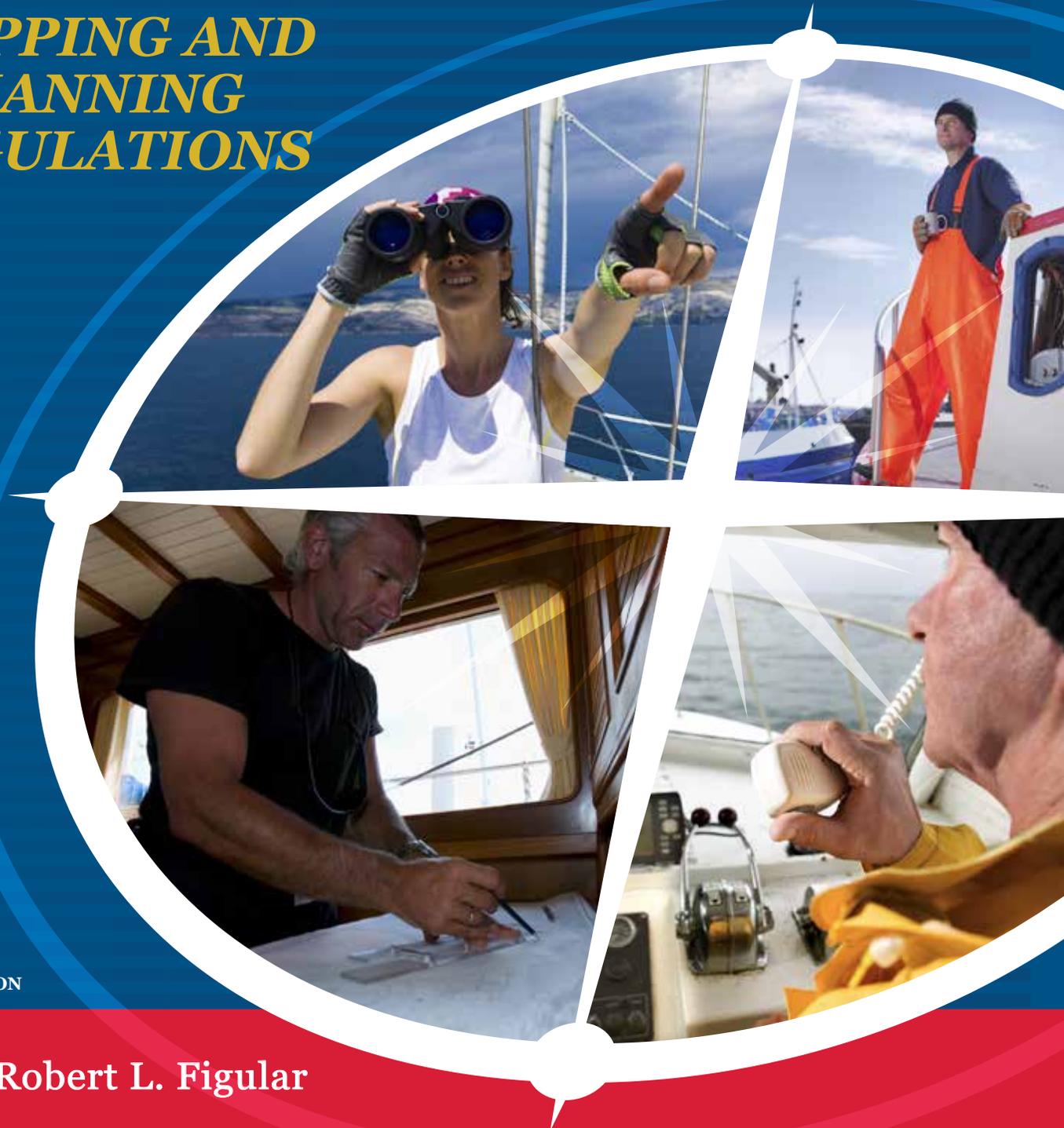




MARINERS LEARNING SYSTEM™

PROVIDING KNOWLEDGE AND KNOWHOW... ANYTIME, ANYWHERE

SHIPPING AND MANNING REGULATIONS



DIGITAL EDITION

Captain Robert L. Figular

Page intentionally left blank



MARINERS
LEARNING SYSTEM™

*SHIPPING AND
MANNING
REGULATIONS*

by Captain Robert L. Figular

Mariners Learning System™
Princeton, New Jersey

Copyright © 2017 by Mariners Learning System™ - All Rights Reserved.
No part of this publication can be reproduced in any form or by any
process without permission in writing from Mariners Learning System™.

