

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12102, 12103, 14305 of this title.

§ 12109. Recreational endorsements

(a) A certificate of documentation with a recreational endorsement may be issued for a vessel that is eligible for documentation.

(b) A documented vessel with a recreational endorsement may proceed between a port of the United States and a port of a foreign country without entering or clearing with the Customs Service. A recreational vessel must, however, comply with all customs requirements for reporting arrival under section 433 of the Tariff Act of 1930 (19 U.S.C. 1433) and all persons aboard such a pleasure vessel shall be subject to all applicable customs regulations.

(c) A documented vessel operating under a recreational endorsement may be operated only for pleasure.

(As amended Pub. L. 101-225, title III, § 301(a)(9), Dec. 12, 1989, 103 Stat. 1921.)

AMENDMENTS

1989—Pub. L. 101-225, § 301(a)(9)(D), substituted "endorsements" for "vessel licenses" in section catchline.

Subsec. (a). Pub. L. 101-225, § 301(a)(9)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: "A recreational vessel license may be issued for a vessel that is—

"(1) eligible for documentation; and
"(2) to be operated only for pleasure."

Subsec. (b). Pub. L. 101-225, § 301(a)(9)(B), substituted "documented vessel with a recreational endorsement" for "licensed recreational vessel" and "A recreational" for "Such".

Subsec. (c). Pub. L. 101-225, § 301(a)(9)(C), added subsec. (c).

§ 12110. Limitations on operations authorized by certificates

(a) A vessel may not be employed in a trade except a trade covered by the endorsement issued for that vessel.

[See main edition for text of (b)]

(c) When a vessel is employed in a trade not covered by the endorsement issued for that vessel, or a documented vessel with a recreational endorsement is operated other than for pleasure, the vessel and its equipment are liable to seizure by and forfeiture to the United States Government.

[See main edition for text of (d)]

(As amended Pub. L. 101-225, title III, § 301(a)(10), Dec. 12, 1989, 103 Stat. 1922.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-225, § 301(a)(10)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "A vessel may not be employed in a trade except a trade covered by the certificate of documentation issued for that vessel. A documented recreational vessel may be operated only for pleasure. However, a certificate of documentation may be exchanged, under regulations prescribed by the Secretary of Transportation, for another type of certificate of documentation or endorsed appropriately for a trade for which the vessel qualifies."

Subsec. (c). Pub. L. 101-225, § 301(a)(10)(B), substituted "endorsement" for "certificate of documentation", "vessel with a recreational endorsement" for "recreational vessel", and "other than" for "except".

§ 12111. Surrender and invalidation of certificates of documentation

DOCUMENTATION SURRENDER AND INVALIDATION

Pub. L. 101-225, title III, § 301(b), Dec. 12, 1989, 103 Stat. 1922, provided that: "Section 12111(c)(3) of title 46, United States Code, does not apply to a mortgage that—

"(1) was filed or recorded before January 1, 1989; and

"(2) was not a preferred mortgage (as that term is defined in section 31301(6) of that title) on that date."

§ 12112. Vessels procured outside the United States

(a) The Secretary of Transportation and the Secretary of State, acting jointly, may provide for the issuance of a certificate of documentation with an appropriate endorsement for a vessel procured outside the United States meeting the ownership requirements of section 12102 of this title.

(b) Subject to limitations the Secretary of Transportation may prescribe, a vessel for which a document is issued under this section may proceed to the United States and engage en route in the foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef. On the vessel's arrival in the United States, the document shall be surrendered as provided by regulations prescribed by the Secretary.

[See main edition for text of (c)]

(As amended Pub. L. 101-225, title III, § 301(a)(11), Dec. 12, 1989, 103 Stat. 1922.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-225, § 301(a)(11)(A), substituted "a certificate of documentation with an appropriate endorsement" for "an appropriate document".

Subsec. (b). Pub. L. 101-225, § 301(a)(11)(B), substituted "a document" for "an appropriate document".

CHAPTER 123—NUMBERING UNDOCUMENTED VESSELS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2101, 2102, 12501, 13102, 13103, 30101 of this title; section 1903 of Appendix to this title; title 16 sections 1802, 2432; title 33 section 2602.

CHAPTER 125—VESSEL IDENTIFICATION SYSTEM

§ 12501. Establishment of a vessel identification system

[See main edition for text of (a)]

(b) The vessel identification system shall include information prescribed by the Secretary including—

[See main edition for text of (1)]

(2) Identifying the owner of the vessel, including—

- (A) the owner's social security number; 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;

[See main edition for text of (3) to (6); (c)]

(As amended Pub. L. 101-225, title III, § 302(1), Dec. 12, 1989, 103 Stat. 1922.)

AMENDMENTS

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

§ 12503. Information available to the system

(a) Except as provided in subsections (b) and (c) of this section, a State or a State's delegee 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—

[See main edition for text of (1)]

(2) identifies the owner of the vessel, including by—

- (A) the owner's social security number; 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;

[See main edition for text of (3) to (7); (b) and (c)]

(As amended Pub. L. 101-225, title III, § 302(2), Dec. 12, 1989, 103 Stat. 1922.)

AMENDMENTS

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—

[See main edition for text of (1) and (2)]

(As amended Pub. L. 101-225, title III, § 302(3), Dec. 12, 1989, 103 Stat. 1923.)

AMENDMENTS

1989—Pub. L. 101-225 substituted "Secretary of Transportation, the Secretary" for "Secretary, the Secretary of Transportation".

Subtitle III—Maritime Liability

CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

SUBCHAPTER I—GENERAL

§ 31306. Declaration of citizenship

(a) Except as provided by the Secretary of Transportation, when an instrument transferring an interest in a vessel is presented to the Secretary for filing or recording, the transferee shall file with the instrument a declaration, in the form the Secretary may prescribe by regulation, stating information about citizenship and other information the Secretary may require to show the transaction involved does not violate section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).

[See main edition for text of (b)]

(c) Except as provided by the Secretary, an instrument transferring an interest in a vessel is not valid against any person until the declaration required by this section has been filed.

[See main edition for text of (d)]

(As amended Pub. L. 101-225, title III, § 303(1), Dec. 12, 1989, 103 Stat. 1923.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-225, § 303(1)(A), substituted "Except as provided by the Secretary of Transportation, when" for "When" and "Secretary for filing" for "Secretary of Transportation for filing".

Subsec. (c). Pub. L. 101-225, § 303(1)(B), substituted "Except as provided by the Secretary, an" for "An".

SUBCHAPTER II—COMMERCIAL INSTRUMENTS

§ 31321. Filing, recording, and discharge

[See main edition for text of (a) and (b)]

(c) If a bill of sale, conveyance, mortgage, assignment, or related document is filed that involves a vessel for which an application for documentation is filed, and the Secretary decides that the vessel cannot be documented by an applicant—

(1) the Secretary shall send notice of the Secretary's decision, including reasons for the decision, to each interested party to the instrument filed for recording; and

[See main edition for text of (2); (d) to (h)]

(As amended Pub. L. 101-225, title III, § 303(2), Dec. 12, 1989, 103 Stat. 1923.)

AMENDMENTS

1989—Subsec. (c). Pub. L. 101-225 substituted "for which an application for documentation is filed" for "that has not yet been documented" in introductory provisions and "interested party to" for "party whose name and address is stated on" in par. (1).

§ 31322. Preferred mortgages

(a) [See main edition for text of (1)]

(2) Paragraph (1)(D) of this subsection does not apply to—