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§ 13.609 Requirements to qualify for an STCW endorsement for basic oil and chemical tanker cargo operations.

(a) Every applicant for an endorsement in basic oil and chemical tanker operations must:

(1) Qualify for a national endorsement as tankerman-assistant dangerous liquid; and

(2) Provide evidence of meeting the standards of competence identified in Table A-V/1-1-1 of the STCW Code (incorporated by reference, see §13.103 of this part).

(b) *Grandfathering.* Seafarers holding a valid tankerman-assistant dangerous liquid or tankerman-engineer endorsement issued prior to March 24, 2014 will be issued an STCW endorsement for basic oil and chemical tanker cargo operations without meeting the requirements of paragraph (a) of this section. After March 24, 2014, all seafarers applying for an original endorsement in basic oil and chemical tanker operations must meet the requirements of this section.

§ 13.611 Requirements to qualify for an STCW endorsement for basic liquefied gas tanker cargo operations.

(a) Every applicant for an endorsement in basic liquefied gas tanker operations must:

(1) Qualify for a national endorsement as tankerman-assistant liquefied gas; and

(2) Provide evidence of meeting the standards of competence identified in Table A-V/1-2-1 of the STCW Code (incorporated by reference, see §13.103 of this part).

(b) *Grandfathering.* Seafarers holding a valid tankerman-assistant liquefied gas or tankerman-engineer endorsement issued prior to March 24, 2014, will be issued an STCW endorsement for basic liquefied gas tanker cargo operations without meeting the requirements of paragraph (a) of this section. After March 24, 2014, all seafarers applying for an original endorsement in basic liquefied gas tanker operations must meet the requirements of this section.

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PART 14—SHIPMENT AND DISCHARGE OF MERCHANT MARINERS

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SOURCE: CGD 94-004, 61 FR 56637, Nov. 4, 1996, unless otherwise noted.

Subpart A—General

§ 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) U.S. postal mail: U.S. Coast Guard National Maritime Center (NMC-42), 100 Forbes Drive, Martinsburg, West Virginia 25404.

(b) Electronic mail: *IASKNMC@uscg.mil*.

(c) World wide web: *http://www.uscg.mil/nmc*.

[USCG-2008-0906, 73 FR 56508, Sept. 29, 2008]

§ 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 must execute shipping articles however prepared, manually or electronically. The master or individual in charge and each mariner engaged or replaced must sign the articles.

(b) Except as provided by § 14.203 of this subpart, articles are required upon each voyage by a vessel of the United States—

(1) Of 100 GRT 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 GRT 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 GRT or more on a voyage between a port in one State and a port in another State other than an adjoining State.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 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 must present to the master or individual in charge of the vessel every document, certificate, credential, or license required by law for the service the mariner would perform.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2006-24371, 74 FR 11260, Mar. 16, 2009; USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 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 GRT or more upon a foreign or intercoastal voyage must comply with 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, license, MMD or MMC number, capacity of service, time due onboard to begin work, name and address of the next of kin, and 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 comply with the requirements of 46 U.S.C. 10502. The

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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 must be left blank for coastwise voyages.

(b) Any shipping company that manually prepares the articles may, upon request, obtain a form from the Coast Guard.

(c) Any company that electronically prepares the articles may develop its own software or buy it off the shelf; but, in either of these cases, it must secure approval to use the software for these purposes from the National Maritime Center at any of the addresses provided in § 14.103 of this part.

[USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 14.209 Preparation of shipping articles at beginning of voyage.

Each master or individual in charge of a vessel when shipping articles are required must 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.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 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 must 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.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013; USCG-2014-0688, 79 FR 58279, Sept. 29, 2014]

§ 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

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master or individual in charge must, 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 must keep the original throughout the voyage and enter in it all charges made to the crew during the voyage.