Mariners Learning System™ books are available at special quantity
discounts for use in corporate training programs. For more information
please email: info@marinerslearningsystem.com

ACKNOWLEDGEMENTS

This book is designed to provide a wide variety of information on the
practice of good seamanship as it pertains to the marine environment.
This publication contains data and associated information produced and
obtained from the U.S. Department of Homeland Security and the
United States Coast Guard (USCG). This title is published by a private
company and any appearance of the USCG's name, seal, or initials does
not indicate endorsement of this title.

DISCLAIMER

Every effort has been made to make this publication as complete and
accurate as possible. All references contained in this publication have been
compiled from sources believed to be the most recent, reliable, and
represent the best current opinion on the subject. Mariners Learning
System™ is not responsible or liable for any adverse effects or
consequences to any person or entity with respect to any loss or damage
caused or alleged to be caused directly or indirectly from use of
information contained in this publication.

Shipping and Manning Regulations

Title 46 – Shipping Subchapter B – Merchant Marine Officers and Manning

Subpart A - General

46 CFR 14.101 Purpose of part

This part prescribes rules for the shipment and discharge of merchant mariners aboard certain vessels of the United States.

§ 14.103 Addresses of Coast Guard

- (a) By mail: U.S. Coast Guard National Maritime Center (NMC-4A), 4200 Wilson Boulevard, Suite 630, Arlington, VA 22203–1803.
- (b) By facsimile: 202–493–1055.

§ 14.105 Disclosure and privacy

The Coast Guard makes information available to the public in accordance with 49 CFR part 7, including appendix B.

Subpart B—Shipment of Merchant Mariners

§ 14.201 Voyages upon which shipping articles are required

- (a) Before proceeding either upon a foreign, intercoastal, or coastwise voyage (including a voyage on the Great Lakes) listed in paragraph (b) of this section or with the engagement or replacement of a merchant mariner for such a voyage, each master or individual in charge of a vessel or seagoing barge of the United States shall execute shipping articles however prepared, manually or electronically. The master or individual in charge and each mariner engaged or replaced shall sign the articles.
- (b) Except as provided by §14.203, articles are required upon each voyage by a vessel of the United States—
 - (1) Of 100 gross tons or more, on a foreign voyage, which is a voyage from a port in the United States to any foreign port other than a port in—
 - (i) Canada;
 - (ii) Mexico; or
 - (iii) The West Indies.
 - (2) Of 75 gross tons or more on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Coast; or
 - (3) Of 50 gross tons or more on a voyage between a port in one State and a port in another State other than an adjoining State.

§ 14.203 Voyages upon which shipping articles are not required

Although they may be used for the voyage; shipping articles are not required for any voyage by—

- (a) A yacht;
- (b) A vessel engaged exclusively in fishing or whaling;
- (c) A vessel aboard which the merchant mariners are by custom or agreement entitled to participate in the profits or results of a cruise or voyage;
- (d) A vessel employed exclusively in trade on the navigable rivers of the United States; or
- (e) A ferry, or a tug used in ferrying, if the vessel is employed exclusively in trade on the Great Lakes, other lakes, bays, sounds, bayous, canals, or harbors.

§ 14.205 Production of credentials by merchant mariner signing shipping articles

On engagement for a voyage upon which shipping articles are required, each merchant mariner shall present to the master or individual in charge of the vessel every document, certificate, or license required by law for the service the mariner would perform.

§ 14.207 Content and form of shipping articles

(a)

