

pelled vessel when a pilot is not required by State law and the vessel is—

- (1) engaged in foreign commerce; and
- (2) operating—
  - (A) in internal waters of the United States; or
  - (B) within 3 nautical miles from the base-lines from which the territorial sea of the United States is measured.

(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

- (1) establishes a requirement for a State licensed pilot; and
- (2) notifies the Secretary of that fact.

(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Great Lakes St. Lawrence Seaway Development Corporation.

(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(e) A person that knowingly violates this section or a regulation prescribed under this section commits a class D felony.

(Added Pub. L. 98-557, §29(f)(3)(A), Oct. 30, 1984, 98 Stat. 2874; amended Pub. L. 101-380, title IV, §4302(h), Aug. 18, 1990, 104 Stat. 539; Pub. L. 105-383, title III, §301(b)(8), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 116-260, div. AA, title V, §512(c)(6)(C), Dec. 27, 2020, 134 Stat. 2757.)

#### Editorial Notes

##### AMENDMENTS

2020—Subsec. (c). Pub. L. 116-260 substituted “Great Lakes St. Lawrence Seaway Development Corporation” for “Saint Lawrence Seaway Development Corporation”.

1998—Subsec. (a)(2). Pub. L. 105-383 added par. (2) and struck out former par. (2) which read as follows: “operating on the navigable waters of the United States.”

1990—Subsec. (e). Pub. L. 101-380 substituted “commits a class D felony” for “shall be fined not more than \$50,000, imprisoned for not more than five years, or both”.

#### 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.

#### Executive Documents

##### TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

### CHAPTER 87—UNLICENSED PERSONNEL

Sec.	
8701.	Merchant mariners' documents required.
8702.	Certain crew requirements.
8703.	Tankermen on tank vessels.
8704.	Alien deemed to be employed in the United States.

Sec.

#### HISTORICAL AND REVISION NOTES

Chapter 87 prescribes certain requirements for unlicensed personnel on vessels of at least 100 gross tons and on certain tank vessels.

#### Editorial Notes

##### AMENDMENTS

1988—Pub. L. 100-239, §5(f)(2), Jan. 11, 1988, 101 Stat. 1781, added item 8704.

### § 8701. Merchant mariners' documents required

(a) This section applies to a merchant vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title except—

- (1) a vessel operating only on rivers and lakes (except the Great Lakes);
- (2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);
- (3) a fishing, fish tender, or whaling vessel or a yacht;
- (4) a sailing school vessel with respect to sailing school instructors and sailing school students;
- (5) an oceanographic research vessel with respect to scientific personnel;
- (6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products;
- (7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation;
- (8) a mobile offshore drilling unit with respect to individuals, other than crew members required by the certificate of inspection, engaged on board the unit for the sole purpose of carrying out the industrial business or function of the unit;
- (9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and
- (10) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.

(b) A person may not engage or employ an individual, and an individual may not serve, on board a vessel to which this section applies if the individual does not have a merchant mariner's document issued to the individual under section 7302 of this title. Except for an individual required to be licensed or registered

under this part, the document must authorize service in the capacity for which the holder of the document is engaged or employed.

(c) On a vessel to which section 10306 or 10503 of this title does not apply, an individual required by this section to hold a merchant mariner's document must exhibit it to the master of the vessel before the individual may be employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 554; Pub. L. 98-364, title IV, §402(12)(A), July 17, 1984, 98 Stat. 449; Pub. L. 99-640, §11(c), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 104-324, title VII, §731, title XI, §1104(e), Oct. 19, 1996, 110 Stat. 3940, 3967; Pub. L. 107-295, title III, §324(b), Nov. 25, 2002, 116 Stat. 2104.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
8701 .....	46:444 46:643 46:643a 46:672

Section 8701 requires an individual to have a merchant mariner's document before that individual can be engaged or employed on certain vessels.

Subsection (a) makes this documentation requirement applicable to United States merchant vessels of at least 100 gross tons except for certain inland vessels and barges, fishing or whaling vessels, yachts, and, in certain circumstances, to sailing school vessels or oceanographic research vessels.

Subsection (b) prohibits the engagement or employment of an individual required to have a document prescribed under section 7302 if the individual does not have one. Except for licensed or registered individuals, the document must specify the capacity in which the individual is engaged or employed.

Subsection (c) requires an individual to exhibit the required document to the master, if not otherwise required to do so in some other manner before that individual may be employed.

Subsection (d) prescribes the penalty for violation of this section.

Editorial Notes

AMENDMENTS

2002—Subsec. (a)(9), (10). Pub. L. 107-295 added par. (9) and redesignated former par. (9) as (10).

1996—Subsec. (a). Pub. L. 104-324, §731(1), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "100 gross tons" in introductory provisions.

Subsec. (a)(6). Pub. L. 104-324, §731(2), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "1,600 gross tons".

Subsec. (a)(9). Pub. L. 104-324, §1104(e), added par. (9). 1986—Subsec. (a)(8). Pub. L. 99-640 added par. (8).

1984—Subsec. (a)(3). Pub. L. 98-364, §402(12)(A)(i), substituted "fishing, fish tender, or whaling" for "fishing or whaling".

Subsec. (a)(6), (7). Pub. L. 98-364, §402(12)(A)(ii)-(iv), added pars. (6) and (7).

Statutory Notes and Related Subsidiaries

NON-OPERATING INDIVIDUAL

Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], §8313(a), (b), Jan. 1, 2021, 134 Stat. 4697, 4698, as amended

by Pub. L. 117-263, div. K, title CXV, §11516, Dec. 23, 2022, 136 Stat. 4141, provided that:

"(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall not enforce section 8701 of title 46, United States Code, with respect to the following:

"(1) A vessel with respect to individuals, other than crew members required by the Certificate of Inspection or to ensure the safe navigation of the vessel and not a member of the steward's department, engaged on board for the sole purpose of carrying out spill response activities, salvage, marine firefighting, or commercial diving business or functions from or on any vessel, including marine firefighters, spill response personnel, salvage personnel, and commercial divers and diving support personnel.

"(2) An offshore supply vessel, an industrial vessel (as such term is defined in section 90.10-16 of title 46, Code of Federal Regulations), or other similarly engaged vessel with respect to persons engaged in the business of the ship on board the vessel—

"(A) for—

"(i) supporting or executing the industrial business or function of the vessel;

"(ii) brief periods to conduct surveys or investigations, assess crew competence, conduct vessel trials, provide extraordinary security resources, or similar tasks not traditionally performed by the vessel crew; or

"(iii) performing maintenance tasks on equipment under warranty, or on equipment not owned by the vessel owner, or maintenance beyond the capability of the vessel crew to perform; and

"(B) not the master or crew members required by the certificate of inspection and not a member of the steward's department.

"(b) SUNSET.—The prohibition in subsection (a) shall terminate on January 1, 2025."

§ 8702. Certain crew requirements

(a) This section applies to a vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing, fish tender, or whaling vessel (except a fish tender vessel engaged in the Aleutian trade) or a yacht;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students;

(5) an oceanographic research vessel with respect to scientific personnel;

(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.

(b) A vessel may operate only if at least—