

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12104(a)	46:12103(a) (related to filing by owner), (b)(1).	
12104(b)	46:12103(b)(2).	

Editorial Notes

PRIOR PROVISIONS

A prior section 12104, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 99–36, §1(a)(7)(B), May 15, 1985, 99 Stat. 67; Pub. L. 101–225, title III, §301(a)(4), Dec. 12, 1989, 103 Stat. 1920, originally derived from section 65g of former Title 46, Shipping, related to effect of documentation, prior to the general amendment of this chapter by Pub. L. 109–304. See section 12134 of this title.

§ 12105. Issuance of documentation

(a) IN GENERAL.—Except as provided in section 12152 of this title, the Secretary, on receipt of a proper application, shall issue a certificate of documentation or a temporary certificate of documentation for a vessel satisfying the requirements of section 12103 of this title. The certificate shall contain each endorsement under subchapter II of this chapter for which the owner applies and the vessel is eligible.

(b) TEMPORARY CERTIFICATES FOR RECREATIONAL VESSELS.—The Secretary may delegate, subject to the supervision and control of the Secretary and under terms prescribed by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel eligible under section 12103 of this title. A temporary certificate issued under this subsection is valid for not more than 30 days.

(c) INFORMATION TO BE INCLUDED IN CERTIFICATE.—A certificate of documentation shall—

- (1) identify and describe the vessel;
- (2) identify the owner of the vessel; and
- (3) contain additional information prescribed by the Secretary.

(d) PROCEDURES TO ENSURE INTEGRITY AND ACCURACY.—The Secretary shall prescribe procedures to ensure the integrity of, and the accuracy of information contained in, certificates of documentation.

(e) EFFECTIVE PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a certificate of documentation issued under this part is valid for a 1-year period and may be renewed for additional 1-year periods.

(2) RECREATIONAL VESSELS.—

(A) IN GENERAL.—The owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for a certificate of documentation for a recreational vessel or the renewal thereof.

(B) FEES.—

(i) REQUIREMENT.—The Secretary shall assess and collect a fee—

(I) for the issuance of a certificate of documentation for a recreational vessel that is equivalent to the fee established for the issuance of a certificate of documentation under section 2110; and

(II) for the renewal of a certificate of documentation for a recreational vessel that is equivalent to the number of years of effectiveness of the certificate of documentation multiplied by the fee established for the renewal of a certificate of documentation under section 2110.

(ii) TREATMENT.—Fees collected under this subsection—

(I) shall be credited to the account from which the costs of such issuance or renewal were paid; and

(II) may remain available until expended.

(3) NOTICE OF CHANGE IN INFORMATION.—

(A) REQUIREMENT.—The owner of a vessel shall notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation for the vessel is based that occurs before the expiration of the certificate under this subsection, by not later than 30 days after such change.

(B) TERMINATION OF CERTIFICATE.—The certificate of documentation for a vessel shall terminate upon the expiration of such 30-day period if the owner has not notified the Coast Guard of such change before the end of such period.

(4) STATE AND LOCAL AUTHORITY TO REMOVE ABANDONED AND DERELICT VESSELS.—Nothing in this section shall be construed to limit the authority of a State or local authority from taking action to remove an abandoned or derelict vessel.

(Pub. L. 109–304, §5, Oct. 6, 2006, 120 Stat. 1493; Pub. L. 115–282, title V, §512, Dec. 4, 2018, 132 Stat. 4275; Pub. L. 117–81, div. C, title XXXV, §3511, Dec. 27, 2021, 135 Stat. 2238.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12105(a)	46:12103(a) (less filing by owner).	
12105(b)	46:12103a.	
12105(c)	46:12103(c).	
12105(d)	46:12103(d).	

In subsection (b), the words “eligible under” are substituted for “if the applicant for the certificate of documentation meets the requirements set out in” for consistency in the chapter and to eliminate unnecessary words.

Editorial Notes

PRIOR PROVISIONS

A prior section 12105, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 100–710, title I, §104(a)(4), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101–225, title III, §301(a)(5), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 109–241, title III, §310, July 11, 2006, 120 Stat. 529, originally derived from section 65h of former Title 46, Shipping, related to registry endorsements, prior to the general amendment of this chapter by Pub. L. 109–304. See section 12111 of this title.

AMENDMENTS

2021—Subsec. (e)(2)(A). Pub. L. 117–81, §3511(1), added subpar. (A) and struck out former subpar. (A), which read as follows: “IN GENERAL.—A certificate of documentation for a recreational vessel and the renewal of such a certificate shall be effective for a 5-year period.”

Subsec. (e)(2)(B), (C). Pub. L. 117–81, §3511, redesignated subpar. (C) as (B) and struck out former subpar. (B), which read as follows: “PHASE-IN PERIOD.—During the period beginning January 1, 2019, and ending December 31, 2021, the owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for such a certificate of documentation for such vessel or the renewal thereof.”

2018—Subsec. (e). Pub. L. 115–282 added subsec. (e).

Statutory Notes and Related Subsidiaries

CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS

Pub. L. 114–120, title III, §311, Feb. 8, 2016, 130 Stat. 57, provided that: “Not later than one year after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall issue regulations that—

“(1) make certificates of documentation for recreational vessels effective for 5 years; and

“(2) require the owner of such a vessel—

“(A) to notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation is based, that occurs before the expiration of the certificate; and

“(B) [to] apply for a new certificate of documentation for such a vessel if there is any such change.”