- (1) The content and form of shipping articles for each vessel of the United States of 100 gross tons or more upon a foreign or intercoastal voyage must conform to the present shipping articles, form CG-705A, which meets the requirements of 46 U.S.C. 10302, 10303, 10304, and 10305. The articles must identify the nature of the voyage and specify at least the name, the number of the license or merchant mariner's document, the capacity of service, the time due on board to begin work, and the name and address of the next of kin of, and the wages due to each merchant mariner, either who was discharged or whose services were otherwise terminated during the month.
 - (2) The content and form of articles for each such vessel upon a coastwise voyage (including a voyage on the Great Lakes) must also conform to the present shipping articles, form CG-705A, which meet the requirements of 46 U.S.C. 10502. The articles must specify at least the matter identified by paragraph (a)(1) of this section, except that they must not specify the wages due to the mariner. The wages section of the form shall be left blank for coastwise voyages.
- (b) Any shipping company that manually prepares the articles may, upon request, obtain Shipping Articles, Form CG-705A, from any Officer in Charge, Marine Inspection (OCMI), of the Coast Guard.
- (c) Any company that electronically prepares the articles may, upon request submitted to either address in §14.103, obtain a copy of software developed by the Coast Guard to produce articles in the proper format. Alternatively, a company may develop its own software or buy it off the shelf; but, in either of these cases, it must secure approval of the software from the National Maritime Center at either address in §14.103.

§ 14.209 Preparation of shipping articles at beginning of voyage

Each master or individual in charge of a vessel when shipping articles are required shall prepare an original and two copies of the articles. The original and one copy must be signed by the master or individual in charge and by each merchant mariner; but the second copy must not be signed by any of them.

§ 14.211 Posting of copy of shipping articles

On commencement of a foreign, intercoastal, or coastwise voyage (including a voyage on the Great Lakes), each master or individual in charge of a vessel when shipping articles are required shall ensure that a legible copy of the articles, unsigned by the mariner, and without the next of kin information, is posted at a place accessible to the crew.

§ 14.213 Report of shipment of merchant mariner

- (a) When a vessel of the United States sails upon a foreign, intercoastal, or coastwise voyage (excluding a voyage on the Great Lakes), each master or individual in charge shall, at the commencement of the voyage, send one copy of shipping articles, signed by the master and by each merchant mariner, to the owner, charterer, or managing operator. The master shall keep the original throughout the voyage and enter in it all charges made to the crew during the voyage.
- (b)
 - (1) When a vessel of the United States sails exclusively on the Great Lakes, each master or individual in charge shall, at the commencement of the season, or once the vessel is put into service, whichever occurs earlier, send one copy of articles, signed by the master and by each mariner, to the owner, charterer, or managing operator.
 - (2) The master or individual in charge shall every 60 days send supplementary particulars of engagement covering each mariner engaged during this period, signed by the master and by each mariner, to the owner, charterer, or managing operator.
 - (3) The master or individual in charge shall, at the close of the season, or once the vessel is withdrawn from service, whichever occurs later, send articles, signed by the master and by each mariner, to the owner, charterer, or managing operator.
- (c) When a vessel of the United States sails exclusively on bays or sounds, each master or individual in charge shall, at least every 60 days, send articles, signed by the master and by each mariner, to the owner, charter, or managing operator.
- (d) Any person who fails to comply with the requirements of this section is subject to a civil penalty of \$5,000.

Subpart C—Discharge of Merchant Mariners

§ 14.301 Paying off of merchant mariner during or after voyage upon which shipping articles are required

Each master or individual in charge of a vessel when shipping articles are required shall complete and sign, and each merchant mariner paid off during or after such a voyage shall sign the articles and otherwise comply with the requirements of this subpart. When signed by the master or individual in charge and by the mariner, the articles constitute a release from the duties to which they bound their parties.

§ 14.303 Discharge of merchant mariner in foreign port

Upon the discharge of any mariner in a foreign port, the master shall make the required entries on the ship's articles. Upon the request of the master or a mariner, the consular officer shall discharge the mariner in accordance with the requirements of 46 U.S.C. 10318.

§ 14.305 Entries in continuous discharge book

If the merchant mariner holds a continuous discharge book, the master or individual in charge of the vessel shall make the proper entries in it.

§ 14.307 Entries on certificate of discharge

- (a) Each master or individual in charge of a vessel shall, for each merchant mariner being discharged from the vessel, prepare a certificate of discharge and two copies; whether by writing or typing them on the prescribed form with permanent ink or generating them from computer in the prescribed format; and shall sign them with permanent ink. The prescribed format for a certificate of discharge is the same as the present form CG-718A (Rev. 3-85). The left portion of the form has the mariner's printed name, signature, citizenship, and merchant mariner's document number; the certification statement, date and the master's signature. The right portion of the form contains the rate/rank the mariner is serving on the voyage, date and place of shipment, date and place of discharge, name of the vessel, name of the operating company, official number of the vessel, class of the vessel, and the nature of the voyage.
- (b) Each mariner being discharged shall sign the certificate and both copies with permanent ink.
- (c) When the mariner leaves the vessel, the master or individual in charge shall give the original certificate to the mariner.
- (d) Except as directed by §14.313, the shipping company shall keep both copies of the certificate.
- (e) The company shall provide copies of certificates of discharge to the mariner and the Coast Guard upon request.

