

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 108–293, title IV, § 403, Aug. 9, 2004, 118 Stat. 1043; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8505(b)(4), Jan. 1, 2021, 134 Stat. 4751.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7319	46:643(f)

Section 7319 requires the Secretary to maintain records on each merchant mariner’s document issued and the seaman’s next of kin. However, these records are not open for general or public inspection.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “individual” for “seaman” in two places.
2004—Pub. L. 108–293 struck out at end “The records are not open to general or public inspection.”

CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

- Sec. 7501. Duplicates.
- 7502. Records.
- 7503. Dangerous drugs as grounds for denial.
- 7504. Travel and expense reimbursement.
- 7505. Review of information in National Driver Register.
- 7506. Convention tonnage for licenses, certificates, and documents.
- 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.
- 7508. Authority to extend the duration of medical certificates.
- 7509. Medical certification by trusted agents.
- 7510. Examinations for merchant mariner credentials.
- 7511. Convicted sex offender as grounds for denial.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, div. K, title CXVI, § 11602(b), Dec. 23, 2022, 136 Stat. 4147, added item 7511.
2016—Pub. L. 114–120, title III, §§ 309(c), 315(a)(2), Feb. 8, 2016, 130 Stat. 57, 62, added items 7509 and 7510.
2012—Pub. L. 112–213, title III, § 306(b), Dec. 20, 2012, 126 Stat. 1565, added item 7508.
2010—Pub. L. 111–281, title VI, § 615(b), Oct. 15, 2010, 124 Stat. 2972, added item 7507.
1996—Pub. L. 104–324, title VII, § 745(b), Oct. 19, 1996, 110 Stat. 3943, added item 7506.
1990—Pub. L. 101–380, title IV, § 4105(c), Aug. 18, 1990, 104 Stat. 513, added item 7505.
1986—Pub. L. 99–640, § 10(b)(2)(B), Nov. 10, 1986, 100 Stat. 3550, added item 7504.

§ 7501. Duplicates

(a) If a license, certificate of registry, or merchant mariner’s document issued under this part is lost as a result of a marine casualty, the holder shall be supplied with a duplicate without cost.
(b) For any other loss, the holder may obtain a duplicate on payment of reasonable costs prescribed by regulation by the Secretary.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 99–36, § 1(a)(9)(C), May 15, 1985, 99 Stat. 68; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8505(b)(5), Jan. 1, 2021, 134 Stat. 4751.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7501	46:643(h)

Section 7501(a) provides that if a license, certificate or document issued to an individual is lost due to a marine casualty, the individual will be supplied with a duplicate without cost.

Subsection (b) provides that if a license, certificate or document is lost for any reason other than a marine casualty, the seaman must pay a reasonable cost for the replacement.

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116–283 substituted “holder” for “seaman”.
1985—Subsec. (a). Pub. L. 99–36 substituted “certificate of registry, or merchant mariner’s document” for “certificate, or document”.

§ 7502. Records

(a) The Secretary shall maintain records, including electronic records, on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariners’ documents, and endorsements on those licenses, certificates, and documents.

(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

(c) 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 \$5,000.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 101–380, title IV, § 4114(e), Aug. 18, 1990, 104 Stat. 517; Pub. L. 111–281, title VI, § 605, Oct. 15, 2010, 124 Stat. 2967.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7502	46:414 46:643(f)

Section 7502 requires the Secretary to maintain records on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariner’s documents, and endorsements.

Editorial Notes

AMENDMENTS

Pub. L. 111–281 designated existing provisions as subsec. (a), substituted “records, including electronic records,” for “computerized records”, and added subsecs. (b) and (c).

1990—Pub. L. 101–380 substituted “maintain computerized records” for “maintain records”.

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.

MODERNIZING MERCHANT MARINER CREDENTIALING SYSTEM

Pub. L. 117-263, div. K, title CXV, §11511, Dec. 23, 2022, 136 Stat. 4138, provided that:

“(a) REPORT.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report on the financial, human, and information technology infrastructure resources needed to establish an electronic merchant mariner licensing and documentation system.

“(2) LEGISLATIVE AND REGULATORY SUGGESTIONS.—In preparing the report described in paragraph (1), the Commandant—

“(A) shall include recommendations for any legislative or administrative actions as the Commandant determines necessary to establish the electronic merchant mariner licensing and documentation system described in paragraph (1) as soon as possible; and

“(B) may include findings, conclusions, or recommendations from the study conducted under subsection (b).

“(b) STUDY.—

“(1) IN GENERAL.—In preparing the report required under subsection (a), the Commandant and the Administrator of the Maritime Administration, in coordination with the Commander of the United States Transportation Command, shall conduct a study on the feasibility of developing and maintaining a database as part of an electronic merchant mariner licensing and documentation system that—

“(A) contains records with respect to each credentialed mariner, including credential validity, drug and alcohol testing results, and information on any final adjudicated agency action involving a credentialed mariner or regarding any involvement in a marine casualty; and

“(B) maintains such records in a manner that allows data to be readily accessed by the Federal Government for the purpose of assessing workforce needs and for the purpose of the economic and national security of the United States.

“(2) CONTENTS.—The study required under paragraph (1) shall—

“(A) include an assessment of the resources, including information technology, and authorities necessary to develop and maintain the database described in such paragraph;

“(B) specifically address ways to protect the privacy interests of any individual whose information may be contained within such database, which shall include limiting access to the database or having access to the database be monitored by, or accessed through, a member of the Coast Guard; and

“(C) address the feasibility of incorporating in such database a reporting mechanism to alert the Administrator of the Maritime Administration each time a mariner’s credential is reinstated upon completion of a period of suspension as the result of a suspension and revocation proceeding under section 7702 of title 46, United States Code, with details about the violation that led to such suspension.

“(c) ELECTRONIC MERCHANT MARINER LICENSING AND DOCUMENTATION SYSTEM.—Notwithstanding any other provision of law, not later than 2 years after the date

of enactment of this Act, the Secretary shall implement an electronic merchant mariner licensing and documentation system.”

[For definitions of terms used in section 11511 of Pub. L. 117-263, set out above, see section 11002 of Pub. L. 117-263, set out as a note under section 106 of Title 14, Coast Guard, and section 11515 of Pub. L. 117-263, set as a note under section 7302 of this title.]

ELECTRONIC RECORDS ON MARINER AVAILABILITY TO MEET NATIONAL SECURITY NEEDS

Pub. L. 115-232, div. C, title XXXV, §3510, Aug. 13, 2018, 132 Stat. 2310, provided that: “The Secretary of the department in which the Coast Guard is operating shall ensure that electronic records maintained under section 7502 of title 46, United States Code, are able to be used by the Secretary of Transportation—

“(1) to determine the potential availability of mariners credentialed under part E of subtitle II of title 46, United States Code, to meet national security sea-lift needs; and

“(2) to receive information on the qualification of such mariners.”

§ 7503. Dangerous drugs as grounds for denial

A license, certificate of registry, or merchant mariner’s document authorized to be issued under this part may be denied to an individual who—

(1) within 10 years before applying for the license, certificate, or document, has been convicted of violating a dangerous drug law of the United States or of a State; or

(2) when applying, has ever been a user of, or addicted to, a dangerous drug unless the individual provides satisfactory proof that the individual is cured.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 99-36, §1(a)(9)(D), May 15, 1985, 99 Stat. 68; