

# PHASE ONE RESEARCH AND INFORMATION

PRODUCED BY: SEA STRATEGY LLC



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THE CONTENTS OF THIS REPORT WERE PREPARED FOR SKEG INC.

## **Executive Summary:**

Throughout the United States, there have been numerous occasions where charter captains operated vessels illegally without an appropriate or valid license. Phase 1 of this project looks to find ways to understand how data for USCG licenses is collected and validated, and what regulations could be involved. SKEG Inc. has outlined phase 1 of their business plan to be a platform for licensed captains to market themselves for chartering services. There are tremendous opportunities for SKEG Inc. to utilize their platform to create a marketplace which:

- Encourages licensed mariners to advertise themselves and their services for charters.
- Creates jobs in Texas by hiring and dedicating SKEG Inc. employees to physically validate license credentials.
- Provides further explanation and simplification to the various USCG license track options and requirements.
- Creates "license track mapping" to show specific requirements remaining, and how much more sea time is required, for the next level certification to encourage and provide a path to follow for mariners seeking to expand their training and capabilities.
- Tracks sea service for credit towards the license holder's next certification.

This report serves as information only and does not provide any legal advice. Where applicable, this report focuses on the applicable regulations and compliance areas regarding the use of boats and charters within the state of Texas. This report provides an outline and understanding of potential issues and solution candidates regarding verification that a captain is licensed and in good standing. This report provides information on the different types of USCG captains' licenses that are available, the regulations that apply to licensing, documenting sea time, the licensing data collection process, insight to the licensing verification process and potential security aspects to the licensing data. Sources have been identified and credited to the research that was conducted within this report. Direct links have been provided within this report to allow for independent exploration of topics mentioned.

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## 1. USCG REGULATIONS

The purpose of this section is to present relevant background information about regulations concerning the United States Coast Guard.

### UNITED STATES COAST GUARD:

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The United States Coast Guard was established on August 4th, 1790. In 1967, the USCG was listed under the Department of Transportation. It was then transferred in 2003, to where it currently resides, under the Department of Homeland Security.

Title 14 United States Code, section 2 authorizes the Coast Guard to enforce U.S. federal laws.

There are several different districts within the USCG. Texas is located within District 8. The USCG requests that specific questions, inspections and local correspondence are done within the applicable district. There is a map of the various districts in [Appendix 5](#).

### REGULATIONS AND LAWS:

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Throughout this document, there will be various references to the regulations and laws that are enforced by the United States Coast Guard. The differences between the regulations and laws can be broken down as follows:

“The United States Code is the official compilation of codified laws by subject; the U.S. Statutes-at-Large is the official chronologic compilation of all laws; and the Code of Federal Regulations is the official compilation of regulations. Federal executive departments such as the Department of Homeland Security and administrative agencies such as the United States Coast Guard write regulations to implement the authority of laws. Regulations (as well as Executive Orders and Proclamations) are subordinate to laws but both laws and regulations are enforceable.”<sup>1</sup>

The regulations that govern USCG license issuance can be found within:

[U.S. Code › Title 46 › Subtitle II › Part E › Chapter 71 › § 7101](#).

## 2. USCG LICENSE REQUIREMENTS AND VESSEL INFORMATION

The purpose of this section is to present relevant information about the different types of applicable USCG Captain licenses and applicable Texas regulations. This section also provides a description of relevant state and federal vessel requirements and identifies different vessel classifications.

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<sup>1</sup> USCG Boating. Difference between laws and regulations. Retrieved from: <http://www.uscgboating.org/regulations/?m=r>

## FOR USCG LICENSE HOLDERS:

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Understanding the different types of USCG Licenses is critical to ensure the appropriate Captain is assigned for the specific charter requirements. Texas State boating laws allow anyone with an appropriate and valid USCG license to operate a boat in Texas. There are several different USCG licenses that are applicable, and each license has its own set of individual qualifications. The three types of USCG captain licenses are listed below with a detailed explanation of what each license specifically requires.

There are other USCG licenses available in different officer endorsements such as mate, engineer, etc. For the purpose of this report, and for the use of SKEG Inc., the applicable captain's licenses are presented. More information about requirements of officers can be found in the Code of Federal Regulations [Title 46](#) → [Chapter I](#) → [Subchapter B](#) → PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS.

Note: All Coast Guard Licenses are based on documented Gross Tonnage. (volume not weight).

### **USCG OPERATOR OF UNINSPECTED PASSENGER VESSEL (OUPV) LICENSE, OFTEN REFERRED TO AS A “6-PACK LICENSE,” CONSISTS OF: UNINSPECTED VESSELS < 6 PASSENGERS) UP TO 100GT/100 MILES OFFSHORE.**

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At least 360 days of boating experience including 90 days offshore. 90 within past 3 years. If you do not have coastwise experience, you can get an inland license. No OUPV endorsement is valid for International voyages.

This officer endorsement is most appropriate for uninspected passenger vessels which by law are limited to six or less passengers for hire. These are usually smaller vessels and normally engage in charter fishing, whale watching, SCUBA diving, and tour cruises.

According 46 CFR 11.201 (d): No officer endorsement may be issued to any person who is not a citizen of the United States with the exception of operators of uninspected passenger vessels that are not documented under the laws of the United States. Non-U.S. Citizens may be restricted to undocumented vessels with a 5-net ton limit.

### **USCG MASTER NEAR COASTAL CONSISTS OF: INSPECTED OR UNINSPECTED VESSELS UP TO 100GT ON UP TO 200 MILES OFFSHORE**

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At least 720 days of boating experience including 360 days offshore and 90 within past 3 years. If all sea time is under 5gt you will get 25gt license. If 180 days is over 5gt, you will get 50gt license. If 360 is over 34gt, you will get 100gt license.

This Officer Endorsement is most appropriate for operating small passenger vessels that hold a United States Coast Guard Certificate of Inspection and carry more than six passengers. Typical vessels include charter boats (head boats), small ferries, dinner boats, and whale watch vessels.

## **USCG MASTER INLAND / MATE NEAR COASTAL CONSISTS OF: INSPECTED OR UNINSPECTED VESSELS UP TO 100GT ON INLAND WATERS.**

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At least 360 days of boating experience including 90 within the past 3 years. If you have 180 days of offshore experience, you can also get Mate Near Coastal (200 miles) license. If you only have 90 days of offshore time, you can also get OUPV near coastal. If you do not have any near coastal sea service, apply for a Master Inland. If all sea time is under 5gt you will get 25gt, If 90 days is over 5gt, you will get 50gt license, If 180 are over 34gt, you will get 100gt license.

This Officer Endorsement is most appropriate for operating small passenger vessels that hold a United States Coast Guard Certificate of Inspection and carry more than six passengers. Typical vessels include charter boats (head boats), small ferries, dinner boats, and whale watch vessels.

## **FOR NON USCG LICENSE HOLDERS:**

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Texas State boating laws specifically require anyone born after 1993 to have a boater card. In Texas, anyone who is between 13-17 must complete an approved educational boater course to obtain the boater card. Texas offers free boating courses online. The BoatUS Foundation's Online Course is the only *free* Online Boating Safety Course approved by the Texas Parks & Wildlife Department to satisfy the mandatory education requirements for boaters and PWC (personal water craft) operators born on or after September 1, 1993.

“In Texas a person cannot operate a windblown vessel over 14 feet in length, a motorboat with more than 15 horsepower, or personal watercraft unless he/she:

- was born on or after September 1, 1993 and has passed a boater education class or equivalency examination prescribed by the department.
- is 18 years of age and can lawfully operate the motorboat and is on board the motor boat when underway.
- is at least 13 years of age and have successfully completed a boater education course approved by the Department.”<sup>2</sup>

Boating cards from other states, that are from a NASBLA approved course, are accepted in Texas.

[Appendix 1](#) has a further breakdown of all the specific Texas State Authority boating laws.

## **TEXAS PARTY BOAT OPERATOR LICENSE:**

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<sup>2</sup> Texas Parks and Wildlife Department. Boater Education / Operator Frequently Asked Questions. Retrieved from:  
[https://tpwd.texas.gov/faq/learning/boater\\_education/index.phtml](https://tpwd.texas.gov/faq/learning/boater_education/index.phtml)

Party Boat Operator License is required of operators of charter vessels carrying more than six passengers and with a length exceeding 30 feet, operating on inland waters. The only exemption from this requirement is if the operator holds a USCG Operator of Uninspected Passenger Vessel (OUPV) License, often referred to as a "6-pack license," or higher level of Captain's license issued by the USCG.<sup>3</sup> According to this requirement from the Texas Parks and Wildlife Department, anyone without a USCG License must have this Party Boat License to operate a charter.

The person must be over 21 years of age and must comply with the rules and parameters of the application process.

Please refer to [https://tpwd.texas.gov/fishboat/boat/laws/party\\_boat/](https://tpwd.texas.gov/fishboat/boat/laws/party_boat/) for application instructions for those seeking a Party Boat Operator's License.

Please refer to [Texas Administrative Code, Chapter 55, Subchapter H](#) for full details of requirements for party boat operator licenses.

#### PARTY BOAT INSPECTIONS - WHAT BOATS NEED THIS INSPECTION?

"A party boat operated on the inland waters of Texas is subject to an annual safety inspection; requires the operator to be licensed and complete the required boat safety courses; imposes capacity limits on the number of passengers; and requires a minimum amount of liability insurance to be carried on the vessel. A "party boat" is defined as a vessel operated by the owner or an employee of the owner, and rented or leased for a group recreational event for more than six passengers. This does not apply to:

- a boat that is less than 30 feet in length;
- a sailboat;
- a livery vessel; or
- any vessel used for training or instructional purposes while it is not being used as a party boat.

The annual water safety inspection is **not** required for a vessel carrying passengers for hire that has a Certificate of Inspection (COI) issued by the US Coast Guard. The COI is required for those vessels that operate on navigable (federal) waters by definition. If a vessel has such a document (required annually by the USCG), then a State COI is not required."<sup>4</sup>

#### VESSEL REQUIREMENTS:

Introductory research for vessel requirements.

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<sup>3</sup> Texas Parks and Wildlife. Party Boat Application. Retrieved from: [https://tpwd.texas.gov/fishboat/boat/laws/party\\_boat/](https://tpwd.texas.gov/fishboat/boat/laws/party_boat/)

<sup>4</sup> Texas Parks and Wildlife. Party Boat Program. Retrieved from: [https://tpwd.texas.gov/fishboat/boat/laws/party\\_boat/](https://tpwd.texas.gov/fishboat/boat/laws/party_boat/)

First, it is important to understand the differences between uninspected and inspected vessels and between vessel registration (state) and vessel documentation (endorsement done federally through the USCG).

The Passenger Vessel Safety Act of 1993 clarifies the criteria which determine when vessels are required to be certificated by the Coast Guard for passenger carriage. To accomplish this, the Act, among other things, redefines the terms "passenger," "passenger vessel," "small passenger vessel," and "uninspected passenger vessel." The Act also provides definitions for the terms "passenger for hire" and "consideration."

The terms specified in the Act, and an USCG Charter brochure outlining the terms and definitions, can be found in [Appendix 2](#).

The entire Passenger Vessel Safety Act of 1993 can be found here: <https://www.congress.gov/bill/103rd-congress/house-bill/1159/text>.

### UNINSPECTED PASSENGER VESSELS:

Title 46 of the Code of Federal Regulations, Subchapter T, Parts 175 to 187, govern the inspection and operation of small passenger vessels.

**Uninspected Passenger Vessels (UPV):** "An uninspected passenger vessel is any vessel (typically under 100 gross tons) carrying six or fewer passengers for hire. The type of vessel does not matter, but the fact that one or more persons pay for passage determines whether a vessel falls under the UPV requirements.