§ 14.309 Entries in shipping articles at end of voyage

- (a) At the end of each voyage upon which shipping articles are required, the master or individual in charge of the vessel shall—
 - (1) Complete the articles, conforming to the pertinent entries in them to those on the certificate of discharge and its copies;
 - (2) Note in the articles the execution of each Mutual Release;
 - (3) Attach to the articles each Mutual Release and a copy of each certificate; and
 - (4) Pay to each merchant mariner all wages due.
- (b) When paid off, each mariner shall sign the articles.

§ 14.311 Report of discharge of merchant mariner

- (a) At the end of each foreign, intercoastal, and coastwise voyage by a vessel of the United States, or of each voyage by such a vessel that sails exclusively on bays or sounds (or by such a vessel at the close of the season on the Great Lakes, or once the vessel is withdrawn from service there, whichever occurs later), the shipping company shall electronically transmit the data from the certificates of discharge via modem to an electronic address which the shipping company may request from the National Maritime Center.
- (b) If the data is submitted manually, the shipping companies shall provide the data for foreign and intercoastal voyages at the end of each voyage. For coastwise voyages or of each voyage by such a vessel that sails exclusively on bays or sounds (or by such a vessel at the close of the season of the Great Lakes, or once the vessel is withdrawn from service there, whichever occurs later), the shipping companies shall submit a copy of each certificate of discharge to the address in §14.103(a) at least once per calendar month.

§ 14.313 Storage of shipping articles and of certificates of discharge

- (a) Each shipping company shall keep all original shipping articles and copies of all certificates of discharge for 3 years. After 3 years the shipping companies shall prepare the original shipping articles in alphabetical order by vessel name and send to the address in §14.103(a) for storage at the Federal Records Center at Suitland, Maryland. The company may dispose of the copies of certificates of discharge. The Coast Guard will dispose of copies of certificates submitted manually, once the data are entered into its sea-service database and are validated.
- (b) Each shipping company that goes out of business or merges with another company shall send all original articles to the address in §14.103(a) within 30 days of the transaction.
- (c) The shipping company must provide copies of shipping articles and certificates of discharge to the mariner and the Coast Guard upon request.

Subpart D - Manning Requirements for Inspected Passenger Vessels

§ 15.501 Certificate of inspection

- (a) The certificate of inspection (COI) issued by an Officer in Charge, Marine Inspection (OCMI), to a vessel required to be inspected under 46 U.S.C. 3301 specifies the minimum complement of officers and crew necessary for the safe operation of the vessel.
- (b) The manning requirements for a particular vessel are determined by the OCMI after consideration of the applicable laws, the regulations in this part, and all other factors involved, such as: Emergency situations, size and type of vessel, installed equipment, proposed routes of operation including frequency of port calls, cargo carried, type of service in which employed, degree of automation, use of labor saving devices, and the organizational structure of the vessel.

§ 15.505 Changes in the certificate of inspection

All requests for changes in manning as indicated on the certificate of inspection must be made to the OCMI who last issued the certificate of inspection, unless the request is made in conjunction with an inspection for certification, in which case the request should be addressed to the OCMI conducting the inspection.

§ 15.510 Right of appeal

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal there from in accordance with subpart 1.03 of this chapter.

§ 15.515 Compliance with certificate of inspection

- (a) Except as provided by §15.725, no vessel may be operated unless it has in its service and on board, the complement required by the certificate of inspection.
- (b) Any vessel subject to inspection under 46 U.S.C. 3301 must, while on a voyage, be under the direction and control of an individual who holds an appropriate license issued by the Coast Guard. For the purposes of this paragraph:
 - (1) A voyage is the period of time necessary to transit from the port of departure to the final port of arrival.
 - (2) A port does not include an Outer Continental Shelf (OCS) facility as defined in 33 CFR part 140.

Title 46 - Shipping

Part 15

Subpart E – Manning Requirements; Uninspected Vessels

§ 15.605 Licensed operators for uninspected passenger vessels.