(b) When a vessel of the United States sails exclusively on the Great Lakes—

(1) Each master or individual in charge must, 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 must 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; and

(3) The master or individual in charge must, 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 must, 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.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013; USCG-2014-0688, 79 FR 58279, Sept. 29, 2014]

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 must complete and sign, and

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each merchant mariner paid off during or after such a voyage must 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.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 14.303 Discharge of merchant mariner in foreign port.

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

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 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 must make the proper entries in it.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 14.307 Entries on certificate of discharge.

(a) Each master or individual in charge of a vessel must, 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 must sign them with permanent ink. The prescribed format for a certificate of discharge is the same as the current form CG-718A. The form has the mariner's printed name, signature, citizenship, MMD or MMC number, certification statement, date, master's signature, 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 nature of the voyage.

(b) Each mariner being discharged must sign the certificate and both copies with permanent ink.

(c) When the mariner leaves the vessel, the master or individual in charge must give the original certificate to the mariner.

(d) Except as directed by § 14.313, the shipping company must keep both copies of the certificate.

(e) The company must provide copies of certificates of discharge to the mariner and the Coast Guard upon request.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2002-13058, 67 FR 61278, Sept. 30, 2002; USCG-2006-24371, 74 FR 11260, Mar. 16, 2009; USCG-2004-17914, 78 FR 17999, Dec. 24, 2013]

§ 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 must—

(1) Complete the articles, conforming 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 of discharge ; and

(4) Pay to each merchant mariner all wages due.

(b) When paid off, each mariner must sign the articles.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 14.311 Report of discharge of merchant mariner.

(a) At the end of each foreign, inter-coastal, 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 may electronically transmit the data from the certificates of discharge to the electronic address provided by the Coast Guard in § 14.103 of this part .

(b) If the data is submitted manually, the shipping companies must provide

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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 must submit a copy of each certificate of discharge to the address in §14.103(a) at least once per calendar month.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2007-29018, 72 FR 53964, Sept. 21, 2007; USCG-2004-17914, 78 FR 78000, Dec. 24, 2013]

§ 14.313 Storage of shipping articles and of certificates of discharge.

(a) Each shipping company must keep all original shipping articles and copies of all certificates of discharge for 3 years. After 3 years the shipping companies must 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 must send all original articles to the address in §14.103(a) within 30 days of the transaction.

(c) Articles sent for storage to the address in §14.103(a) of this part that are not prepared in accordance with paragraph (a) of this section may be returned to the shipping company for correction.

(d) The shipping company must provide copies of shipping articles and certificates of discharge to the mariner and the Coast Guard upon request.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

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Subpart D—Oceanographic Research Vessels

§ 14.401 General.

Unless otherwise provided by Title 46 United States Code, by any act amending or supplementing that title, or by this subpart, that title as far as it governs the employment of merchant mariners remains, and any act amending or supplementing that title becomes, applicable to oceanographic research vessels.

§ 14.403 Exemptions.

(a) Certain requirements of Title 46, United States Code do not apply to the employment of merchant mariners on oceanographic research vessels. These requirements are those concerned with, among other things, the shipment and discharge of mariners, their pay and allotments, and the adequacy of their clothing. 46 U.S.C. 2113(2) allows exemptions of oceanographic research vessels from certain requirements of parts B, C, F, or G of subtitle II of 46 U.S.C., upon such terms as the Secretary of the Department of Homeland Security deems suitable. The exemptions available under this subpart are subject to the following terms:

(1) No use of any exemption relieves the owner, charterer, managing operator, master, or individual in charge of the vessel of other statutory responsibilities for the protection of every mariner under his or her command.

(2) If it is presented at a reasonable time and in a reasonable manner, the master or individual in charge must receive, consider, and appropriately address the legitimate complaint of any mariner.