The term "uninspected" refers to the provision under the Passenger Vessel Act of 1993 that vessels carrying six or fewer passengers do not require an inspection by the Coast Guard. They are still expected to comply with the law and carry all required equipment and have a licensed master. The Auxiliary provides a complementary safety examination for Uninspected Passenger Vessels, and similar to a recreational Vessel Safety Check, educates the owner/master concerning compliance with the regulations. Vessels that pass the examination will receive a UPV decal for display on the vessel. Vessels that fail will be given a list of deficiencies, but no enforcement action is taken."<sup>5</sup>

The person in charge of an UPV must hold as a minimum a valid OUPV. This license is properly termed "Operator of Uninspected Passenger Vessels" (OUPV) and is commonly referred to as the "6-pack" or "Charterboat Captain's License". The word "uninspected" means that the equipment required and the design of the boat are less regulated. "6-pack" refers to the 6 passenger limitation placed on the license. OUPV licenses are issued with a particular route. OUPV licenses can be for the Great Lakes, Inland routes meaning bays, sounds, rivers, lakes, etc. of the US or Near Coastal routes out to 100 miles offshore. All OUPV licenses are for 100 Gross Tons vessels (about 100 feet, more or less). The OUPV license may be upgraded to a Master license.

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<sup>5</sup> USCG Auxiliary. Uninspected Passenger Vessels. Retrieved from: <http://wow.uscgaux.info/content.php?unit=P-DEPT&category=uninspected-vessels>

A vessel <100 GT carrying 6 or less passengers, and at least one person is a passenger for hire, is generally an uninspected vessel.

An Uninspected Passenger Vessel between > 100 GT and < 300 GT may carry 12 passengers, at least of whom is for hire.

#### INSPECTED PASSENGER VESSELS:

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Inspected passenger vessels that are in compliance will be issued a Certificate of Inspection.

A Master license is required if you operate “inspected” vessels. Inspected vessels are allowed to carry more than 6 passengers. To become Inspected, the vessel must be built in accordance with rigid USCG Commercial Vessel Inspection standards.<sup>6</sup>

A vessel < 100 GT carrying more than 6 passengers, and at least one person is a passenger for hire, is generally an inspected vessel.

#### PENALTIES:

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Penalties regarding an UPV, Uninspected Passenger Vessel, that is operated in violation of applicable laws and regulations, the owner, charter, managing operator, agent, master and individual in charge are each liable for criminal or civil penalties per [46 United States Code Section 4106](#).

#### VESSEL REGISTRATION INFORMATION:

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The regulations for REGISTRATION ([33 CFR 173](#)) AND DOCUMENTATION ([46 CFR 67](#)) are outlined below.

There are two methods of registration for U.S. recreational vessels:

- Vessel Registration: state-issued Certificate of Number.
- Vessel Documentation: federally documented with the U.S. Coast Guard.

“Vessel Registration: All *undocumented* vessels equipped with propulsion machinery must be registered in the state of principal use. **A Certificate of Number will be issued upon registration and the number must be displayed on your vessel. The owner/operator of a vessel must also carry the valid Certificate of Number whenever the vessel is in use.** When a vessel is moved to a new state of principal use, the Certificate remains valid for 60 days. Check with your state boating authority for registration requirements. Some states require all vessels to be registered, including vessels that are manually propelled and those that are Coast Guard documented.”<sup>7</sup>

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<sup>6</sup> USCG Auxiliary. Captains Information. Retrieved from:

<http://wow.uscgaux.info/content.php?unit=054-09&category=captains-license-info>

<sup>7</sup> A Boater’s Guide to the Federal Requirements for Recreational Boats and Safety Tips. Retrieved from: <https://www.uscgboating.org/images/420.PDF>



Texas state regulations for vessel registration:

“The Texas Parks and Wildlife Department requires you to title and/or register a recently-purchased vessel **within 20 business days** of the sale date (before late fees apply).

The TPWD **requires registration** for the following types of boats:

- All motorized vessels (including those powered by trolling motors).
- Any sailboat measuring 14 ft or more.
- All sailboats with auxiliary engines.
- U.S. Coast Guard-documented vessels.

**Exceptions** to the Parks and Wildlife Department's **registration requirement** include:

- All non-motorized (powered by paddles/oars):
  - Canoes and kayaks, Punts, Rowboats and Rubber rafts.
  - Sailboats less than 14 ft propelled only by the wind.
- Coast Guard-documented commercial vessels that are:
  - Used in coastal shipping.
  - Longer than 115 ft.

In addition, you're **required to title** the following vessels in TX:

- All motorized boats.
- Sailboats:
  - Measuring at least 14 ft long.
  - With auxiliary engines.
- Gasoline and diesel-powered outboard motors.

Boats **exempt** from the TPWD's **titling requirement** include:

- Vessels documented with the U.S. Coast Guard.
- Non-motorized (powered by oars/paddles):
  - Rowboats, Canoes and kayaks, Rubber rafts and Punts.

- Sailboats propelled only by the wind measuring less than 14 ft.”<sup>8</sup>

There is much more information about the above requirements and additional regulations including, but not limited to, safety flotation devices and other requirements.

For further review, please refer to the Texas Water Safety Act found here:  
[https://tpwd.texas.gov/publications/pwdpubs/media/pwd\\_bk\\_l2000\\_0014.pdf](https://tpwd.texas.gov/publications/pwdpubs/media/pwd_bk_l2000_0014.pdf)

Note: There is a useful summary, called a digest, of the regulations for the Texas Water Safety Act here:

[https://tpwd.texas.gov/publications/pwdpubs/media/pwd\\_br\\_l2000\\_0001.pdf](https://tpwd.texas.gov/publications/pwdpubs/media/pwd_br_l2000_0001.pdf)

#### VESSEL DOCUMENTATION:

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“§67.23 Recreational endorsement.

(a) A recreational endorsement entitles a vessel to pleasure use only.

(b) Any vessel eligible for documentation under §67.5 is eligible for a recreational endorsement.

Note: A vessel having a Certificate of Documentation endorsed only for recreation may be bareboat chartered only for recreational use.”<sup>9</sup>

Guidance on the elements of a valid bareboat charter should be obtained through private legal counsel.

#### SKEG INC. APPLICATION OF SECTION 2:

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For SKEG Inc.’s specific purpose of providing a marketplace for licensed captains for chartering vessels, one of the three USCG Licenses, or a Party Boat License (Inland Waters), would be required.

The specific USCG license would depend on:

- 1) the size of the vessel
- 2) the number of passengers
- 3) the distance of the charter in miles from the shore

If a captain has a valid and appropriate USCG, then a Party Boat license is not required. If the Captain does not have a USCG he/she would have to obtain a Party Boat License. This license is administered through the Texas Parks and Wildlife Department and would be for Inland Waters. The license would require the charter captain to have an agreement with the boat owner. A specific legal contract would need to be written for this

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<sup>8</sup> DMV. Boat Registration and Licenses in Texas. Retrieved from: <https://www.dmv.org/tx-texas/boat-registration.php>

<sup>9</sup> CFR. Recreational Endorsements. Retrieved from: [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=0127f97c4294cc7db12f1e0b794f14d5&mc=true&n=pt46.2.67&r=PART&ty=HTML#se46.2.67\\_123](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=0127f97c4294cc7db12f1e0b794f14d5&mc=true&n=pt46.2.67&r=PART&ty=HTML#se46.2.67_123)

purpose and a minimum amount of liability insurance coverage is required, as deemed by the State of Texas, would be needed.

Therefore, for SKEG. Inc.'s purpose of providing a marketplace for licensed operators to offer their service, the captains would need to have one of the above-mentioned licenses.

The Party Boat Operators license could be an option, perhaps a separate dedicated agreement for boats that are 30 feet and over that have owners who would prefer a designated contract with the captain for steady employment. Texas Boater card holders would not be able to captain charter boats on that credential alone. The Texas Party Boat Operator's License has an extensive list of requirements, one being for those who where born after September 1, 1993 they must complete a Boater Education Course in addition to the Party Boat License Operator application requirements met. If someone was born prior to September 1, 1993, he/she would not have to complete a Boater's Education Course and would only have to fulfill the application requirements for the Party Boat Operator's License.

The captain must have the appropriate valid USCG license for the specific charter. The size of the charter, tonnage of the vessel and type of vessel (uninspected or inspected) is critically important to qualifying the captain to the charter.

Boats that would be made available for the use of charter parties would have to comply with all vessel registration, vessel title and safety aspects as broadly outlined above and within the Texas Water Safety Act. Texas requires vessels to be **registered** at the State level whether the boat is documented or undocumented with the USCG. Vessels that are documented federally with the USCG are exempt from Texas State titling requirements. Regarding federally documented vessels, the document is called a Certificate of Documentation, form CG-1270<sup>10</sup>. A Certificate of Documentation may be issued with a registry, coastwise, fishery, or recreational endorsement with the Coast Guard have specific requirements of how the vessel can be used.

Specific legal counsel should be sought to structure bareboat charter agreements, or other types of charter agreements, liability concerns, insurance and contracts.

### 3. USCG DATA GATHERING

The purpose of this section is to explore USCG licensing data gathering requirements, the process being used currently by the USCG for applicants, and areas where SKEG Inc. may be able to utilize its services.

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<sup>10</sup> CFR. Form of Document. Retrieved from: [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=e15505490fc33af9d79169cboefe4d82&mc=true&n=pt46.2.67&r=PART&ty=HTML#se46.2.67\\_115](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=e15505490fc33af9d79169cboefe4d82&mc=true&n=pt46.2.67&r=PART&ty=HTML#se46.2.67_115)

## USCG APPLICATION PROCEDURE FOR LICENSING:

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There are USCG application procedures, that are followed by licensing applicants, to gather the required data to obtain or renew a USCG license.

The regulations can be found under: [§10.209 GENERAL APPLICATION PROCEDURES](#).

The application submittal locations and exam centers locations can be found under: [§10.217 MERCHANT MARINER CREDENTIAL APPLICATION AND EXAMINATION LOCATIONS](#).

## SKEG INC. APPLICATION OF SECTION 3:

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The United States Coast Guard has a specific process for the collection of all the application materials. Many of these documents include sensitive information including the applicant's social security number, drivers license number, medical evaluation and other personal information. I do not see any opportunities at this time where SKEG Inc. could help with the collection of materials from USCG license applicants. However, in this document, Section 4, Data Verification and Section 6, Sea Service, are two areas where SKEG Inc. would be able to potentially utilize its services.

## 4. USCG DATA VERIFICATION

The purpose of this section is to explain the organizational aspects of the National Maritime Center, process of data evaluation for the issuance of credentials and the verification tools that are available to validate Merchant Mariner Credentials.

### NATIONAL MARITIME CENTER (NMC):

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USCG licenses are issued by the National Maritime Center, NMC.

“The NMC is responsible for evaluating and issuing credentials in accordance with the statutes and regulations which govern the Merchant Mariner Credentialing (MMC) program. The United States Code (USC) is the official compilation and codification of federal statutes. Title 46 USC is directly related to shipping and our credentialing program. 46 CFR Parts 10, 11, 12,13,15, and 16 are directly related to the National Maritime Center's credentialing program.”<sup>11</sup>

[Appendix 3](#) has a chart showing the hierarchy of the National Maritime Center and lists the structure and functions of the organization. More information about the roles within the NMC can be found within 46 CFR 1.01-10 within 46 CFR 1.01-15.

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<sup>11</sup> National Maritime Center. Retrieved from: [http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/National-Maritime-Center-NMC/policy\\_regulations/](http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/National-Maritime-Center-NMC/policy_regulations/)

## VERIFICATION OF MERCHANT MARINER CREDENTIALS:

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Verification of a MMC credential can be done on Homeport.

<https://homeport.uscg.mil/missions/merchant-mariners/merchant-mariner-credential-verification>.

A description of the tool is outlined below:

**“GENERAL:** This tool is intended for Port State Control Officers, employers and others who wish to verify the validity of a United States Merchant Mariner Credential (MMC) and Medical Certificate. This tool displays only the most recently issued valid MMC and Medical Certificate. Data viewed on this site is updated daily at 0700.

**EMPLOYERS:** It is recommended you visually verify original credentials before offering employment based on this tool.

**HOW TO VERIFY:** Furnishing this information is voluntary; however, The Coast Guard will not be able to process your application status inquiry without the information requested.

- Enter the document number and credential type.
- Enter the reference number and last name of the mariner(s).”<sup>12</sup>

## FUTURE OF THE NATIONAL MARITIME CENTER:

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One day mariners should be able to upgrade or renew their credentials on demand from any cyber location in the world, much like you can access your bank account and withdraw cash from an ATM or pay your taxes on line. The Merchant Mariner Secure Electronic Application System (MMSEAS) will allow access to mariner records or applying online from anywhere in the world.<sup>13</sup>

This online application system is not available at this time.