Each uninspected passenger vessel must be under the direction and control of an individual licensed by the Coast Guard as follows:

- (a) Every self-propelled, uninspected vessel as defined by 46 U.S.C. 2101(42) (B), carrying not more than six passengers, must be under the direction and control of an individual holding a license as operator.
- (b) Every uninspected passenger vessel of 100 gross tons or more, as defined by 46 U.S.C. 2101(42)(A), must be under the direction and control of a licensed master, pilot, or mate as appropriate.

§ 15.705 Watches.

- (a) Title 46 U.S.C. 8104 is the law applicable to the establishment of watches aboard certain U.S. vessels. The establishment of adequate watches is the responsibility of the vessel's master. The Coast Guard interprets the term watch to be the direct performance of vessel operations, whether deck or engine, where such operations would routinely be controlled and performed in a scheduled and fixed rotation. The performance of maintenance or work necessary to the vessel's safe operation on a daily basis does not in itself constitute the establishment of a watch. The minimum safe manning levels specified in a vessel's certificate of inspection take into consideration routine maintenance requirements and ability of the crew to perform all operational evolutions, including emergencies, as well as those functions which may be assigned to persons in watches.
- (b) Subject to exceptions, 46 U.S.C. 8104 requires that when a master of a seagoing vessel of more than 100 gross tons establishes watches for the licensed individuals, sailors, coal passers, firemen, oilers and watertenders, the personnel shall be divided, when at sea, into at least three watches and shall be kept on duty successively to perform ordinary work incident to the operation and management of the vessel. The Coast Guard interprets sailors to mean those members of the deck department other than licensed officers, whose duties involve the mechanics of conducting the ship on its voyage, such as helmsman (wheelsman), lookout, etc., and which are necessary to the maintenance of a continuous watch. Sailors are not interpreted to include able seamen and ordinary seamen not performing these duties.

§ 15.710 Working hours.

In addition to prescribing watch requirements, 46 U.S.C. 8104 sets limitations on the working hours of licensed individuals and crew members, prescribes certain rest periods, and prohibits unnecessary work on Sundays and certain holidays when the vessel is in a safe harbor. It is the responsibility of the master or person in charge to ensure that these limitations are met. However, under 46 U.S.C. 8104(f), the master or other licensed individual can require any part of the crew to work when, in his or her judgment, they are needed for:

- (a) Maneuvering, shifting berth, mooring, unmooring;
- (b) Performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;
- (c) Saving of life on board another vessel in jeopardy; or,
- (d) Performing fire, lifeboat, or other drills in port or at sea.

§ 15.720 Use of non-U.S. licensed and/or documented personnel.

- (a) United States vessels which need to replace one or more persons while on a foreign voyage and outside the jurisdiction of the United States, in order to meet manning requirements, may utilize non-U.S. licensed and documented personnel, except for the positions of master and radio officer, until the vessel returns to a port at which in the most expeditious manner replacements who are citizens of the United States can be obtained.
- (b) The citizenship requirements of 46 U.S.C. 8103 (a) and (b) are waived, except for the requirement that the master must be a U.S. citizen, with respect to the following vessels:
 - (1) A U.S.-documented offshore supply vessel (OSV) (as that term is defined in 46 U.S.C. 2101(19)) that is operating from a foreign port; and
 - (2) A U.S.-documented mobile offshore drilling unit (MODU) (as that term is defined in 46 U.S.C. 2101(15a)) that is operating beyond the water above the U.S. Outer Continental Shelf.
- (c) The waiver provided in paragraph (b) of this section does not apply to any vessel operating in water above the U.S. Outer Continental Shelf (as that term is defined in 43 U.S.C. 1331(a)).
- (d) The master shall assure that any replacements of crewmembers by non-U.S. citizens made in accordance with this section will be with an individual who holds a license or document which is equivalent in experience, training, and other qualifications to the U.S. license or document required for the position and that the person possesses or will possess the training required to communicate to the extent required by §15.730.

§ 15.730 Language requirements.

