

§67.169

46 CFR Ch. I (10–1–10 Edition)

(c) A Certificate of Documentation together with any endorsement(s) thereon becomes invalid immediately, except as provided in §67.161 and in paragraph (f) of this section, if the vessel is not a sea, or upon the vessel's next arrival in port anywhere in the world if the vessel is at sea, when:

- (1) The gross or net tonnages or dimensions of the vessel change;
- (2) Any beneficiary with an enforceable interest in a trust arrangement owning a vessel changes by addition or substitution;
- (3) The trustee of a trust arrangement owning a vessel changes by addition, substitution, or deletion;
- (4) A tenant by the entirety owning any part of the vessel dies;
- (5) The restrictions imposed on the vessel change by addition or substitution;
- (6) The legal name of any owner of the vessel changes;
- (7) A self-propelled vessel becomes non-self-propelled or a non-self-propelled vessel becomes self-propelled;
- (8) The endorsements for the vessel change by addition, deletion, or substitution;
- (9) A substantive or clerical error made by the issuing documentation officer is discovered; and
- (10) For a vessel with a coastwise endorsement under 46 U.S.C. 12106(e), one of the events in §68.80 or §68.111 of this chapter occurs.

(d) Although a Certificate of Documentation and any endorsements thereon remain valid, the owner of a documented vessel must apply for exchange of the Certificate upon an election to designate a new managing owner of the vessel in accordance with §67.113.

(e) Although a Certificate of Documentation and any endorsement(s) thereon remain valid, the owner may apply for exchange of the Certificate if:

- (1) The restrictions imposed on the vessel change by deletion; or
- (2) The vessel attains a special entitlement under subpart J of this part.

(f) A Certificate of Documentation which becomes invalid pursuant to paragraph (c) of this section remains valid for the purposes of filing a new mortgage or amendment, assignment, assumption, or subordination agree-

ment for 30 days after the date it would otherwise have become invalid.

[CGD 89-007, CGD 89-007a, 58 FR 60266, Nov. 15, 1993; 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31604, June 15, 1995; USCG-2001-8825, 69 FR 5401, Feb. 4, 2004; USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

§67.169 Requirement for replacement of Certificate of Documentation.

(a) The owner of a documented vessel must make application in accordance with subpart K of this part for replacement of a Certificate of Documentation which is:

- (1) Lost;
- (2) Mutilated; or
- (3) Wrongfully withheld from the vessel owner.

(b) When application for replacement of a Certificate of Documentation is required because the Certificate has been mutilated, the existing Certificate must be physically given up to the National Vessel Documentation Center.

[CGD 89-007, CGD 89-007a, 58 FR 60266, Nov. 15, 1993; 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31605, June 15, 1995]

§67.171 Deletion; requirement and procedure.

(a) A Certificate of Documentation together with any endorsement(s) thereon is invalid, except as provided in §67.161, and the vessel is subject to deletion from the roll of actively documented vessels when:

- (1) The vessel is placed under foreign flag;
- (2) The vessel is sold or transferred in whole or in part to a person who is not a citizen of the United States within the meaning of subpart C of this part;
- (3) Any owner of the vessel ceases to be a citizen of the United States within the meaning of subpart C of this part;
- (4) The owner no longer elects to document the vessel;
- (5) The vessel no longer measures at least five net tons;
- (6) The vessel ceases to be capable of transportation by water;
- (7) The owner fails to exchange the Certificate as required by §67.167;
- (8) The owner fails to maintain the markings required by subpart I of this part;
- (9) The endorsements on the Certificate are revoked because the vessel

owner is the subject of an outstanding civil penalty assessed by the Coast Guard; or

(10) The owner fails to:

(i) Renew the endorsement(s) as required by §67.163; or

(ii) Comply with the provisions of §67.165.

(b) Where a cause for deletion arises for any reason under paragraphs (a) (1) through (6) of this section, the owner must send or deliver the original Certificate of Documentation to the National Vessel Documentation Center together with a statement setting forth the reason(s) deletion is required.

(c) When a Certificate of Documentation is required to be deleted because the vessel has been placed under foreign flag or has been sold or transferred in whole or in part to a non-citizen of the United States, the owner of that vessel must comply with the requirements of paragraph (b) of this section, and file:

(1) Evidence of the sale or transfer, if any; and

(2) Evidence that the Maritime Administration has consented to the sale or transfer, except for vessels identified in §67.11(b) and vessels for which the Maritime Administration has granted approval for unrestricted sale or transfer pursuant to regulations set forth in 46 CFR part 221.

(d) A certificate evidencing deletion from U.S. documentation will be issued upon request of the vessel owner to the National Vessel Documentation Center upon compliance with the applicable requirements of this subpart.

[CGD 89-007, CGD 89-007a, 58 FR 60266, Nov. 15, 1993, as amended by CGD 94-008, 59 FR 49847, Sept. 30, 1994; CGD 95-014, 60 FR 31605, June 15, 1995]

§ 67.173 Cancellation; requirement and procedure.

A Certificate of Documentation issued to a vessel together with any endorsement(s) thereon is invalid, except as provided in §67.161, and subject to cancellation upon a determination by the Director, National Vessel Documentation Center that the issuance of the Certificate was improper for any reason. When a Certificate is subject to cancellation, the owner of the vessel upon being notified of such require-

ment must send or deliver the Certificate to a documentation officer at the National Vessel Documentation Center. The vessel owner may submit an application for exchange in accordance with subpart K of this part to correct the error giving rise to cancellation. If the vessel for which the Certificate was cancelled was previously documented, it remains documented under the previous Certificate of Documentation, unless deleted under the provisions of §67.171.

NOTE: Certificates of Documentation which have been canceled are retained at the National Vessel Documentation Center.

[CGD 89-007, CGD 89-007a, 58 FR 60266, Nov. 15, 1993; 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31605, June 15, 1995; USCG-1998-4442, 63 FR 52190, 52191, Sept. 30, 1998]

Subpart M—Miscellaneous Applications

§ 67.175 Application for new vessel determination.

(a) When a vessel has been constructed entirely of new materials, no application for a new vessel determination need be made under this section. Application for initial documentation must be made in accordance with subpart K of this part.

(b) When parts of an existing vessel have been used in the construction of a vessel and the owner wants a determination that the resulting vessel is new in accordance with this part, the owner must file with the Director, National Vessel Documentation Center;

(1) A builder's certification, as described in §67.99;

(2) A written statement describing the extent to which materials from the existing vessel were used in the construction and the extent to which those materials were torn down; and

(3) Accurate sketches or blueprints of the hull and superstructure which must identify, where practicable, components of the old vessel.

[CGD 89-007, CGD 89-007a, 58 FR 60266, Nov. 15, 1993; 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31605, June 15, 1995; USCG-1998-4442, 63 FR 52191, Sept. 30, 1998]