## SKEG INC. APPLICATION OF SECTION 4:

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Verification of the required licenses and credentials are critical to the success of the phase 1 business plan outlined by SKEG Inc. Being able to utilize Homeport to electronically search for an USCG license holder’s credentials will be possible by SKEG Inc. employees. It is also recommended that SKEG Inc. checks and verifies the credentials physically, in addition to checking and validating them on the Homeport online portal. SKEG Inc. could bring more jobs to Texas by hiring dedicated team members that validate Merchant Mariner Credentials. The SKEG Inc. application could have a platform where verification is required both electronically and physically by an

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<sup>12</sup> Homeport. USCG. Retrieved from: <https://homeport.uscg.mil/missions/merchant-mariners/merchant-mariner-credential-verification>

<sup>13</sup> National Maritime Center. Retrieved from <http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/National-Maritime-Center-NMC/about/>

SKEG Inc employee, or contractor, before membership is granted and SKEG Inc. services can be utilized. This would encourage licensed mariners who want to use the SKEG Inc. marketplace to advertise their charter services to obtain verification. SKEG Inc. could dedicate employees in an office for this type of verification work or could have mobile verification days where license holders from different parts of Texas could obtain SKEG Inc. credential validation. There are multiple ways to structure the physical licensing checks of mariner credentials.

It is also worth noting how other companies perform licensing verification. Yacht crewing companies also ensure their placements have the correct and valid licenses. Crew placement offices offer services to their clients, yacht owners, who do not have the time or extensive worldwide resources to search for candidates, perform interviews, check references and validate credentials for large crews. Crew placement companies offer their services by having dedicated departments for training, offering approved STCW (Standards for Training, Certification, and Watchkeeping) courses, job advertisement, and job placement. Crewing agencies post job listings online. Applicants can apply to a position or complete an online registration to create job alerts and job matches for application submission. If an applicant is selected by the crew placement office recruiter, the next step would be to have a face to face interview where the verification of licensing credentials would take place. If the applicant clears the interview round, and all licensing and references have been checked, then the applicant could be contacted by the client directly, if they so choose for further interviewing or they can be directly hired for the job. The applicant would be employed through the yacht owner and paid through the yacht owner, not through the crewing agency. The candidate may have some type of employment contract, specifying the length of work and terms of leave. How does the crewing agency get revenue? Typically, the crewing agency charges the yacht a percentage of the crew member's monthly salary for each placement. The crewing companies also offer other ways to generate revenue by offering a one-time fee for yearly access to their crew database to find candidates if vacancies arise.

Chartering companies that operate out of a local port also perform their own licensing checks. For example, in Nantucket, MA local chartering companies will interview and inspect USCG licenses and assign Captains work when charter bookings are made through their office. They will have a dedicated charter fleet advertised on their website and customers can book charters online or through the office located on the pier. The chartering company will then assign the appropriate captain that has already been vetted to the assigned vessel for the duration of the charter.

Other boat marketplace companies offer services for boat owners to list their boats for charter and require the boat owner to find and assign their own captain. There are some companies that offer both a marketplace for boat owners to list their boats and a marketplace for licensed captains to offer their chartering service.

Companies that only provide the marketplace and service of boat listings operate as follows: boat owners will list their boat details and when charter applicants (most companies require an age to book a charter) select the boat they would like to charter; a customer inquiry is then automatically generated to the boat owner. The boat owner

creates their own offer/price/terms conditions/cancellation details and some boat listing companies charge around a 7% service fee collected from the price. Boat owners usually factor this amount in to their listed boat price. Payment is obtained in full at time of booking and is collected via the online boat service platform. After completion of the charter, the money, minus the 7% fee, is deposited into the boat owners bank or Paypal account. Once a booking is confirmed, captains bring their credentials and required paperwork to the boat and the vessel owner verifies the documents on the spot. What if the boat owner was not there to physically inspect the captain's credentials? It depends. Every company is different and offers different services within the pier-to-pier rental space. Some companies providing this service will ask boat owners to do their own vetting or assign their own trusted captains and other companies want to be a full-service operation, taking pride in their diverse network of qualified and verified captains.

For companies that offer just a boat listing service and are not providing captains, they eliminate the burden and their risk of providing an unknown illegal captain but may miss a portion of the market of renters who want both the captain and boat delivered together in one package. They also put the burden on the boat owner to find a captain in order to complete the deal. From preliminary market research, these types of companies require boat owners to have their own insurance and protection.

For companies who provide a marketplace for captains, boat owners, and those seeking charters, the duty to provide licensed captains becomes critical to the operation. These types of companies have options for boat owners to use their own insurance plus additional insurance coverage through their own negotiated agreements with insurance agencies for added protection.

## 5. USCG DATA SECURITY AND PRIVACY

The purpose of the section is to highlight the relative privacy and security aspects of the USCG licensing data and storage of records regarding Merchant Mariner's Credentials.

### MERCHANT MARINER LICENSING AND DOCUMENTATION SYSTEM (MMLD):

"The United States Coast Guard (USCG) owns and operates the Merchant Mariner Licensing and Documentation (MMLD) System. The USCG uses MMLD to manage the issuance of credentials to Merchant Mariners and process merchant mariner applications; to produce merchant mariner credentials; to track the who of merchant mariner credentials issued by the Coast Guard; to track the status of merchant mariners with respect to service, training, credentials, and qualifications, related to the operation of commercial vessels; to qualify merchant mariners for benefits and services administered by other agencies; and to perform merchant mariner call-ups related to national security. The records include the credential, background check, and medical status on each U.S. Mariner and World War II Merchant Mariner Veteran. USCG has conducted this privacy

impact assessment (PIA) because MMLD collects and uses personally identifiable information (PII).<sup>14</sup>

The MMLD system is the specific tool that the USCG uses to aid in the licensing process from start to finish.

#### PRIVACY IMPACT ASSESSMENT:

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It is highly encouraged that SKEG Inc. reviews the Privacy Impact Assessment document created by the Department of Homeland Security here: <https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscg-015-MMLDS-2011.pdf>.

The above referenced document outlines the safeguarding and security concerns/mitigation regarding that data.

## 6. USCG SEA SERVICE CREDIT

The purpose of this section is to present the USCG regulations about documenting sea time or sea service for credit.

#### DOCUMENTING SEA SERVICE:

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The regulations for documenting sea service can be found under CFR Title 46 → Chapter I → Subchapter B → Part 10 Section 10.232 SEA SERVICE and listed in [Appendix 4](#) of this document.

#### SKEG INC. APPLICATION OF SECTION 6:

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There is an opportunity for SKEG Inc. to utilize its services to provide documentation of hours at sea. The guidelines of the CFR 46 Chap. 1 Subchapter B Part 10.232 Sea Service would have to be followed. The requirements are not as rigid as one may think. For example, in section 10.232 paragraph (4) "For service on vessels of less than 200 GRT, owners of vessels may attest to their own service and provide proof of ownership. Those who do not own a vessel must obtain letters or other evidence from licensed personnel or the owners of the vessels listed."<sup>15</sup> This regulation allows vessel owners the authority to maintain their own records of sea time. Some licensed captains feel as though owners of a vessel should have to provide further verification of their sea service hours. Further research and legal input, such as a law review article to advocate for

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<sup>14</sup> US Department of Homeland Security. Privacy Impact Assessment for the Merchant Mariner Licensing and Documentation System. Retrieved from:

<https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscg-015-MMLDS-2011.pdf>

<sup>15</sup> CFR. CFR 46 Chap. 1 Subchapter B Part 10.232 Sea Service Retrieved from:

<https://www.ecfr.gov/cgi-bin/text->

[idx?SID=9351ebbfa096b290177c714289ba6f1a&mc=true&node=pt46.1.10&rgn=div5#se46.1.10\\_1232](https://www.ecfr.gov/cgi-bin/text-idx?SID=9351ebbfa096b290177c714289ba6f1a&mc=true&node=pt46.1.10&rgn=div5#se46.1.10_1232)



tighter requirements from vessel owners on verified sea service, could be explored further.

For the purpose of this document, SKEG Inc. could offer such a service of tracking sea time for licensed captains, who are not boat owners, who will be gaining valuable sea credit from working on charters. SKEG Inc. could produce a billing form or an official document signed by the owner of the vessel or by SKEG Inc., a marine company. The document would be generated after a charter took place and would outline all of the vessel information and required documentation that the USCG regulations require. The license holder could download, save and submit the sea service documents as a log and would submit the documents outlining all of the sea service to the USCG when the individual applies to upgrade or obtain their next license credential.

## 7. AMERICAN SAILING ASSOCIATION AND US SAILING

The purpose of this section is to present other types of certification associated with sailing and the potential utilization of these certifications within SKEG Inc.'s marketplace.

### AMERICAN SAILING ASSOCIATION:

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"The American Sailing Association introduced certifications to the United States over 35 years ago. Today, with 350+ sailing schools worldwide and 491,300 ASA-certified sailors, ASA represents the largest and most trusted network of schools in the United States.

The American Sailing Association provides standards for progressive sailing certification programs, including: [Keelboat Sailing](#), [Small Boat Sailing](#), and [Multihull Sailing](#). In addition, ASA provides standards for a number of endorsements, which are intended to supplement the main certification series. These include [Docking](#), [Weather](#), [Celestial](#), and [Radar](#).<sup>16</sup>

The American Sailing Association, ASA, relies on a number of approved training schools and certified teachers for students who want to become certified. ASA also has membership cards and benefits and links to affiliate chartering companies. There was no information on how to verify ASA certifications electronically. At this time, physical verification of credentials could be done by inspecting any certification documents or certificates.

SKEG Inc. could work with the American Sailing Association to develop a way to encourage those who are ASA certified to market themselves on SKEG Inc.'s marketplace. There would have to be a way to verify certification credentials. ASA could benefit from this because it encourages those who do not have certifications to obtain them to be able to market their services on a verified platform. If ASA did have an electronic verification system or had an explanation for chartering companies to verify

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<sup>16</sup> American Sailing Association. ASA Certifications. Retrieved from: <https://asa.com/certifications/>

their certificates, it would help deter those who may try to claim they have valid certification away from doing so in fear they would not pass the electronic check.

#### US SAILING:

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“The US Sailing Keelboat Certification System offers eight levels of certification for sailors and two for powerboaters. Courses range from Basic Keelboat, for sailors with little or no experience, through Offshore Passage making for blue water sailors. Each course certification builds on the previous level, combining learned skills with hands-on training. You will gain new knowledge and experience in each course level and the opportunity to take your skills as far as you want to go, at your own pace.

The US Sailing Keelboat Certification System is a cooperative effort among our sailing schools, charter companies, the sailing industry, and US Sailing volunteers and staff. The system began in 1993 at the request of leading commercial sailing schools around the United States. Designed to provide quality training and certification in keelboats for day sailing, coastal cruising, bareboat chartering, navigation and offshore passage making, the US Sailing Keelboat Certification System is offers both new sailors and experienced folks alike the opportunity to get on the water safely, and confidently.”<sup>17</sup>

US Sailing also offers membership cards and benefits and I could not find a place on the website to electronically verify certification numbers. There was a membership lookup function, but only active memberships would be displayed. Therefore, if a person was to express that they had a sailing certification, and did not have an active membership, there would not be a way to verify that certification electronically. There may be a way to verify certification by physically inspecting any course completion certifications. Since each of the accredited and approved US Sailing schools are independently owned and operated, certification may be able to be verified with the particular school. US Sailing would benefit greatly by maintaining a higher system of those who are certified and ways for employers to check verification.

SKEG Inc. could benefit from further communications with US Sailing to learn more about how they may be able to partner with certification verification so that US Sailing’s certified sailors could market themselves and their credentials. This would provide encouragement to those seeking sailing certifications to partake in the US Sailing program to be able to market themselves once all of the requirements are complete. This partnership between US Sailing and SKEG Inc. would also deter those who claim to have sailing certification that may not be valid or had expired to reenroll in US Sailings courses to obtain appropriate certifications and to keep their certifications valid thus bringing more business to both US Sailing and SKEG Inc.