- (a) The provisions of 46 U.S.C. 8702 relating to language apply generally to vessels of at least 100 gross tons except:
 - (1) Vessels operating on rivers and lakes (except the Great Lakes);
 - (2) A manned barge (except a seagoing barge or a barge to which chapter 37 of 46 U.S.C. applies);
 - (3) A fishing vessel, fish tender vessel, whaling vessel, or yacht;
 - (4) A sailing school vessel with respect to sailing school instructors and sailing school students;
 - (5) An oceanographic research vessel with respect to scientific personnel;
 - (6) A fish processing vessel which entered into service before January 1, 1988, and is not more than 1600 gross tons or which enters into service after December 31, 1987, and has not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and,
 - (7) All fish processing vessels with respect to those personnel primarily employed in the preparation of fish or fish products or in a support position not related to navigation.
- (b) 46 U.S.C. 8702(b) requires that on board vessels departing U.S. ports 75 percent of the crew in each department on board is able to understand any order spoken by the officers.
- (c) The words able to understand any order spoken by the officers relates to any order to a member of the crew when directing the performance of that person's duties and orders relating to emergency situations such as used for response to a fire or in using lifesaving equipment. It is not expected that a member of the deck department understand terminology normally used only in the engine room or vice versa.
- (d) Whenever information is presented to the Coast Guard that a vessel fails to comply with the specified language requirements the Coast Guard investigates the allegation to determine its validity. In determining if an allegation is factual, the Coast Guard may require a demonstration by the licensed individuals and crew that appropriate orders are understood. The demonstration will require that orders be spoken to the individual members of the crew by the licensed individuals in the language ordinarily and customarily used by the licensed individuals. The orders must be spoken directly by the licensed individual to the crew member and not through an interpreter. Signs, gestures, or signals may not be used in the test. The Coast Guard representative will specify the orders to be given and will include not only daily routine but orders involving emergencies, either of a departmental or of a general nature. This test will be conducted, if possible, at a time reasonably in advance of the vessel's departure, to avoid delays

§ 15.805 Master.

- (a) There must be an individual holding an appropriate license as master in command of each of the following vessels:
 - (1) Every self-propelled, seagoing documented vessel of 200 gross tons and over.
 - (2) Every self-propelled inspected vessel.
 - (3) Every inspected passenger vessel.
 - (4) Every inspected small passenger vessel.
 - (5) Every towing vessel of at least 8 meters (at least 26 feet) or more in length must be under the command of a master of towing vessels, or a mariner licensed as master of inspected, self-propelled vessels greater than 200 gross register tons (GRT) holding either—
 - (i) A completed Towing Officer's Assessment Record (TOAR), bearing the signature of a Designated Examiner and stating that the Examiner found the candidate proficient; or
 - (ii) A license endorsed for towing vessels.
 - (6) Every uninspected passenger vessel of at least 100 gross tons.
- (b) Every vessel documented under the laws of the United States, other than a vessel with only a recreational endorsement, must be under the command of a U.S. citizen.

§ 15.910 Towing vessels.

- (a) No person may serve as master or mate (pilot) of any towing vessel without meeting the requirements of 46 CFR 15.805(a)(5) or 15.810(d), respectively.
 - (b) Through May 21, 2006, the exception granted by 46 CFR 15.610(b) of this part applies to the manning of towing vessels.
- 5) The terminology "able to understand any order spoken by the officers" refers to all of the following situations EXCEPT _____.
- A. in response to a fire
 - B. directing the use of lifesaving equipment
 - C. for deck department crew members to understand the terminology used in the engine room
 - D. in response to a man overboard
- 6) How can the Coast Guard determine that a crewmember is "able to understand any order spoken by the officers"?
- A. Require a demonstration by the officer and the crewmember
 - B. Require a written test
 - C. Require that an interpreter be provided
 - D. All of the above



MARINERS LEARNING SYSTEM™

PROVIDING KNOWLEDGE AND KNOWHOW... ANYTIME, ANYWHERE

About Mariners Learning System

The Mariners Learning System™ is the go-to place for education and information for obtaining a Captain's License. Fully certified by the U.S. Coast Guard, Mariners Learning System™ has helped thousands of students pass their Captain's exam each year with a national pass rate of 98.7%.

As an unrivaled alternative to traditional testing methods, the approved courses are designed to give you the knowledge and know-how to earn your Captain's license conveniently from anywhere you have access to the internet.

This learning method, refined and perfected by years of experience, has proven remarkably effective and is the reason Mariners Learning System™ has one of the highest success rates in the industry.

CONTACT A LICENSING SPECIALIST TODAY!

TOLL FREE: 1-866-732-2278

WEB: www.MarinersLearningSystem.com

EMAIL: Staff@MarinersLearningSystem.com