

Coast Guard, DHS

§ 42.05–27

§ 42.03–35 U.S.-flag vessels and Canadian vessels navigating on sheltered waters of Puget Sound and contiguous west coast waters of United States and Canada.

(a) In a Treaty between the United States and Canada proclaimed on August 11, 1934, the respective Governments were satisfied of the sheltered nature of certain waters of the west coast of North America. It was agreed to exempt vessels of the United States and Canadian vessels from load line requirements when such vessels engage on international voyages originating on, wholly confined to, and terminating on such waters. In Article I of this Treaty these waters are described as follows: “* * * the waters of Puget Sound, the waters lying between Vancouver Island and the mainland, and east of a line from a point 1 nautical mile west of the city limits of Port Angeles in the State of Washington to Race Rocks on Vancouver Island, and of a line from Hope Island, British Columbia, to Cape Calvert, Calvert Island, British Columbia, the waters east of a line from Cape Calvert to Duke Point on Duke Island, and the waters north of Duke Island and east of Prince of Wales Island, Baranof Island, and Chicagof Island, the waters of Peril, Neva, and Olga Straits to Sitka, and the waters east of a line from Port Althorp of Chicagof Island to Cape Spencer, Alaska, are sheltered waters * * *”

(b) U.S.-flag vessels and Canadian vessels navigating on the treaty waters on a voyage as described in paragraph (a) of this section are by virtue of this Treaty of August 11, 1934, not subject to load line requirements in 46 U.S.C. 5101–5116, the 1966 Convention, and the regulations in this subchapter. Vessels navigating these sheltered waters and passing outside their boundary on any voyage cannot claim the benefits of this Treaty and shall be in compliance with the applicable load line requirements in 46 U.S.C. 5101–5116, the 1966 Convention, and the regulations in this subchapter.

(c) Since subdivision requirements apply to all passenger vessels subject to the 1960 International Convention on Safety of Life at Sea, those passenger vessels navigating on the waters de-

scribed in paragraph (a) of this section shall be in compliance with such 1960 Convention requirements and the regulations in part 46 of this subchapter. The Coast Guard issues to such a vessel a stability letter. The assigning authority is authorized to issue to such a passenger vessel an appropriate load line certificate, modified to meet the conditions governing her service assignment, and marking.

[CGFR 68–60, 33 FR 10051, July 12, 1968, as amended by CGFR 68–126, 34 FR 9011, June 5, 1969; USCG–1998–4442, 63 FR 52190, Sept. 30, 1998]

Subpart 42.05—Definition of Terms Used in This Subchapter

§ 42.05–1 Approved.

This term means approved by the Commandant, U.S. Coast Guard, unless otherwise stated.

[CGFR 68–60, 33 FR 10051, July 12, 1968]

§ 42.05–10 Assigning authority.

This term means the “American Bureau of Shipping” or such other recognized classification society which the Commandant may approve as the load line assigning and issuing authority for a vessel, as provided in sections 3 of the load line acts.

[CGFR 68–60, 33 FR 10051, July 12, 1968]

§ 42.05–20 Commandant.

This term means the Commandant, U.S. Coast Guard, Washington, DC 20593–0001.

[CGFR 68–60, 33 FR 10051, July 12, 1968, as amended by CGD 88–070, 53 FR 34534, Sept. 7, 1988]

§ 42.05–25 Coast Guard District Commander or District Commander.

These terms mean an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district. This includes enforcement of load line requirements as described in this subchapter.

[CGFR 68–60, 33 FR 10051, July 12, 1968]

§ 42.05–27 Credential.

As used in this subchapter, *credential* means any or all of the following:

§ 42.05–30

- (a) Merchant mariner’s document.
- (b) Merchant mariner’s license.
- (c) STCW endorsement.
- (d) Certificate of registry.
- (e) Merchant mariner credential.

[USCG 2006–24371, 74 FR 11265, Mar. 16, 2009]

§ 42.05–30 Existing vessel.

(a) As used in this part 42, for a vessel engaged on international voyages or on domestic voyages by sea, the term *existing vessel* means a vessel which is not a new vessel. With few exceptions an *existing vessel* is a vessel the keel of which was laid, or which was at a similar stage of construction, prior to July 21, 1968. (See § 42.05–50 for the definition of a new vessel.)

(b)–(c) [Reserved]

(d) As used in part 44 of this subchapter, for a vessel marked with load lines for special service on a coastwise or interisland voyage, the term *existing vessel* means one whose keel was laid prior to September 28, 1937. (See § 44.01–20 of this subchapter.)

(e) As used in part 45 of this subchapter, *existing vessel* in all regulations pertaining to a vessel engaged solely on Great Lakes voyages before April 14, 1973, means a vessel whose keel was laid before August 27, 1936. The regulations pertaining to these vessels that are in effect after April 14, 1973, do not use the term *existing vessel*.

(f) As used in part 46 of this subchapter, for a passenger vessel marked with subdivision load lines, the term *existing vessel* means a vessel whose keel was laid or was converted to such service prior to May 26, 1965. (See § 46.05–30 of this subchapter.)