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<sup>17</sup> US Sailing. Sailing Certification. Retrieved from: <http://www.sailingcertification.net/about-us>

## 8. FINAL CONCLUSIONS FOR SKEG INC.:

SKEG Inc.'s marketplace of licensed captains will provide boat owners and charter seekers the reassurance and comfort that the pier-to-pier boat service business requires. This marketplace will also provide a platform for business to licensed captains, who have been losing chartering opportunities to captains who do not have credentials or have invalid/expired credentials. SKEG Inc.'s marketplace would be one more way to deter unlicensed individuals from operating illegal charters. Licensed captains could think of the marketplace provided by SKEG Inc. as their "LinkedIn" for the area in which they operate. SKEG Inc. could allow a rating system to be used where feedback is obtained after charters are completed. SKEG Inc. could allow reviews and other badge profile features to help their licensed members showcase their credentials, elaborate on their qualifications and obtain new business.

SKEG Inc. will be able to use the research provided in this document, and the supporting links, to understand where the USCG licensing regulations can be found, which regulations may apply to their specific needs and what the USCG's data collection and verification process entails. SKEG Inc. will be able to use the National Maritime Center's online verification tool, Homeport, to electronically verify credentials and can check licenses in person though a number of mobile or office setup locations as SKEG Inc. deems appropriate. SKEG Inc. can also combine their services to provide mariners who want to gain higher certification a path to doing so by logging sea service and by providing a mapping feature within their application to assist with learning what the different USCG licensing requirements and a path for them to get there.

SKEG Inc. should seek legal counsel regarding employment agreements, bareboat charter agreements, insurance and risk/ Several companies have violated the laws and regulations due to the structure of their agreements and use of recreational vessels/bareboat charters. It is important have legal representation to further understand the legal options to keep the captain and the boat separate entities.

SKEG Inc. could also contact the USCG, District 8, with any relative questions.

The services provided by SKEG Inc. will help vessel charters operate with a vetted and certified captain and will generate new income for boat owners and licensed captains while bringing new opportunities to the maritime industry in Texas.

## APPENDIX 1) TEXAS STATE BOATING LAWS

Question	Data
<b>Commercial Vessels</b>	
Does your state/territory regulate commercial vessels on sole state waters?	Other, please specify
Other, please specify	eff 1/1/08
If you answered yes to the previous question, is your agency responsible for enforcing regulations on commercial vessels on sole state waters?	Yes
Other, please specify	
If you answered "No" to the previous question, which state agency is responsible?	
<b>White Water</b>	
Does your state regulate vessel operation in white water areas?	Yes
Other, please specify	
Does your state regulate commercial white water operations?	No
Other, please specify	
<b>Search &amp; Rescue</b>	
Does your agency have a dive team?	No
Other, please specify	
What agency is responsible for Search and Rescue operations?	most any state or local Law Enforcement agency
What agency is responsible for victim recovery?	most any state or local Law Enforcement agency
<b>Boating Education Requirements</b>	
Does your state require mandatory boating safety education for some segment of the population?	Yes
Who is required to complete a boating education course in your state?	Operators between ages 13-17 years
Are only residents of your state required to complete a boating education course?	No
Other, please specify	
<b>Education Exemptions</b>	
Are non-residents exempt from having to take a boating education course in your state?	No
Other, please specify	
Are U.S. Coast Guard licensed operators exempt from having to take a boating education course in your state?	Yes
Other, please specify	
Are any other persons exempt from having to take a boating education course in your state? Please list.	No
<b>Exams and License/Certificate Issuance</b>	
Is issuance of a license/certificate dependent upon passing an exam in your state?	Yes

Other, please specify	
If you answered "Yes" to the previous question, what is the passing score in your state?	70%
<b>Providers of Education Courses</b>	
State Agency	X
US Coast Guard Auxiliary	X
US Power Squadrons	X
Public School System	
Private Company	X
Other, please specify	
<b>Minors, Powerboats Personal Watercraft</b>	
Does your state require an adult to be on board when a minor is operating a motor-powered vessel other than a PWC?	Yes
Other, please specify	
Does your state require an adult to be on board when a minor is operating a PWC?	Yes
Other, please specify	
<b>Minimum Ages for Education Certification</b>	
Does your state certify minor boaters?	Other, please specify
Other, please specify	yes, ages 12-17
What is the minimum age someone can be certified in your state?	12
Does your state have reciprocity for accepting out of state certification of minor boaters if the certification course meets NASBLA's Education Standards?	Yes
<b>Mandatory Boat Operator Licensing</b>	
Does your state require mandatory boat operator licensing?	No
Other, please specify	
<b>Minimum Ages for Non-PWC Vessels</b>	
Does your state set a minimum age requirement to operate a motor powered vessel other than a PWC?	Yes
If you answered "Yes" to the previous question, please list the required age and any other details such as horsepower rating.	Minimum Age = 16 Vessels = Motorized with greater than 15 horsepower
Does your state set any minimum age requirements to operate a PWC?	Yes
If you answered "Yes" to the previous question, please list the requirements.	16
<b>Minimum Ages for Non-Powered Vessels</b>	
Are there any minimum age requirements in your state to operate non-powered vessels such as sailboats, canoes or kayaks?	No
If you answered "Yes" to the previous question, please list the requirements.	
<b>Education Reciprocity</b>	
Do you accept out-of-state boating education certificates in your state?	Yes
Other, please specify	

If you answered "Yes" to the previous question, which type of certificates do you accept?	If <b>NASBLA approved course</b>
Does your state honor NASBLA-approved course reciprocity for non-residents?	Yes
Other, please specify	
<b>Wallet-Sized Certificates</b>	
Does your state issue wallet size boating certificate cards?	Yes
Other, please specify	
How long are education certificates/student wallet cards valid in your state?	one year
<b>Challenge Exams</b>	
Does your state allow students to take a challenge exam to meet your state boating education requirement?	Yes
Other, please specify	
<b>Online Courses &amp; Proctoring</b>	
Does your state have any laws in place which expressly prohibit online boating safety courses?	No
Other, please specify	
Does your state require boating safety tests to be proctored?	No
Other, please specify	
<b>Water Skiing</b>	
Does your state require an observer to be present when pulling a skier?	Other, please specify
Other, please specify	YES, if not equipped with mirror
Does your state require a mirror to be present when pulling a skier?	Yes
Other, please specify	
Does your state prohibit water skiing during any specific time of the day/night?	Yes
If you answered "Yes" to the previous question, please describe the time(s) when skiing is prohibited.	1/2 hour after sunset TO 1/2 hour before sunrise
<b>Water Skiing</b>	
Does your state require a skier to wear a U.S. Coast Guard-approved PFD?	No
Are self-propelled skis allowed to be used in your state?	Yes
Does your state require the use of a skier down flag?	No
Describe any other water skiing restrictions in your state.	Skier down flag required by some local jurisdictions.
<b>Motorboat Noise</b>	
Is there a maximum noise level for motorboats in your state?	No
If you answered "Yes" to the previous question, please give the levels and standard used.	
Is there a factory muffling alteration law in your state?	Yes

If you answered "Yes" to the previous question, what is the law?	ExhaustWater Manifold or Factory-Type muffler is required.
Is boat noise governed by local ordinance in your state?	No
If you answered "Yes" to the previous question, what is the local ordinance?	
<b>Marine Sanitation Devices</b>	
Does your state prohibit Y-valve through-hull discharge in waters of state jurisdiction?	Yes
Other, please specify	
Does your state require Y-valves to be locked/closed in waters of state jurisdiction?	Yes
Other, please specify	
<b>Marine Sanitation Devices</b>	
What are the penalties for misuse or failure to equip a vessel with a Marine Sanitation Device in your state?	(c) Notwithstanding any inconsistent provision of law, the municipal court shall have concurrent jurisdiction with the district court to hear and adjudicate violations under this section.
What are the penalties for illegal dumping/discharge of a Marine Sanitation Device in your state?	\$25-\$500 fine
<b>Personal Watercraft Operation</b>	
Does your state require users to wear a U.S. Coast Guard-approved PFD when operating a PWC?	Yes
Does your state require PWC rental operators to provide any instruction or education in PWC operation prior to use?	Yes
If you answered "Yes" to the previous question, how much instruction is required?	29
Does your state prohibit PWC operation at any specific times?	Yes
If you answered "Yes" to the previous question, please list the times.	between Sunset and Sunrise
<b>Personal Watercrafts and Skiers</b>	
Does your state allow PWCs to pull water skiers?	Yes
If you answered "Yes" to the previous question, are there any restrictions?	Must not exceed passenger capacity
<b>Personal Watercraft Restrictions</b>	
Is there a speed limit specific to PWCs other than slow/no wake zones in your state?	No
If you answered "Yes" to the previous question, please list the speed limit.	
Is PWC operation restricted within any area or zone in your state?	No
If you answered "Yes" to the previous question, please list the restricted area or zone.	
Are limitations imposed on wake jumping with PWCs in your state?	Yes
If you answered "Yes" to the previous question, please describe the limitations.	Prohibited to jump the wake of another vessel recklessly or unnecessarily close to that vessel.

Is there a kill switch or safety lanyard requirement for PWCs in your state?	Yes
<b>Life Jackets</b>	
Which persons in your state are required to wear a PFD and under what circumstances?	Passengers younger than 13 years of age while underway; PWC operators and passengers at all times.
What are the penalties for violating PFD regulations in your state?	\$25-\$500 fine
<b>Blood Alcohol Content</b>	
What is the BAC level at which a person is considered intoxicated in your state?	0.08
Does your state have a lower threshold for BAC for minor boaters?	No
If you answered "Yes" to the previous question, what is the BAC level for minors?	
<b>Boating Under the Influence</b>	
Does a BUI conviction impact an offender's automobile driving privileges in any way in your state?	Yes
If you answered "Yes" to the previous question, how are their privileges impacted?	
	suspension or revocation
<b>BUI Saturation Patrols &amp; Checkpoints</b>	
Are BUI saturation patrols utilized in your state?	Yes
If you answered "Yes" to the previous question, how are they used?	
	To maximize number of officers on lake at one time.
Are BUI checkpoints utilized in your state?	No
If you answered "Yes" to the previous question, how are they used?	
<b>Alcohol Testing for BUI</b>	
Does your state allow blood tests to determine BAC or BUI?	Yes
Does your state allow breath tests to determine BAC or BUI?	Yes
Does your state allow urine tests to determine BAC or BUI?	Yes
<b>Test Usage in Criminal Evidence</b>	
Blood	X
Breath	X
Urine	X
<b>Field Sobriety Tests</b>	
Does your state require field sobriety tests to be conducted on shore?	No
Other, please specify	
Can refusal of a test be used against a boater in criminal prosecution in your state?	Yes
Other, please specify	
Do marine officers utilize random BUI inspections that include boarding the boat in your state?	
<b>Negligent Operation of a Vessel</b>	
Does your state allow officers to issue citations for negligent operation of a vessel?	Yes
<b>Portable BUI Equipment</b>	



Does your state allow the use of hand held or portable BUI enforcement equipment?	Yes
Does your state allow the use of hand held or portable BUI enforcement equipment to be used for probable cause?	No
Does your state allow the use of hand held or portable BUI enforcement equipment to be used for evidentiary purposes?	No
What percentage of law enforcement officers have access to hand held or portable BUI enforcement equipment in your state?	0%
<b>Probable Cause</b>	
Does state law require probable cause for marine officers to stop a vessel?	No
Other, please specify	
Does state law require probable cause for marine officers to board a vessel?	No
Other, please specify	
<b>Towing Distressed Vessels</b>	
Do marine officers utilize random safety inspections that include boarding the boat in your state?	Yes
Other, please specify	
Are marine officers allowed to tow vessels in distress in your state?	Yes
Other, please specify	
Are seaplanes "on the water" treated as vessels in your state?	No
Other, please specify	
<b>Liability Insurance</b>	
Does your state mandate liability insurance for boaters?	No
<b>On-Water Pursuits</b>	
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on on-water pursuit?	No
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on interstate on-water pursuit?	No
<b>Transporting Subjects, Accident Victims, Guests</b>	
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on transporting subjects?	No
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on transporting accident victims?	No
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on transporting guests?	No
<b>Officer Safety</b>	
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on requiring officers to wear Coast Guard-approved PFDs?	Yes

Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on skin care safety for officers?	No
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on hearing safety for officers?	No
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on back safety for officers?	No
<b>Towing Distressed Vessels</b>	
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on towing distressed vehicles?	No
<b>First Responders, First Aid, Good Samaritans, Search and Rescue</b>	
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on being a first responder at an accident?	No
Does your state have a written, formal marine law enforcement policy, operational procedure or executive order on the use of first aid?	No

Source: <http://www.uscgboating.org/regulations/state-boating-laws-details.php?id=99&state=Texas>

## APPENDIX 2: PASSENGER VESSEL ACT OF 1993

According to the Act and Section 2101 of title 46, United States Code,

“SEC. 3. PASSENGER VESSEL.

