§ 4.92 Towing.

No vessel other than a vessel documented for the coastwise trade, or which would be entitled to be so documented except for its tonnage (see § 4.80), may tow a vessel other than a vessel in distress between points in the U.S. embraced within the coastwise laws, or for any part of such towing (46 U.S.C. App. 316(a)). The penalties for violation of this provision are a fine of from $350 to $1100 against the owner or master of the towing vessel and a further penalty against the towing vessel of $60 per ton of the towed vessel (46 U.S.C. App. 316(a), as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990).

§ 4.93 Coastwise transportation by certain vessels of empty vans, tanks, and barges; equipment for use with vans and tanks; empty instruments of international traffic; stevedoring equipment and material; procedures.

(a) Vessels of the United States prohibited from engaging in the coastwise trade and vessels of nations found to grant reciprocal privileges to vessels of the United States may transport the following articles between points embraced within the coastwise laws of the United States:

(1) Empty cargo vans, empty lift vans, and empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and equipment, excluding propulsion equipment, for use with such barges; and empty instruments of international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), if such articles are owned or leased by the
Provided further, That upon such terms and conditions as the Secretary of the Treasury by regulation may prescribe, and, if the transporting vessel is of foreign registry, upon a finding by the Secretary of the Treasury, pursuant to information obtained and furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States, this section shall not apply to the transportation by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry, of (a) empty cargo vans, empty lift vans, and empty shipping tanks, (b) equipment for use with cargo vans, lift vans, or shipping tanks, (c) empty barges specifically designed for carriage aboard a vessel, and (d) any empty instrument for international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), if the articles described in clauses (a) through (d) are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign traffic; and (e) stevedoring equipment and material, if such equipment and material is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade.

(2) The following nations have been found to extend privileges reciprocal to those provided in paragraph (a) of this section for empty cargo vans, empty lift vans, and empty shipping tanks to vessels of the United States:

<table>
<thead>
<tr>
<th>Nation</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>Brazil</td>
</tr>
<tr>
<td>Australia</td>
<td>Canada</td>
</tr>
<tr>
<td>Austria</td>
<td>Chile</td>
</tr>
<tr>
<td>Bahamas, The</td>
<td>China*</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Colombia</td>
</tr>
<tr>
<td>Belgium</td>
<td>Cyprus</td>
</tr>
<tr>
<td>Bermuda</td>
<td>Denmark</td>
</tr>
</tbody>
</table>

*See also Taiwan

(2) The following nations have been found to extend similar reciprocal privileges in respect to the other articles mentioned in paragraph (a) of this section:

<table>
<thead>
<tr>
<th>Nation</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>Mexico</td>
</tr>
<tr>
<td>Australia</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Austria</td>
<td>Netherlands Antilles</td>
</tr>
<tr>
<td>Bahamas, The</td>
<td>Norway</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Polish People's Republic</td>
</tr>
<tr>
<td>Belgium</td>
<td>Portugal</td>
</tr>
<tr>
<td>Bermuda</td>
<td>Brazil</td>
</tr>
<tr>
<td>Chile</td>
<td>Colombia</td>
</tr>
<tr>
<td>Denmark</td>
<td>Germany</td>
</tr>
<tr>
<td>Federal Republic of</td>
<td>Finland</td>
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<tr>
<td>Finland</td>
<td>France</td>
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<tr>
<td>France</td>
<td>Greece</td>
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<tr>
<td>Greece</td>
<td>Guatemala</td>
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<tr>
<td>India</td>
<td>Ireland</td>
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<tr>
<td>Ireland</td>
<td>Israel</td>
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<tr>
<td>Italy</td>
<td>Ivory Coast</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Libya</td>
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<tr>
<td>Luxembourg</td>
<td>Luxembourg</td>
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<tr>
<td>Malta</td>
<td>Malaysia</td>
</tr>
<tr>
<td>Marshall Islands,</td>
<td>Mexico</td>
</tr>
<tr>
<td>Republic of</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Netherlands Antilles</td>
</tr>
<tr>
<td>Norway</td>
<td>Norway</td>
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<tr>
<td>Pakistan</td>
<td>Pakistan</td>
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<tr>
<td>Philippines</td>
<td>Philippines</td>
</tr>
<tr>
<td>Republic of</td>
<td>Republic of</td>
</tr>
<tr>
<td>St. Vincent and the</td>
<td>South Africa</td>
</tr>
<tr>
<td>Grenadines</td>
<td>Spain</td>
</tr>
<tr>
<td>St. Vincent and the</td>
<td>Switzerland</td>
</tr>
<tr>
<td>Grenadines</td>
<td>Taiwan</td>
</tr>
<tr>
<td>United Arab</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>United Arab</td>
<td>(including The</td>
</tr>
<tr>
<td>United Arab</td>
<td>Cayman Islands</td>
</tr>
<tr>
<td>United Arab</td>
<td>and Hong Kong)</td>
</tr>
<tr>
<td>United Arab</td>
<td>Vanuatu, Republic of</td>
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<tr>
<td>United Arab</td>
<td>Yugoslav, Socialist Republic</td>
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<tr>
<td>United Arab</td>
<td>Federal Republic of</td>
</tr>
</tbody>
</table>

(c) Any Cargo Declaration, Customs Form 1302, required to be filed under
§ 4.94 Yacht privileges and obligations.

(a) Any documented vessel with a pleasure license endorsement, as well as any undocumented American pleasure vessel, shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay. Such a vessel which is not engaged in any trade nor in any way violating the Customs or navigation laws of the U.S. may proceed from port to port in the U.S. or to foreign ports without clearing and is not subject to entry upon its arrival in a port of the U.S., provided it has not visited a hovering vessel, received merchandise while in the customs waters beyond the territorial sea, or received merchandise while on the high seas. Such a vessel shall immediately report arrival to Customs when arriving in any port or place within the U.S., including the U.S. Virgin Islands, from a foreign port or place.

(b) A cruising license may be issued to a yacht of a foreign country only if it has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are allowed to arrive at and depart from ports in such foreign country and to cruise in the waters of such ports without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage, taxes, or charges for cruising licenses. It has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted such privileges in the following countries:

- Argentina
- Australia
- Austria
- Bahama Islands
- Belgium
- Bermuda
- Canada
- Denmark
- Finland
- France
- Germany, Federal Republic of
- Greece
- Honduras
- Ireland
- Italy
- Jamaica
- Liberia
- Marshall Islands
- Netherlands
- New Zealand
- Norway
- Saint Kitts and Nevis
- Saint Vincent and the Grenadines
- Sweden
- Switzerland
- Turkey
- United Kingdom and the Dependencies: the Anguilla Islands, the Isle of Man, the British Virgin Islands, the Cayman Islands, and the Turks and Caicos Islands

(c) In order to obtain a cruising license for a yacht of any country listed in paragraph (b) of this section, there shall be filed with the port director an application therefor executed by either