

Subsec.(d)(1)(B)(i). Pub. L. 108-293, §407(2), inserted “, while acting under the authority of that license, certificate, or document,” after “has”.

Subsec. (d)(1)(B)(iii). Pub. L. 108-293, §609(2), substituted “section 30304(a)(3)(A) or (B) of title 49” for “section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982”.

Subsec. (d)(1)(B)(iv). Pub. L. 108-293, §407(3)–(5), added cl. (iv).

1998—Subsec. (c)(2). Pub. L. 105-383 inserted second sentence and struck out former second sentence which read as follows: “The testing may include preemployment (with respect to dangerous drugs only), periodic, random, reasonable cause, and post accident testing.”

1990—Subsecs. (c), (d). Pub. L. 101-380 added subsecs. (c) and (d).

1985—Subsec. (a). Pub. L. 99-36 substituted “mariner’s” for “mariners”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

**§ 7703. Bases for suspension or revocation**

A license, certificate of registry, or merchant mariner’s document issued by the Secretary may be suspended or revoked if the holder—

(1) when acting under the authority of that license, certificate, or document—

(A) has violated or fails to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters; or

(B) has committed an act of misconduct or negligence;

(2) is convicted of an offense that would prevent the issuance or renewal of a license, certificate of registry, or merchant mariner’s document;

(3) within the 3-year period preceding the initiation of the suspension or revocation proceeding is convicted of an offense described in section 30304(a)(3)(A) or (B) of title 49;

(4) has committed an act of incompetence relating to the operation of a vessel; or

(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, §1(a)(9)(E), May 15, 1985, 99 Stat. 68; Pub. L. 101-380, title IV, §4103(b), Aug. 18, 1990, 104 Stat. 511; Pub. L. 108-293, title IV, §408, title VI, §609(3), Aug. 9, 2004, 118 Stat. 1044, 1058; Pub. L. 109-241, title IX, §901(h)(3), July 11, 2006, 120 Stat. 564.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7703, 46:226, 46:239, 46:240, 46:246(c).

This section provides the bases for suspension and revocation of a license, certificate or document. The individual must have been operating under the authority of the required license, certificate, or document and

has violated a law or regulation intended to promote marine safety or to protect the navigable waters or has committed an act of incompetence, misconduct, or negligence.

**Editorial Notes**

AMENDMENTS

2006—Par. (3). Pub. L. 109-241 struck out “(23 U.S.C. 401 note)” after “of title 49”.

2004—Par. (1)(B). Pub. L. 108-293, §408(1), substituted “misconduct or” for “incompetence, misconduct, or”.

Par. (3). Pub. L. 108-293, §609(3), substituted “section 30304(a)(3)(A) or (B) of title 49” for “section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982”.

Pars. (4), (5). Pub. L. 108-293, §408(2)–(4), added pars. (4) and (5).

1990—Pub. L. 101-380 amended section generally. Prior to amendment, section read as follows: “A license, certificate of registry, or merchant mariner’s document issued by the Secretary may be suspended or revoked if, when acting under the authority of that license, certificate, or document, the holder—

“(1) has violated or failed to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters.

“(2) has committed an act of incompetence, misconduct, or negligence.”

1985—Pub. L. 99-36 substituted “certificate of registry,” for first reference to “certificate.”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

**§ 7704. Dangerous drugs as grounds for revocation**

(a) If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the proceedings, has been convicted of violating a dangerous drug law of the United States or of a State, the license, certificate, or document shall be suspended or revoked.

(b) If it is shown that a holder has been a user of, or addicted to, a dangerous drug, the license, certificate of registry, or merchant mariner’s document shall be revoked unless the holder provides satisfactory proof that the holder is cured.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, §1(a)(9)(F), (G), May 15, 1985, 99 Stat. 68; Pub. L. 101-380, title IV, §4103(a)(2)(B), Aug. 18, 1990, 104 Stat. 511; Pub. L. 108-293, title IV, §402, Aug. 9, 2004, 118 Stat. 1043; Pub. L. 115-232, div. C, title XXXV, §3545(b), Aug. 13, 2018, 132 Stat. 2326.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7704(a), 46:239a(a); 7704(b), 46:239b(b)(1); 7704(c), 46:239b(b)(2).

Section 7704 requires the Secretary to revoke the license, certificate, or document of any individual who has been convicted of a dangerous drug law within 10 years before the beginning of the suspension or revoca-