Section 2101(22) of title 46, United States Code, is amended to read as follows:

```

(22) `passenger vessel' means a vessel of at least 100
gross tons--
(A) carrying more than 12 passengers, including
at least one passenger for hire;
(B) that is chartered and carrying more than 12
passengers; or
(C) that is a submersible vessel carrying at
least one passenger for hire.''.

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SEC. 4. SMALL PASSENGER VESSEL.

Section 2101(35) of title 46, United States Code, is amended to read as follows:

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(35) `small passenger vessel' means a vessel of less than
100 gross tons--
(A) carrying more than 6 passengers, including at
least one passenger for hire;
(B) that is chartered with the crew provided or
specified by the owner or the owner's representative
and carrying more than 6 passengers;
(C) that is chartered with no crew provided or
specified by the owner or the owner's representative
and carrying more than 12 passengers; or
(D) that is a submersible vessel carrying at

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least one passenger for hire.''.

SEC. 5. UNINSPECTED PASSENGER VESSEL.

Section 2101(42) of title 46, United States Code, is amended to read as follows:

``(42) `uninspected passenger vessel' means an uninspected vessel--

- ``(A) of at least 100 gross tons--
  - ``(i) carrying not more than 12 passengers, including at least one passenger for hire; or
  - ``(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; and
- ``(B) of less than 100 gross tons--
  - ``(i) carrying not more than 6 passengers, including at least one passenger for hire; or
  - ``(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.''.

SEC. 6. PASSENGER FOR HIRE.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (21) and (22) a new paragraph (21a) to read as follows:

``(21a) `passenger for hire' means a passenger for whom consideration is contribution as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.''.

Source: <https://www.congress.gov/bill/103rd-congress/house-bill/1159/text>



## United States Coast Guard

Department of Homeland Security

### Charter Operations

#### Foreign Flagged Vessels can:

- 1) Operate as a Recreational Vessel (no consideration), no limit on number of passengers.
- 2) Operate as a Charter Vessel, no crew provided, limited to 12 passengers, written contract required

#### U.S. Flagged Vessels can:

- 1) Operate as a Recreational vessel (no consideration), no limit on passengers;
- 2) Operate as a Charter Vessel no crew provided, limited to 12 passengers, written contract required
- 3) Operate as an Uninspected Passenger Vessel, less than 100 GRT can carry up to 6 passengers; greater than 100 GRT can carry up to 12 passengers

Charter Operation: a valid charter is an agreement where the charterer has use of the vessel for a period of time and is considered the owner. Charterer may take on legal obligations, to the owner, the crew, the passengers carried, and others.

Elements of a valid charter may include: 1) The charterer must have the option of selecting crew, although the owner may require general levels of proficiency for whatever crew is retained based on federal statutes; 2) The master/crew are paid by the charterer; 3) All food, fuel and stores are provided by the charterer; 4) Insurance is obtained by the charterer, at least to the extent of covering as carrying "passengers for hire" liability not included in the owner's insurance; 5) The charterer is responsible for the safe navigation of the vessel; 6) Used as a platform for events, even while moored at the pier, and; 7) The vessel is surveyed upon its delivery and return.

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### DEFINITIONS

46 USC 2101, 46 CFR 175.400, 46 CFR 24.10-1

Small Passenger Vessel: means a vessel of less than 100 gross tons as measured under Section 14502 of 46 USC, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—(A) carrying more than six passengers, including at least one passenger for hire; (B) that is chartered with crew provided or specified by the owner or the owner's representative and carrying more than six passengers; (C) that is chartered with no crew provided or specified by the owner's representative and carrying more than 12 passengers; (D) that is a submersible or wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire; or (E) that is a ferry carrying more than six passengers.

Uninspected Passenger Vessel: means an uninspected vessel—(A) of at least 100 gross tons as measured under section 14502 of 46 USC, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—(i) carrying not more than 12 passengers, including at least one passenger for hire; or (ii) that is chartered with crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; or (B) of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—(i) carrying not more than six passengers, including at least one passenger for hire; or (ii) that is chartered with crew provided or specified by the owner or the owner's representative and carrying not more than six passengers.

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### DEFINITIONS

46 US Code (USC) 2101, 46 Code of Federal Regulations (CFR) 175.400,

Passenger: means an individual carried on a vessel, except: (1) The owner or an individual representative of the owner, or in the case of a vessel under charter, an individual charterer or individual representative of the charterer. (2) The Master; or (3) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services.

Passenger for Hire: means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

Consideration: means an economic benefit, inducement, right, or profit, including pecuniary payment accruing to an individual, person, or entity but not including a voluntary sharing of the actual expenses of the voyage by monetary contribution or donation of food, fuel, beverage, or other supplies.

Recreational Vessel: means a vessel - (A) being manufactured or operated primarily for pleasure; or (B) leased, rented, or chartered to another for the latter's pleasure.



FOR ADDITIONAL INFORMATION CONTACT:

Commander  
U.S. Coast Guard Sector Miami  
Prevention Department  
100 MacArthur Causeway  
Miami Beach, FL 33139  
Tel: (305) 535-8736

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**VESSELS OVER 300 GROSS TONS,  
U.S. AND FOREIGN FLAG**

*46 USC 2101 & 3301, 46 CFR 90.05-1*

All seagoing motor vessels foreign or domestic of at least 300 gross tons, including recreational vessels not engaged in trade, are subject to inspection and certification.

Motor-propelled yachts of at least 300 gross tons making voyages beyond the boundary line are, by definition, "seagoing motor vessels"

A pleasure yacht not engaged in trade is generally not subject to SOLAS, irrespective of its size, its number of passengers (as defined by SOLAS), or the international nature of its voyage.

All foreign flagged yachts engaged in trade must comply with U.S. cabotage laws.

Vessels must comply with minimum safe manning requirements.

It is generally impracticable or not possible for a foreign flagged yacht, subject to U.S. Inspection and Certification, to comply with U.S. law by obtaining a Certificate of Inspection.

U.S. Inspection and certification requirements may not apply to a foreign flagged vessel, which has on board a current valid Certificate of Inspection issued by its government and whose government has inspection laws approximating those of the U.S., and that by its laws accords similar privileges to vessels of the U.S.



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**What are the most common charter vessel errors?**

- 1) A charter vessel may NOT carry more than 12 passengers without a Certificate of Inspection (COI).
- 2) A charter contract may not provide a crew, the charter must be able to select a crew and have the ability to discharge the crew.
- 3) The owner of the vessel may NOT be the vessel master or part of the crew. The vessel owner is not allowed on board during a charter.
- 4) A charter vessel may NOT carry more than 12 passengers while moored. A charter vessel is considered to be "carrying" passengers whether moored or underway.
- 5) The charterer is not considered a passenger, and there can only be one charterer, even though the vessel may be chartered by several individuals. In this case, one person would be considered the charterer and the rest would be counted as passengers.
- 6) Both U.S. flag and foreign vessels may charter. All foreign flagged vessels can not carry passengers for hire and must charter and/or operate as a recreational vessel.



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**MARITIME & COAST GUARD AGENCY (MCA)**

In 1998, the UK's Maritime and Coast Guard Agency (MCA) introduced the Large Commercial Yacht Code, a set of requirements more suited to yachts than the regulations in SOLAS, Load Line, and Standards of Training, Certification, and Watchkeeping (STCW) international conventions of the International Maritime Organization (IMO). This was made possible by the provisions in the conventions for Flag States to adopt equivalent standards.

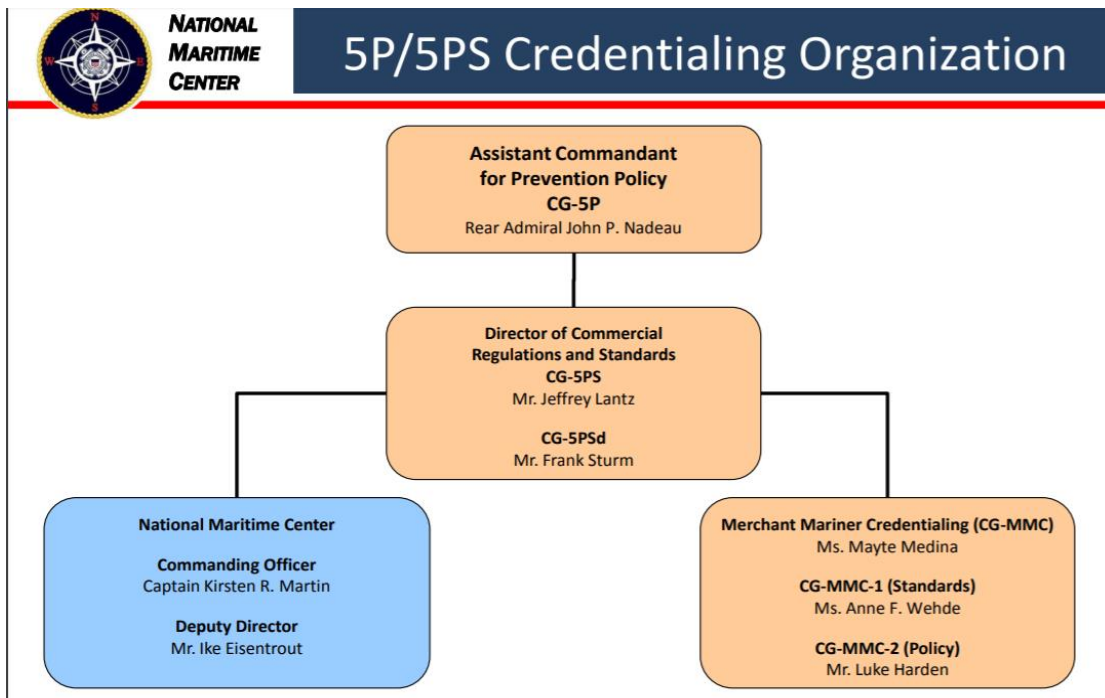


Upon completion of the Code, the MCA formally advised the IMO of its intention to use the Code to certificate large yachts instead of the applicable requirements of the before mentioned conventions. IMO disseminated the UK notification of the equivalent provisions in accordance with IMO protocol via Circular letter No. 1996. The British Registries represented by the MCA at IMO include Bermuda, Gibraltar, British Virgin Islands, Isle of Man, Cayman Islands, and the United Kingdom. Sport or pleasure yachts compliant with the Large Commercial Yacht Code may carry up to 12 passengers in commercial service (i.e. for hire) on international voyages and must be classed in accordance with MCA Large Commercial Yacht Code section 4 by the following recognized societies: ABS, BV, DNV, GL, LR, or RINA.

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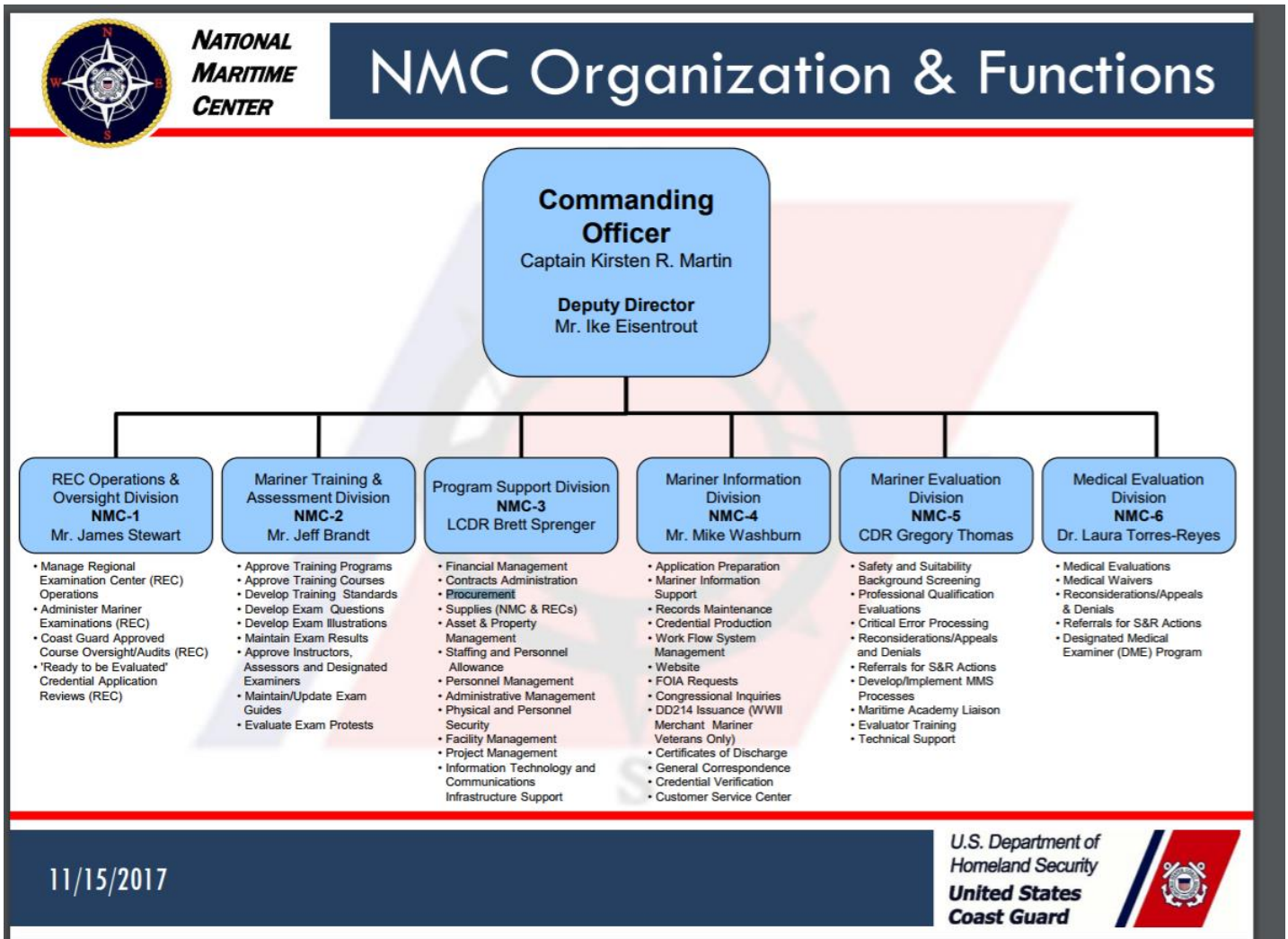
Source: <https://www.luxyachts.com/resources/USCG-Charter-Brochure.pdf>

**APPENDIX 3: NATIONAL MARITIME CENTER**



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## APPENDIX 4: MERCHANT MARINER CREDENTIAL

CFR [TITLE 46](#) → [CHAPTER I](#) → [SUBCHAPTER B](#) → **PART 10**

### §10.201 GENERAL CHARACTERISTICS OF THE MERCHANT MARINER CREDENTIAL.

(a) A merchant mariner credential (MMC) (Coast Guard Form CG-4610), is a credential combining the elements of the merchant mariner's document (MMD), merchant mariner's license (license), and certificate of registry (COR) enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement issued pursuant to the STCW Convention and STCW Code (incorporated by reference, see §10.103 of this part). MMDs, licenses, STCW endorsements and CORs are no longer issued as separate documents

and all qualifications formerly entered on those separate documents appear in the form of an endorsement(s) on an MMC.

(b) An MMC authorizes the holder to serve in any capacity endorsed thereon, or in any lower capacity in the same department, or in any capacity covered by a general endorsement.

(c) An MMC may be issued to qualified applicants by the Coast Guard.

Source:

[https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&n=sp46.1.10.b&r=SUBPART&ty=HTML#se46.1.10\\_1201](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&n=sp46.1.10.b&r=SUBPART&ty=HTML#se46.1.10_1201)

#### §10.203 REQUIREMENT TO HOLD A TWIC AND A MERCHANT MARINER CREDENTIAL.

(a) Any mariner required to hold a license, MMD, COR, and/or an STCW endorsement by a regulation in 33 CFR chapter I or 46 CFR chapter I must hold an MMC. A mariner may continue to serve under the authority of and within any restriction on their license, MMD, COR, and/or STCW endorsement until the first renewal or upgrade of that credential, but not later than April 15, 2014.

(b) Failure to obtain or hold a valid TWIC serves as a basis for the denial of an application for an original, renewal, new endorsement, duplicate, or raise of grade of a mariner's credential and may serve as a basis for suspension and revocation under 46 U.S.C. 7702 and 7703.

(c) An MMC, license, MMD, COR, or STCW endorsement must be retained by the mariner to whom it was issued and, while valid, must be produced to verify qualifications when requested by an authorized official as identified in 33 CFR 101.515(d). Posting of the officer endorsement may be necessary as required in 46 U.S.C. 7110.