§ 12106. Surrender of title and number

(a) IN GENERAL.—A documented vessel may not be titled by a State or required to display numbers under chapter 123 of this title, and any certificate of title issued by a State for a documented vessel shall be surrendered as provided by regulations prescribed by the Secretary.

(b) VESSELS COVERED BY PREFERRED MORTGAGE.—The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.

(Pub. L. 109–304, §5, Oct. 6, 2006, 120 Stat. 1494.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12106	46:12124.	

Editorial Notes

PRIOR PROVISIONS

A prior section 12106, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 586; Pub. L. 98–454, title III, §301(b), Oct. 5, 1984, 98 Stat. 1734; Pub. L. 100–239, §6(a)(2), (3), Jan. 11, 1988, 101 Stat. 1781; Pub. L. 101–225, title III, §301(a)(6), Dec. 12, 1989, 103 Stat. 1921; Pub. L. 101–380, title IV, §4205, Aug. 18, 1990, 104 Stat. 533; Pub. L. 104–324, title VII, §743, title XI, §1113(d), Oct. 19, 1996, 110 Stat. 3942, 3971; Pub. L. 108–293, title VI, §608(a), Aug. 9, 2004, 118 Stat. 1054, originally derived from section 65i of former Title 46, Shipping, related to coastwise endorsements, prior to the general amendment of this chapter by Pub. L. 109–304. See sections 12102, 12112, 12116, 12117, and 12119 of this title.

§ 12107. Wrecked vessels

(a) REQUIREMENTS.—A vessel is a wrecked vessel under this chapter if it—

(1) was wrecked on a coast of the United States or adjacent waters; and

(2) has undergone repairs in a shipyard in the United States equal to at least 3 times the appraised salvage value of the vessel.

(b) APPRAISALS.—The Secretary may appoint a board of three appraisers to determine whether a vessel satisfies subsection (a)(2). The costs of the appraisal shall be paid by the owner of the vessel.

(Pub. L. 109–304, §5, Oct. 6, 2006, 120 Stat. 1494.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12107	46 App.:14 (words before last proviso).	R.S. §4136 (words before last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103–182, title VI, §686(a)(4), Dec. 8, 1993, 107 Stat. 2220.

The words “The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement” and “when purchased by a citizen or citizens of the United States” are omitted as unnecessary because section 12112, as revised by the bill, provides the requirements for a wrecked vessel to obtain a coastwise endorsement.

In subsection (c)(1), the words “or her possessions” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

Editorial Notes

PRIOR PROVISIONS

A prior section 12107, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 100–239, §6(a)(4), (5), Jan. 11, 1988, 101 Stat. 1782; Pub. L. 101–225, title III, §301(a)(7), Dec. 12, 1989, 103 Stat. 1921, originally derived from section 65j of former Title 46, Shipping, related to Great Lakes endorsements, prior to being repealed by Pub. L. 104–324, title XI, §1115(a), Oct. 19, 1996, 110 Stat. 3972.

A prior section 12108, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 98–454, title III, §301(c), Oct. 5, 1984, 98 Stat. 1734; Pub. L. 100–239, §§3(4), (5), 6(a)(6), Jan. 11, 1988, 101 Stat. 1779, 1782; Pub. L. 101–225, title III, §301(a)(8), Dec. 12, 1989, 103 Stat. 1921; Pub. L. 104–208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41; Pub. L. 104–324, title III, §301(e), title VII, §744, Oct. 19, 1996, 110 Stat. 3917, 3942; Pub. L. 107–295, title IV, §409, Nov. 25, 2002, 116 Stat. 2117, originally derived from section 65k of former Title 46, Shipping, related to fishery endorsements, prior to being omitted in the general amendment of this chapter by Pub. L. 109–304. See sections 12102, 12113, and 12116 of this title.

A prior section 12109, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 587; Pub. L. 99–36, §1(a)(7)(C), May 15, 1985, 99 Stat. 67; Pub. L. 99–570, title III, §3151, Oct. 27, 1986, 100 Stat. 3207–94; Pub. L. 100–710, title I, §106(b)(5), Nov. 23, 1988, 102 Stat. 4752; Pub. L. 101–225, title III, §301(a)(9), Dec. 12, 1989, 103 Stat. 1921; Pub. L. 101–595, title VI, §603(9), Nov. 16, 1990, 104 Stat. 2993, originally derived from section 65l of former Title 46, Shipping, related to recreational endorsements, prior to being omitted in the general amendment of this chapter by Pub. L. 109–304. See section 12114 of this title.

A prior section 12110, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 588; Pub. L. 99–36, §1(a)(7)(D), May 15, 1985, 99 Stat. 67; Pub. L. 100–710, title I, §104(a)(4), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101–225, title III, §301(a)(10), Dec. 12, 1989, 103 Stat. 1922; Pub. L. 102–388, title III, §348(b), Oct. 6, 1992, 106 Stat. 1554; Pub. L. 102–587, title V, §5213(a)(2), Nov. 4, 1992, 106 Stat. 5077; Pub. L. 104–324, title III, §301(c), (d)(1), Oct. 19, 1996, 110 Stat. 3916; Pub. L. 108–293, title IV, §404(a), Aug. 9, 2004, 118 Stat. 1043, originally derived from section 65m of former Title 46, Shipping, related to limitations on operations authorized by certificates, prior to being omitted in the general amendment of this chapter by Pub. L. 109–304. See sections 12102, 12114, and 12131 of this title.