

SUBCHAPTER III—MISCELLANEOUS

§ 12131. Command of documented vessels

(a) IN GENERAL.—Except as provided in subsection (b), a documented vessel may be placed under the command only of a citizen of the United States.

(b) EXCEPTIONS.—Subsection (a) does not apply to—

- (1) a vessel with only a recreational endorsement; or
- (2) an unmanned barge operating outside of the territorial waters of the United States.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1505; Pub. L. 110-181, div. C, title XXXV, § 3529(a)(3), Jan. 28, 2008, 122 Stat. 603.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 12131 | 46:12110(d). | |

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “command” for “commmand”.

§ 12132. Loss of coastwise trade privileges

(a) SOLD FOREIGN OR PLACED UNDER FOREIGN REGISTRY.—A vessel of more than 200 gross tons (as measured under chapter 143 of this title), eligible to engage in the coastwise trade, and later sold foreign in whole or in part or placed under foreign registry may not thereafter engage in the coastwise trade.

(b) REBUILT OUTSIDE THE UNITED STATES.—A vessel eligible to engage in the coastwise trade and later rebuilt outside the United States may not thereafter engage in the coastwise trade.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1505.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 12132(a) | 46 App.:883 (1st proviso). | June 5, 1920, ch. 250, § 27 (1st proviso, 2d proviso less 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; Pub. L. 104-324, title XI, § 1120(e), Oct. 19, 1996, 110 Stat. 3978. |
| 12132(b) | 46 App.:883 (2d proviso less meaning of “rebuilt”). | |

In subsection (a), the words “eligible to engage in the coastwise trade” are substituted for “having at any time acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in, or documented under the laws of the United States”, and the words “thereafter engage” are substituted for “hereafter acquire the right to engage”, to eliminate unnecessary words.

In subsection (b), the words “eligible to engage in the coastwise trade” are substituted for “which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States”, and the words “thereafter engage” are substituted for “have the right thereafter to engage”, to eliminate unnecessary words. See section 12101 for the meaning of “rebuilt in the United States”.

§ 12133. Duty to carry certificate on vessel and allow examination

(a) DUTY TO CARRY.—The certificate of documentation of a vessel shall be carried on the vessel unless the vessel is exempt by regulation from carrying the certificate.

(b) AVAILABILITY.—The owner or individual in charge of a vessel required to carry its certificate of documentation shall make the certificate available for examination at the request of an officer enforcing the revenue laws or as otherwise required by law or regulation.

(c) CRIMINAL PENALTY.—A person willfully violating subsection (b) shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1505.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------------|---|
| 12133 | 46:12103(e), 46 App.:277. | R.S. § 4336; Aug. 5, 1935, ch. 438, title III, § 312, 49 Stat. 528; Pub. L. 85-237, § 2, Aug. 30, 1957, 71 Stat. 518; Pub. L. 103-182, title VI, § 686(a)(5), Dec. 8, 1993, 107 Stat. 2220. |

This section consolidates and clarifies the requirements contained in the source provisions. The specific civil penalties are omitted as unnecessary because of the general civil penalty in section 12151(a) of the revised title. See also 19 U.S.C. 1581.

§ 12134. Evidentiary uses of documentation

A certificate of documentation is—

- (1) conclusive evidence of nationality for international purposes, but not in a proceeding conducted under the laws of the United States;
- (2) conclusive evidence of qualification to engage in a specified trade; and
- (3) not conclusive evidence of ownership in a proceeding in which ownership is in issue.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1506.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 12134 | 46:12104. | |

§ 12135. Invalidation of certificates of documentation

A certificate of documentation or an endorsement on the certificate is invalid if the vessel for which it is issued—

- (1) no longer meets the requirements of this chapter and regulations prescribed under this chapter applicable to the certificate or endorsement; or
- (2) is placed under the command of an individual not a citizen of the United States in violation of section 12131 of this title.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1506.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 12135 | 46:12111(a). | |