(d) Although an MMD and an MMC serve as certificates of identification, a TWIC must be retained by the mariner to whom it was issued and, while valid, serves as the mariner's primary identification document. The TWIC must be produced to verify identity when required by an authorized official as identified in 33 CFR 101.515(d).

Source: [https://www.ecfr.gov/cgi-bin/text-idx?SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&node=se46.1.10\\_1203&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&node=se46.1.10_1203&rgn=div8)

#### §10.205 VALIDITY OF A MERCHANT MARINER CREDENTIAL.

(a) An MMC is valid for a term of 5 years from the date of issuance. Except upon the written request for the immediate issuance by the applicant, the Coast Guard will post-date the issuance of an MMC renewal that includes no other transactions up to 8 months from the date that the Coast Guard accepts a complete application as required in this part. If the expiration date of the mariner's active credential is beyond 8 months of the date that the Coast Guard accepts a complete application as required in this part, the new credential issue date will be 8 months from the date of application acceptance at which time the currently active credential will become invalid in accordance with paragraph (d) of this section. Otherwise, the new credential issue validity date will coincide with the expiration date of the active credential held by the mariner. All other MMC transactions will be processed for immediate issuance.

(b) All endorsements, unless otherwise noted, are valid until the expiration date of the MMC on which they appear.

(c) A mariner may not serve under the authority of an MMC past its expiration date. An expired MMC may be renewed during an administrative grace period of up to 1 year beyond its expiration date as per §10.227(h) of this part.

(d) When an MMC is renewed or re-issued before its expiration date in accordance with §10.227, of this part the MMC that has been replaced becomes invalid unless otherwise noted in paragraph (a) of this section.

(e) An MMC is not valid until signed by the applicant and a duly authorized Coast Guard official.

(f) A mariner's endorsements authorize the holder to serve in any capacity endorsed on the MMC, or in any lower capacity in the same department, or in any capacity covered by a general endorsement thereon.

(g) If a mariner chooses to renew his or her license, MMD, COR, or STCW endorsement and receive their first MMC, the Coast Guard may also renew all other credentials for which the mariner is qualified.

(h) When a Document of Continuity is replaced with an MMC re-issued in accordance with §10.227 of this part, the Document of Continuity that has been replaced becomes invalid. In the event that not all endorsements on a Document of Continuity are activated, a new Document of Continuity will be issued for the remaining endorsements.

Source: [https://www.ecfr.gov/cgi-bin/text-idx?SID=4f3a8ee9827ecd5of9389f845d2a9720&mc=true&node=se46.1.10\\_1205&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=4f3a8ee9827ecd5of9389f845d2a9720&mc=true&node=se46.1.10_1205&rgn=div8)

#### §10.207 IDENTIFICATION NUMBER.

For recordkeeping purposes only, a mariner's official MMC identification number is the individual's social security number. However, a unique serial number, called the mariner reference number, and not the social security number, will appear on the credential.

Source: [https://www.ecfr.gov/cgi-bin/text-idx?SID=4f3a8ee9827ecd5of9389f845d2a9720&mc=true&node=se46.1.10\\_1207&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=4f3a8ee9827ecd5of9389f845d2a9720&mc=true&node=se46.1.10_1207&rgn=div8)

#### §10.209 GENERAL APPLICATION PROCEDURES.

(a) The applicant for an MMC, whether for an original, renewal, duplicate, raise of grade, or a new endorsement on a previously issued MMC, must establish that he or she satisfies all the requirements for the MMC and endorsement(s) sought before the Coast Guard will issue the MMC. This section contains the general requirements for all applicants. Additional requirements for duplicates, renewals, new endorsements, and raises of grade appear later in this part.

(b) The Coast Guard may refuse to process an incomplete MMC application. The requirements for a complete application for an original MMC are contained in §10.225 of this part, the requirements for a renewal MMC application are contained in §10.227 of this part, the requirements for a duplicate MMC application are contained in §10.229 of this part, and the requirements for an application for a new endorsement or raise of grade are contained in §10.231 of this part.

(c) Applications are valid for 12 months from the date that the Coast Guard approves the application.

(d) The application may be submitted in person, by mail, fax, or other electronic means. A complete MMC application, which is described in §§10.225, 10.227, 10.229, and 10.231 may include—



(1) The application, consent for National Driver Register (NDR) check, and notarized oath on Coast Guard-furnished forms, and the evaluation fee required by §10.219 of this part;

(2) The applicant's continuous discharge book, certificate of identification, MMD, MMC, license, STCW endorsement, Certificate of Registry (COR), or, if it has not expired, a photocopy of the credential, including the back and all attachments;

(3) Proof, documented on CG-719K or CG-719K/E, as appropriate, that the applicant passed the applicable vision, hearing, medical, or physical exam as required by subpart C of this part, or an unexpired medical certificate issued by the Coast Guard;

(4) Copies of course completion certificates or other evidence of course completion;

(5) Evidence of sea service, or an accepted substitute for sea service, if required;

(6) For an endorsement as a medical doctor or professional nurse as required in §11.807 of this subchapter, evidence that the applicant holds a currently valid, appropriate license as physician, surgeon, or registered nurse, issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia. Any MMC issued will retain any limitation associated with the medical license;

(7) Any certificates or other supplementary materials required to show that the mariner meets the mandatory requirements for the specific endorsement sought, as established in parts 11, 12 or 13 of this subchapter; and

(8) An open-book exercise, in accordance with §10.227(e)(1) of this part.

(e) The following requirements must be satisfied before an original or renewal MMC, or new endorsement or a raise of grade added to a previously issued MMC, will be issued. These materials will be added to the individual's record by the Coast Guard:

(1) *Determination of safety and suitability.* No MMC will be issued as an original or reissued with a new expiration date, and no new officer endorsement will be issued if the applicant fails the criminal record review as set forth in §10.211 of this part.

(2) *NDR review.* No MMC will be issued as an original or reissued with a new expiration date, and no new officer endorsement will be issued if the applicant fails the NDR review as set forth in §10.213 of this part.

(3) *Information supplied by the Transportation Security Administration (TSA).* No MMC or endorsement will be issued until the Coast Guard receives the following information from the applicant's TWIC enrollment: the applicant's fingerprints, FBI number and criminal record (if applicable), photograph, proof of citizenship, or Nationality with proof of legal resident status (if applicable). If the information is not available from TSA, the mariner may be required to visit a Regional Exam Center or a TWIC enrollment center to provide this information.

(f) Upon determining that the applicant satisfactorily meets all requirements for an MMC or an endorsement thereon, the Coast Guard will issue the properly endorsed MMC to the applicant. The Coast Guard will not issue an MMC until it has received proof that the mariner holds a valid TWIC.

(g) When a new MMC is issued, the mariner must return any previously issued and unexpired MMC, license, MMD, COR, or STCW endorsement to the Coast Guard, unless the new MMC is being issued to replace a lost or stolen credential.

(h) No MMC will be issued if the applicant fails a chemical test for dangerous drugs as required in §§10.225(b)(5), 10.227(d)(5), and 10.231(c)(6).

(i) *Ceremonial licenses.* A mariner may obtain a ceremonial license when applying for his or her credential or Document of Continuity.

Source: [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&n=sp46.1.10.b&r=SUBPART&ty=HTML#se46.1.10\\_1209](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&n=sp46.1.10.b&r=SUBPART&ty=HTML#se46.1.10_1209)

#### §10.217 MERCHANT MARINER CREDENTIAL APPLICATION AND EXAMINATION LOCATIONS.

(a) Applicants for an MMC may apply to any of the Regional Examination Centers (RECs) or any other location designated by the Coast Guard. Applicants may contact the National Maritime Center at 100 Forbes Drive, Martinsburg, WV 25404, by telephone 1-888-427-5662 or 304-433-3400, or by email at [IASKNMC@uscg.mil](mailto:IASKNMC@uscg.mil). A list of locations approved for application submittal is available through the Coast Guard Web site at <http://www.uscg.mil/nmc>.

(b) *Exam Locations.* (1) Coast Guard units abroad may conduct exams for ratings at locations other than the RECs, but are not prepared to conduct practical examinations.

(2) The Coast Guard may designate additional exam facilities/locations to provide services to applicants for MMCs.

Source: [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&n=sp46.1.10.b&r=SUBPART&ty=HTML#se46.1.10\\_1217](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=4f3a8ee9827ecd50f9389f845d2a9720&mc=true&n=sp46.1.10.b&r=SUBPART&ty=HTML#se46.1.10_1217)

#### §10.232 SEA SERVICE.

(a) *Documenting sea service.* (1) Sea service may be documented in various forms such as certificates of discharge, pilotage service and billing forms, and service letters or other official documents from marine companies signed by the owner, operator, master, or chief engineer of the vessel. The Coast Guard must be satisfied as to the authenticity and acceptability of all evidence of experience or training presented.

(2) Documentary evidence produced by the applicant, unless in the form of a Certificate of Discharge conforming to §14.307 of this subchapter, must contain all of the following information:

- (i) Vessel name(s) and official numbers listed on the registration, certificate, or document issued.
- (ii) Gross tonnage of the vessel.
- (iii) Propulsion power and mode of propulsion of the vessel.
- (iv) The amount and nature (e.g. chief mate, assistant engineer, etc.) of the applicant's experience.
- (v) Applicable dates of service for each vessel, and the ports or terminals if applicable.
- (vi) The routes upon which the experience was acquired.

(vii) For those seeking service credit on towing vessels in accordance with §11.211(e) of this subchapter, the aggregate tonnage of the tug and barges during the mariner's service.

(viii) Any other information necessary to determine the applicability of STCW to the vessel.

(ix) Whether the vessel is manned and equipped in accordance with SOLAS.

(x) Where required for an officer endorsement, time served as bridge watchkeeping or engine watchkeeping duties under the supervision of a qualified officer.

(3) An MMC endorsement, in certain cases, may be considered as satisfactory evidence of any qualifying experience for obtaining other endorsements.

(4) For service on vessels of less than 200 GRT, owners of vessels may attest to their own service and provide proof of ownership. Those who do not own a vessel must obtain letters or other evidence from licensed personnel or the owners of the vessels listed.

(5) If the required sea service is associated with watchkeeping functions and the performance of duties, as required in §§11.323, 11.329, and 11.333, the service must be documented as having been carried out under the direct supervision of the appropriate person. If the required sea service is associated with the performance of duties, as required in §§11.470, 11.472, and 11.474, the service must be documented as having been carried out under the supervision of the appropriate person.

(6) An applicant who has been acting as a pilot may submit a letter from a pilot's association attesting to the applicant's sea service. Pilots not part of an association may submit other relevant records indicating service, such as billing forms. For a raise-of-grade, pilots must comply with the requirements of paragraph (a)(2) of this section.

(b) Service toward an oceans, near-coastal, or STCW endorsement will be credited as follows:

(1) Service on the Great Lakes will be credited on a day-for-day basis up to 100 percent of the total required service.

(2) Service on inland waters, other than Great Lakes, that are navigable waters of the United States, will be credited on a day-for-day basis for up to 50 percent of the total required service.

(3) Service on vessels to which STCW applies, whether inland or coastwise, will be credited on a day-for-day basis. For establishing credit for sea service, the waters of the Inside Passage between Puget Sound and Cape Spencer, Alaska will be credited for a near-coastal and STCW endorsement.

(c) Service toward a near-coastal or a Great Lakes endorsement will be credited on a day-for-day basis and in accordance with the individual requirements for the specific credential.

(d) *Sea service as a member of the Armed Forces of the United States and civilian service on vessels owned by the United States as required experience.* (1) Sea service as a member of the Armed Forces of the United States will be accepted as required experience for an original, raise of grade, renewal, or increase in scope of all endorsements. In most cases, military sea service will have been performed upon ocean waters; however, inland service, as may be the case on smaller vessels, will be credited in the same manner as conventional evaluations. The applicant must submit an official transcript of sea service or history of assignments as verification of the service claimed when the application is submitted. A DD-214 is not acceptable evidence of sea service. The applicant must also provide the Coast Guard with other necessary information as to tonnage, routes, propulsion power, percentage of time underway, and assigned duties upon the vessels on which he or she served. Such service will be

evaluated by the Coast Guard for a determination of its equivalence to sea service acquired on merchant vessels and the appropriate grade, class, and limit of endorsement for which the applicant is eligible. Normally, 60 percent of the total time onboard is considered equivalent underway service; however, the periods of operation of each vessel may be evaluated separately. In order to be eligible for a master's or chief engineer's unlimited endorsement, the applicant must have acquired military service in the capacity of commanding officer or engineer officer, respectively.

(2) Applicants for management-level, operational-level or support-level STCW endorsements must demonstrate competence in accordance with part 11, subpart C; part 12, subpart F; and part 13, subpart F of this subchapter.

(3) Service in deck ratings on military vessels such as seaman apprentice, seaman, boatswain's mate, quartermaster, or Radarman/Operations Specialist are considered deck service for the purposes of this part. Service in other ratings may be considered if the applicant establishes that his or her duties required a watchstanding presence on or about the bridge of a vessel. Service in engineer ratings on military vessels such as fireman apprentice, fireman, engineman, machinists mate, machinery technician, or boiler tender are considered engineer service for the purposes of this part. There are also other ratings such as electrician, hull technician, or damage controlman, which may be credited when the applicant establishes that his or her duties required watchstanding duties in an operating engine room.

(4) In addition to service on vessels that get underway regularly, members of the Armed Forces may obtain creditable service for assignment to vessels that get underway infrequently, such as tenders and repair vessels. Normally, a 25-percent factor is applied to these time periods. This experience can be equated with general shipboard familiarity, training, ship's business, and other related duties.

(5) Sea service obtained on submarines is creditable, as if it were surface vessel service, for deck and engineer officer and qualified ratings endorsements under the provision of paragraph (a) of this section. For application for deck officer and qualified ratings endorsements, submarine service may be creditable if at least 25 percent of all service submitted for the endorsement was obtained on surface vessels (e.g. if 4 years' total service were submitted for an original officer endorsement, at least 1 year must have been obtained on surface craft in order for the submarine service to be eligible for evaluation).

(6) Service gained in a civilian capacity as commanding officer, master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States, in any service in which a license or officer endorsement as master, mate, engineer, or pilot was not required at the time of such service, will be evaluated by the Coast Guard for a determination of equivalence.

(e) *Sea service on vessels that do not get underway.* This requirement applies to service obtained on vessels mandated by the Certificate of Inspection (COI) which are in operation but do not get underway or occasionally get underway for short voyages. Service while the vessel is not underway must be credited as follows:

(1) Engineering department. Service may be credited day-for-day for up to 50 percent of the service credit for renewal, raise in grade, and original issue for each day the engineering plant is operational.

(2) Deck department. Service may be credited as follows:

(i) Original issue and raise in grade. Service is creditable on a 3-for-1 basis (12 months of experience equals 4 months of creditable service) for up to 6 months of service credit.

(ii) Renewal. Service in any capacity in the deck department is creditable as closely related service under §10.227(e)(1)(iv). When submitted in combination with underway service, service is creditable on a 3-for-1 basis (12 months of experience equals 4 months of creditable service) for up to 6 months of service credit.

(f) *Foreign sea service.* (1) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an original or renewal of an officer, rating, or STCW endorsement, subject to evaluation by the Coast Guard to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States with respect to grade, tonnage, horsepower, waters, and operating conditions. This experience and service is also creditable to meet recency requirements.

(2) Experience and service acquired on foreign vessels while holding a valid U.S. endorsement is creditable for establishing eligibility for a raise of grade of an officer, rating, or STCW endorsement, subject to evaluation as specified in paragraph (d)(1) of this section. This experience and service is also creditable to meet recency requirements.

(3) An applicant who has obtained qualifying experience on foreign vessels must submit satisfactory documentary evidence of such service (including any necessary official translation to the English language) in accordance with paragraph (a)(1) and (a)(2) of this section.

(g) *Closely related service.* The Coast Guard may accept evidence of employment in a position closely related to the operation, construction, or repair of vessels (either deck or engineer as appropriate) as meeting the sea service requirements for renewal under §10.227(e)(1)(iv). Service as port engineer, port captain, shipyard superintendent, qualified instructor, or similar related service may be creditable for service for raise of grade of an engineer or deck officer endorsement; however, it may not be used for obtaining an original management-level endorsement. The service is creditable as follows:

(1) Port engineer, port captain or shipyard superintendent experience is creditable on a 3-for-1 basis for a raise of grade (e.g., 12 months of experience equals 4 months of creditable service). For a raise-of-grade, this credit is limited to 6 months of service.

(2) Service as a qualified instructor in a Coast Guard approved course or a training program is creditable on a 2-for-1 basis for a raise of grade (e.g., 12 months of experience equals 6 months of creditable service). For a raise-of-grade, this credit is limited to 6 months of service.

(h) *Day.* (1) Except as noted otherwise, for the purpose of calculating service in this subchapter, a day is equal to 8 hours of watchstanding or day-working not to include overtime.

(2) On vessels authorized by 46 U.S.C. 8104 and 46 CFR 15.705, to operate a two-watch system, a 12-hour working day may be creditable as 1½ days of service.

(3) On vessels of less than 100 GRT, a day is considered as 8 hours unless the Coast Guard determines that the vessel's operating schedule makes this criterion inappropriate; in no case will this period be less than 4 hours.

(4) When computing service on MODUs for any endorsement, a day of MODU service must be a minimum of 4 hours, and no additional credit is received for periods served over 8 hours.

(5) For cadet service on a training ship furnished by the Maritime Administration under 46 CFR 310.4, a day may be creditable as 1½ days of service.

(i) *Tonnage equivalency.* For the purpose of parts 10, 11 and 12, 200 GRT will be considered equivalent to 500 GT, and 1,600 GRT will be considered equivalent to 3,000 GT.

[USCG-2004-17914, 78 FR 77894, Dec. 24, 2013]

Source: <https://www.ecfr.gov/cgi-bin/text-idx?SID=9351ebbf096b290177c714289ba6f1a&mc=true&node=pt46.1.10&rgn=div5>

## §11.201 GENERAL REQUIREMENTS FOR NATIONAL AND STCW OFFICER ENDORSEMENTS.

(a) *General.* In addition to the requirements of part 10 of this subchapter, the applicant for an officer endorsement, whether original, renewal, duplicate, or raise of grade, must establish to the satisfaction of the Coast Guard that he or she possesses all the qualifications necessary (including but not limited to age, experience, character, physical health, citizenship, approved training, professional competence, and a test for dangerous drugs) before the Coast Guard will issue to him or her a merchant mariner credential (MMC). An applicant for any STCW endorsement must hold the appropriate national endorsement unless otherwise specified.

(b) *English language requirements.* Except as provided in §11.467(i) of this part, an applicant for an officer endorsement must demonstrate an ability to speak and understand English as found in the navigation rules, aids to navigation publications, emergency equipment instructions, machinery instructions, and radiotelephone communications instructions.

(c) *Experience and service.* (1) Applicants for officer endorsements should refer to §10.232 of this subchapter for information regarding requirements for documentation and proof of sea service.

(2) An applicant for a national officer endorsement must have at least 3 months of required service on vessels of appropriate tonnage or horsepower within the 3 years immediately preceding the date of application.

(3) No original officer endorsement may be issued to any naturalized citizen based on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(4) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an officer endorsement, subject to evaluation by the Coast Guard to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters, and operating conditions. An applicant who has obtained qualifying experience on foreign vessels must submit satisfactory documentary evidence of such service (including any necessary translation into English) in accordance with §10.232 of this subchapter.

(5) No applicant for an original officer endorsement who is a naturalized citizen and who has obtained experience on foreign vessels will be given an original officer endorsement in a grade higher than that upon which he or she has actually served while acting under the authority of a foreign credential.

(6) Experience acquired while the applicant was less than 16 years of age is generally not creditable. Compelling circumstances and unique experiences acquired before the applicant reaches 16 years of age will be evaluated on a case-by-case basis.

(d) *Citizenship.* No officer endorsement may be issued to any person who is not a citizen of the United States with the exception of operators of uninspected passenger vessels that are not documented under the laws of the United States.

(e) *Age.* Except as specified in this paragraph, no officer endorsement may be issued to a person who has not attained the age of 21 years. The required evidence of age may be established using any of the items submitted to establish citizenship set out in 49 CFR 1572.17.

(1) An endorsement may be granted to an applicant who has reached the age of 19 years as—

- (i) Master of near-coastal, Great Lakes and inland, or river vessels of 25-200 GRT;
- (ii) Third mate;
- (iii) Third assistant engineer;
- (iv) Mate of vessels of between 200 GRT and 1,600 GRT;