[CGFR 68–60, 33 FR 10051, July 12, 1968, as amended by CGD 73–49R, 38 FR 12290, May 10, 1973; CGD 80–120, 47 FR 5722, Feb. 8, 1982]

§ 42.05–40 Great Lakes.

(a) This term means the Great Lakes of North America.

(b) As used in this part, the term *solely navigating the Great Lakes* includes any special service coastwise navigation performed by the vessel.

(c) In concurrence with related Canadian regulations, the waters of the St. Lawrence River west of a rhumb line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a

46 CFR Ch. I (10–1–12 Edition)

line along 63° W. longitude from Anticosti Island to the north shore of the St. Lawrence River shall be considered as a part of the Great Lakes. In addition, the Victoria Bridge, Montreal, Canada, is the dividing line between fresh water and salt water in the St. Lawrence River.

[CGFR 68–60, 33 FR 10051, July 12, 1968, as amended by CGD 73–49R, 38 FR 12290, May 10, 1973]

§ 42.05–45 International voyage.

(a) The term *international voyage* as used in this part shall have the same meaning as the term *international voyage* in Article 2(4) of the 1966 Convention. Except for vessels operating solely on the waters indicated in Article 5(2) of the 1966 Convention, an *international voyage* means a sea voyage from any country to a port outside such country, or conversely. For this purpose, every territory for the international relations of which any specific Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country.

(b) The 1966 Convention does not apply to vessels solely navigating the Great Lakes. Accordingly, such vessels shall not be considered as being on an *international voyage* for the purpose of this subchapter.

(c) For the purpose of administration of load line requirements in this subchapter, the Commonwealth of Puerto Rico, the Territory of Guam, the Virgin Islands, and all possessions and lands held by the United States under a protectorate or mandate shall each be considered to be a *territory* of the United States.

[CGFR 68–60, 33 FR 10051, July 12, 1968]

§ 42.05–47 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of title 52, Revised Statutes, and acts amendatory thereof or

Coast Guard, DHS

§ 42.07-1

supplemental thereto, and rules and regulations thereunder.

[CGFR 68-60, 33 FR 10051, July 12, 1968]

§ 42.05-50 New vessel.

(a) As used in this part 42, for a vessel engaged on international voyages or on domestic voyages by sea, the term *new vessel* means a vessel, the keel of which is laid, or which is at a similar stage of construction, on or after July 21, 1968. (See § 42.05-30 for definition of an existing vessel.)

(1) This definition applies to all vessels of countries signatory to or acceding to the 1966 Convention prior to April 21, 1968, and to vessels of countries not adhering to an applicable Convention as indicated in Article 16(4) of the 1966 Convention.

(2) For countries which accede to the 1966 Convention after April 21, 1968, a *new vessel* (foreign) shall be one whose keel is constructively laid 3 months or more after such date.

(b)-(c) [Reserved]

(d) As used in part 44 of this subchapter, for a vessel marked with load lines for special service on a coastwise or interisland voyage, the term *new vessel* means one whose keel is laid on or after September 28, 1937. (See § 44.01-20 of this subchapter.)

(e) As used in part 45 of this subchapter, for a vessel engaged solely on Great Lakes voyages, the term *new vessel* means one whose keel is laid on or after August 27, 1936. (See § 45.01-10 of this subchapter.)

(f) As used in part 46 of this subchapter, for a passenger vessel marked with subdivision load lines, the term *new vessel* means a vessel whose keel is laid or is converted to such service on or after May 26, 1965. (See § 46.05-25 of this subchapter.)

[CGFR 68-60, 33 FR 10051, July 12, 1968 as amended by CGD 80-120, 47 FR 5722, Feb. 8, 1982]

§ 42.05-55 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in

charge of a marine inspection zone, and may supervise or perform the duties of a marine inspector.

[CGFR 68-60, 33 FR 10052, July 12, 1968]

§ 42.05-60 Recognized classification society.

The term *recognized classification society* means the American Bureau of Shipping or other classification society recognized by the Commandant, as provided in 46 U.S.C. 5107, and who also may be approved as a load line assigning and issuing authority.

[CGFR 68-60, 33 FR 10052, July 12, 1968, as amended by USCG-1998-4442, 63 FR 52190, Sept. 30, 1998]

§ 42.05-63 Ship(s) and vessel(s).

The terms *ship(s)* and *vessel(s)* are interchangeable or synonymous words, and include every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

[CGFR 68-126, 34 FR 9011, June 5, 1969]

§ 42.05-65 Surveyor.

The term *surveyor* means any person designated by the American Bureau of Shipping or other classification society recognized by the Commandant as the person who actually examines the vessel and/or materials associated with such examination, and who ascertains such vessel complies with applicable load line requirements.

[CGFR 68-60, 33 FR 10052, July 12, 1968]

Subpart 42.07—Control, Enforcement, and Rights of Appeal

§ 42.07-1 Load lines required.

(a) The vessels listed in §§ 42.03-5 and 42.03-10 as subject to the applicable requirements in this subchapter shall have load lines accurately marked amidships, port and starboard, as provided in this part 42 or the 1966 Convention, unless otherwise stated. Those vessels issued load line exemption certificates may not be required to have load line marks (see § 42.03-30).

(b) For vessels marked with international load lines and navigating the