(b) For any oceanographic research vessel sailing with any mariner employed by any firm, association, corporation, or educational or governmental body or agency, the Commandant may grant exemptions from—

- (1) 46 U.S.C. 10301, Application;
- (2) 46 U.S.C. 10302, Shipping articles (for foreign and intercoastal voyages);
- (3) 46 U.S.C. 10307, Posting of articles;
- (4) 46 U.S.C. 10308, Foreign engagements;
- (5) 46 U.S.C. 10311, Certificates of discharge;
- (6) 46 U.S.C. 10313 and 10504, Wages;

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(7) 46 U.S.C. 10314 and 10505, Advances;

(8) 46 U.S.C. 10315, Allotments;

(9) 46 U.S.C. 10316 and 10506, Trusts;

(10) 46 U.S.C. 10321 and 10508, General penalties;

(11) 46 U.S.C. 10502, Shipping articles (for coastwise voyages); and

(12) 46 U.S.C. 10509, Penalty for failure to begin coastwise voyages.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 77999, Dec. 24, 2013]

§ 14.405 Procedures.

(a) Upon written request for the owner, charterer, managing operator, master, or individual in charge of the vessel to the Coast Guard OCMI in whose zone the vessel is located, the Commandant may grant an exemption of any oceanographic research vessel designated by 46 U.S.C. 2113(2) from any requirement of any section listed by § 14.403(b).

(b) The request must state—

(1) Any requirement of any section listed in § 14.403(b) from which the applicant wishes an exemption; and

(2) What business practices regarding, among other things, the shipment and discharge of merchant mariners, their pay and allotments, and the adequacy of their clothing would justify the exemption.

(c) The Coast Guard will forward the request, along with his or her recommendation, to the Commandant, who will determine whether to grant any exemption of any vessel from any requirement. The Coast Guard will issue a letter indicating any exemption granted. The master or individual in charge of the vessel must keep the letter aboard the vessel.

(d) If operating conditions change, the owner, charterer, managing operator, master, or individual in charge of the vessel must so advise the Coast Guard. The Coast Guard will forward pertinent information on how the conditions have changed, along with his or her recommendation, to the Commandant, who will determine whether any exemption should remain granted.

[CGD 94-004, 61 FR 56637, Nov. 4, 1996, as amended by USCG-2004-17914, 78 FR 78000, Dec. 24, 2013]

§ 14.407 Reports.

(a) The owner, charterer, managing operator, master, or individual in charge of each oceanographic research vessel of 100 GRT or more must maintain a record of the employment, discharge, or termination of service of every merchant mariner in the crew. At least every 6 months, the person maintaining this record shall transmit it to the Coast Guard, either manually, in the form of a copy of a certificate of discharge, or electronically to the address provided in § 14.103 of this part.

(b) The owner, charterer, managing operator, master, or individual in charge of the vessel must keep original shipping articles and a copy of each certificate of discharge ready for review by the Coast Guard or the concerned mariner upon request. The Coast Guard will no longer keep either original articles or copies of certificates of discharge; it will keep only electronic records of employment.

(c) The master or individual in charge of the vessel must ensure that every entry made in the articles agrees with the corresponding entry made in a continuous discharge book, on a certificate of discharge, or in any other proof of sea service furnished to the mariner.

(d) Each oceanographic company must keep all original articles and copies of all certificates of discharge for 3 years. After 3 years the company must prepare the original shipping articles in alphabetical order by vessel name and send to the address in § 14.103(a) of this part 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 information is entered into its sea-service database and is validated.

(e) Each oceanographic company that goes out of business or merges with another company must send all original articles to the address in § 14.103(a) within 30 days of the transaction.

(f) Articles sent for storage to the address in § 14.103(a) of this part that are

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not prepared in accordance with paragraph (d) of this section may be returned to the company for correction.

[CGD 94–004, 61 FR 56637, Nov. 4, 1996, as amended by USCG–2004–17914, 78 FR 78000, Dec. 24, 2013; USCG–2014–0688, 79 FR 58279, Sept. 29, 2014]

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