are omitted because the Trust Territory of the Pacific Islands has terminated. See 48 U.S.C. 1681 note prec.

PRIOR PROVISIONS

A prior section 12101, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 98-364, title IV, § 402(16), July 17, 1984, 98 Stat. 450; Pub. L. 99-36, § 1(a)(7)(B), May 15, 1985, 99 Stat. 67; Pub. L. 100-239, § 3(2), (3), Jan. 11, 1988, 101 Stat. 1778; Pub. L. 101-225, title III, § 301(a)(1), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 104-324, title XI, § 1115(b)(2), Oct. 19, 1996, 110 Stat. 3972, originally derived from section 65w of former Title 46, Shipping, related to definitions and related terms in other laws, prior to the general amendment of this chapter by Pub. L. 109-304. See this section and section 108 of this title.

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.