- (v) Ballast control operator (BCO);
- (vi) Assistant engineer (MODU);
- (vii) Assistant engineer of fishing industry vessels;
- (viii) Mate (pilot) of towing vessels;
- (ix) Radio officer;
- (x) Assistant engineer (limited); or
- (xi) Designated duty engineer of vessels of less than 4,000 HP/3,000 kW.

(2) An endorsement may be granted to an applicant who has reached the age of 18 years as—

- (i) Limited master of near-coastal vessels of less than 100 GRT;
- (ii) Limited master of Great Lakes and inland vessels of less than 100 GRT;
- (iii) Mate of Great Lakes and inland vessels of 25-200 GRT;
- (iv) Mate of near-coastal vessels of 25-200 GRT;
- (v) Operator of uninspected passenger vessels (OUPV);
- (vi) Designated duty engineer of vessels of less than 1,000 HP/750 kW;
- (vii) Apprentice mate (steersman) of towing vessels;
- (viii) Officer in charge of a navigational watch (OICNW);
- (ix) Officer in charge of an engineering watch (OICEW); and
- (x) Electro-technical officer (ETO).

(f) *Physical examination.* (1) Persons serving or intending to serve in the merchant marine service are encouraged to take the earliest opportunity to ascertain, through examination, whether their visual acuity, color vision, hearing, and general physical condition, are such as to qualify them for service in that profession. Any physical impairment or medical condition that would render an applicant incompetent to perform the ordinary duties required of an officer is cause for denial of an officer endorsement.

(2) Applications for an original officer endorsement, raises of grade, and extensions of route, must be current and up to date with respect to service and the physical examination, as appropriate. Physical examinations and applications are valid for 12 months from the date the application is approved.

(g) *Character check.* (1) An individual may apply for an original officer endorsement, or officer or STCW endorsement of a different type, while on probation as a result of administrative action under part 5 of this chapter. The offense for which the applicant was placed on probation will be considered in determining his or her fitness to hold the endorsement applied for. An officer or STCW endorsement issued to an applicant on probation will be subject to the same probationary conditions as were imposed against the applicant's other credential. An applicant may not take an examination for an officer or STCW endorsement during any period of time when a suspension without probation or a revocation is effective against the applicant's currently held license, merchant mariner document (MMD), or MMC, or while an appeal from these actions is pending.

(2) If information about the applicant's habits of life and character is brought to the attention of the Coast Guard after an original license, certificate of registry, or officer endorsement has been issued, and if such information reasonably supports the conclusion that the applicant cannot be entrusted with the duties and responsibilities of the license, certificate of registry, or officer endorsement issued, or indicates that the application for the license, certificate of registry, or officer endorsement was false or incomplete, the Coast Guard may notify the holder in writing that the license, certificate of registry, or officer endorsement is considered null and void, direct the holder to return the credential to the Coast Guard, and advise the holder that, upon return of the credential, the appeal procedures of §10.237 of this subchapter apply.

(h) *Firefighting certificate.* (1) Applicants for an original officer endorsement in the following categories must present a certificate of completion from a firefighting course of instruction that has been approved by the Coast Guard. The firefighting course must have been completed within the past 5 years, or if it was completed more than 5 years before the date of application, the applicant must provide evidence of maintaining the standard of competence in accordance with the firefighting requirements for the credential sought.

(2) The following categories must meet the requirements for basic and advanced firefighting in Regulations VI/1 and VI/3 of the STCW Convention and Tables A-VI/1-2 and A-VI/3 of the STCW Code (both incorporated by reference, see §11.102 of this part):

(i) National officer endorsements as master or mate on seagoing vessels of 200 GRT or more.

(ii) All national officer endorsements for master or mate (pilot) of towing vessels, except apprentice mate (steersman) of the vessels, on oceans.

(iii) All national officer endorsements for MODUs.

(iv) All national officer endorsements for engineers.

(v) All national officer endorsements for OSVs.

(vi) All STCW officer endorsements except GMDSS radio operator.

(3) The following categories must meet the requirements for basic firefighting in Regulation VI/1 of the STCW Convention and Table A-VI/1-2 of the STCW Code:

(i) Officer endorsement as master on vessels of less than 500 GT in ocean service.



(ii) All officer endorsements for master or mate (pilot) of towing vessels, except apprentice mate (steersman) of towing vessels, in all services except oceans.

(4) Applicants for a raise of grade of an officer endorsement who have not previously met the requirements of paragraph (h) of this section must do so.

(i) *First-aid and cardiopulmonary resuscitation (CPR) course certificates.* All applicants for an original officer endorsement, except as provided in §§11.429, 11.456, and 11.467 of this part, must present to the Coast Guard—

(1) Evidence of continued competency in STCW basic training in accordance with §11.302 of this part or a certificate indicating completion not more than 1 year from the date of application of —

(i) The American National Red Cross Standard First Aid course or American National Red Cross Community First Aid & Safety course; or

(ii) A Coast Guard-approved first-aid course; and

(2) A currently valid certificate of completion of a CPR course from either—

(i) The American National Red Cross;

(ii) The American Heart Association; or

(iii) A Coast Guard-approved CPR course.

(j) *Professional examination.* (1) When the Coast Guard finds the applicant's experience and training to be satisfactory, and the applicant is eligible in all other respects, the Coast Guard will authorize examination in accordance with the following requirements:

(i) Except for an endorsement required by the STCW Convention, any applicant for a deck or engineer officer endorsement limited to vessels less than 200 GRT, or an officer endorsement limited to uninspected fishing industry vessels, may request an orally assisted examination instead of any written or other textual examination. If there are textual questions that the applicant has difficulty reading and understanding, the Coast Guard will offer the orally assisted examination. Each officer endorsement based on an orally assisted examination is limited to the specific route and type of vessel upon which the applicant obtained the majority of service.

(ii) The general instructions for administration of examinations and the lists of subjects for all officer endorsements appear in subpart I of this part. The Coast Guard will place in the applicant's file a record indicating the subjects covered.

(iii) An applicant enrolled in an approved comprehensive program of training, service, and assessment will be authorized for an examination not more than 6 months prior to completion of the comprehensive program, provided all sea service and assessments of competency are completed prior to the examination.

(iv) The examination, whether administered orally or by other means, must be conducted only in the English language.

(2) When the application has been approved for examination, the approval is valid for 1 year.

(3) An examination is not required for a staff officer or radio officer endorsement.

(k) *Radar observer.* Applicants for an endorsement as radar observer must present a certificate of completion from a radar observer course as required by §11.480 of this part.

(l) *Restrictions.* The Coast Guard may modify the service and examination requirements in this part to satisfy the unique qualification requirements of an applicant or distinct group of mariners. The Coast Guard may also lower the age requirement for OUPV applicants. The authority granted by an officer endorsement will be restricted to reflect any modifications made under the authority of this paragraph.

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#### §11.211 CREDITABLE SERVICE AND EQUIVALENTS FOR NATIONAL AND STCW OFFICER ENDORSEMENTS.

(a) Applicants for officer endorsements should refer to §10.232 of this subchapter for information regarding requirements for documentation and proof of sea service.

**(b) Service toward an oceans, near-coastal, or STCW endorsement will be credited as follows:**

(1) Service on the Great Lakes will be credited on a day-for-day basis up to 100 percent of the total required service.

**(2) Service on inland waters, other than Great Lakes, that are navigable waters of the United States, will be credited on a day-for-day basis for up to 50 percent of the total required service.**

(c) *Service on mobile offshore drilling units.* (1) MODU service is creditable for raise of grade of an officer endorsement. Evidence of 1 year of service on MODUs as mate or equivalent while holding an officer endorsement or license as third mate, or as engineering officer of the watch or equivalent while holding an officer endorsement or license as third assistant engineer, is acceptable for a raise of grade to second mate or second assistant engineer, respectively. However, any subsequent raises of grade of unlimited, non-restricted officer licenses or endorsements must include a minimum of 6 months of service on conventional vessels.

(2) Service on MODUs maintaining station by means of dynamic positioning, may be credited as service on conventional vessels for any raise in grade; however, time more than 8 hours each day will not be credited.

(3) A day of creditable MODU service must be a minimum of 4 hours, and no additional credit will be granted for periods of more than 8 hours.

(4) Creditable MODU service excludes time spent ashore due to crew rotation.

(d) *Service on Articulated Tug Barges (ATBs) and Integrated Tug Barges (ITBs).* Service on ATB or Dual Mode ITB units is creditable for an original deck officer endorsement or raise of grade of any deck officer endorsement. Service on an ATB or Dual Mode ITB with an aggregate tonnage of 1,600 GRT/3,000 GT or more is creditable on a two-for-one basis (2 days experience equals 1 day of creditable service) for up to 50 percent of the total service on vessels of 1,600 GRT/3,000 GT or more required for an unlimited officer endorsement. The remaining required service on vessels of more than 1,600 GRT/3,000 GT must be obtained on conventional vessels or Push Mode ITBs.

(e) *Service on towing vessels.* Service as master or mate (pilot) on towing vessels, when the aggregate tonnage of the tug and barges is 1,600 GRT/3,000 GT or more, is creditable, using the aggregate tonnage, on a two-for-one basis (2 days experience equals 1 day of creditable service) for up to 50 percent of the total service on vessels of 1,600 GRT/3,000 GT or more required for an unlimited officer endorsement. The remaining required service on vessels of more than 1,600 GRT/3,000 GT must be obtained on conventional vessels. This service must be documented as specified in §10.232(a) of this subchapter.

(f) Individuals obtaining sea service as part of an approved training curriculum pursuant to either §11.407(a)(2) or §11.516(a)(3) of this part must do so in the capacity of cadet (deck) or cadet (engine), as appropriate, notwithstanding any other rating endorsements the individual may hold or any other capacity in which the individual may have served.

(g) *Other experience.* Other experience in a marine-related area, other than at sea, or sea service performed on unique vessels, will be evaluated by the Coast Guard for a determination of equivalence to traditional service.

(h) *Tonnage.* When determining sea service credit for officer endorsement applicants under subpart D of this part, the tonnage of a vessel solely admeasured using the Convention measurement scheme under 46 U.S.C. Chapter 143 will be credited as Gross Register Tonnage. This paragraph does not apply to those vessels measured under the optional regulatory measurement provisions of 46 U.S.C. 14305.

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## APPENDIX 5: USCG DISTRICTS MAP



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