

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 department 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, §348(c)(1), Oct. 6, 1992, 106 Stat. 1554; Pub. L. 102-587, title V, §5213(a)(1), Nov. 4, 1992, 106 Stat. 5077; Pub. L. 107-295, title IV, §422(a), Nov. 25, 2002, 116 Stat. 2125, originally derived from section 65e of former Title 46, Shipping, related to certificates of documentation, prior to the general amendment of this chapter by Pub. L. 109-304. See sections 12104, 12105, and 12133 of this title.

A prior section 12103a, added Pub. L. 107-295, title IV, §422(b)(1), Nov. 25, 2002, 116 Stat. 2125, related to issuance of temporary certificate of documentation by third parties, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12105 of this title.

§ 12104. Applications for documentation

(a) IN GENERAL.—An application for a certificate of documentation or endorsement under this chapter must be filed by the owner of the vessel. The application must be filed in the manner, be in the form, and contain the information prescribed by the Secretary.

(b) APPLICANT'S IDENTIFYING INFORMATION.—The Secretary shall require the applicant to provide—

- (1) if the applicant is an individual, the individual's social security number; or
- (2) if the applicant is an entity—
  - (A) the entity's taxpayer identification number; or
  - (B) if the entity 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 entity and who signs the application.

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1493.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                                | Source (Statutes at Large) |
|-----------------|---|----------------------------|
| 12104(a) .....  | 46:12103(a) (related to filing by owner), (b)(1). |                            |
| 12104(b) .....  | 46:12103(b)(2).                                   |                            |

PRIOR PROVISIONS

A prior section 12104, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 99-36, §1(a)(7)(B), May 15, 1985, 99 Stat. 67; Pub. L. 101-225, title III, §301(a)(4), Dec. 12, 1989, 103 Stat. 1920, originally derived from section 65g of former Title 46, Shipping, related to effect of documentation, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12134 of this title.

§ 12105. Issuance of documentation

(a) IN GENERAL.—Except as provided in section 12152 of this title, the Secretary, on receipt of a

proper application, shall issue a certificate of documentation or a temporary certificate of documentation for a vessel satisfying the requirements of section 12103 of this title. The certificate shall contain each endorsement under subchapter II of this chapter for which the owner applies and the vessel is eligible.

(b) **TEMPORARY CERTIFICATES FOR RECREATIONAL VESSELS.**—The Secretary may delegate, subject to the supervision and control of the Secretary and under terms prescribed by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel eligible under section 12103 of this title. A temporary certificate issued under this subsection is valid for not more than 30 days.

(c) **INFORMATION TO BE INCLUDED IN CERTIFICATE.**—A certificate of documentation shall—

- (1) identify and describe the vessel;
- (2) identify the owner of the vessel; and
- (3) contain additional information prescribed by the Secretary.

(d) **PROCEDURES TO ENSURE INTEGRITY AND ACCURACY.**—The Secretary shall prescribe procedures to ensure the integrity of, and the accuracy of information contained in, certificates of documentation.

(e) **EFFECTIVE PERIOD.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), a certificate of documentation issued under this part is valid for a 1-year period and may be renewed for additional 1-year periods.

(2) **RECREATIONAL VESSELS.**—

(A) **IN GENERAL.**—A certificate of documentation for a recreational vessel and the renewal of such a certificate shall be effective for a 5-year period.

(B) **PHASE-IN PERIOD.**—During the period beginning January 1, 2019, and ending December 31, 2021, the owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for such a certificate of documentation for such vessel or the renewal thereof.

(C) **FEES.**—

(i) **REQUIREMENT.**—The Secretary shall assess and collect a fee—

(I) for the issuance of a certificate of documentation for a recreational vessel that is equivalent to the fee established for the issuance of a certificate of documentation under section 2110; and

(II) for the renewal of a certificate of documentation for a recreational vessel that is equivalent to the number of years of effectiveness of the certificate of documentation multiplied by the fee established for the renewal of a certificate of documentation under section 2110.

(ii) **TREATMENT.**—Fees collected under this subsection—

(I) shall be credited to the account from which the costs of such issuance or renewal were paid; and

(II) may remain available until expended.

(3) **NOTICE OF CHANGE IN INFORMATION.**—

(A) **REQUIREMENT.**—The owner of a vessel shall notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation for the vessel is based that occurs before the expiration of the certificate under this subsection, by not later than 30 days after such change.

(B) **TERMINATION OF CERTIFICATE.**—The certificate of documentation for a vessel shall terminate upon the expiration of such 30-day period if the owner has not notified the Coast Guard of such change before the end of such period.

(4) **STATE AND LOCAL AUTHORITY TO REMOVE ABANDONED AND DERELICT VESSELS.**—Nothing in this section shall be construed to limit the authority of a State or local authority from taking action to remove an abandoned or derelict vessel.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1493; Pub. L. 115-282, title V, § 512, Dec. 4, 2018, 132 Stat. 4275.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>           | <i>Source (Statutes at Large)</i> |
|------------------------|-------------------------------------|-----------------------------------|
| 12105(a) .....         | 46:12103(a) (less filing by owner). |                                   |
| 12105(b) .....         | 46:12103a.                          |                                   |
| 12105(c) .....         | 46:12103(c).                        |                                   |
| 12105(d) .....         | 46:12103(d).                        |                                   |

In subsection (b), the words “eligible under” are substituted for “if the applicant for the certificate of documentation meets the requirements set out in” for consistency in the chapter and to eliminate unnecessary words.

#### PRIOR PROVISIONS

A prior section 12105, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 100-710, title I, § 104(a)(4), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101-225, title III, § 301(a)(5), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 109-241, title III, § 310, July 11, 2006, 120 Stat. 529, originally derived from section 65h of former Title 46, Shipping, related to registry endorsements, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12111 of this title.

#### AMENDMENTS

2018—Subsec. (e). Pub. L. 115-282 added subsec. (e).

#### CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS

Pub. L. 114-120, title III, § 311, Feb. 8, 2016, 130 Stat. 57, provided that: “Not later than one year after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall issue regulations that—

“(1) make certificates of documentation for recreational vessels effective for 5 years; and

“(2) require the owner of such a vessel—

“(A) to notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation is based, that occurs before the expiration of the certificate; and

“(B) [to] apply for a new certificate of documentation for such a vessel if there is any such change.”

#### § 12106. Surrender of title and number

(a) **IN GENERAL.**—A documented vessel may not be titled by a State or required to display numbers under chapter 123 of this title, and any certificate of title issued by a State for a docu-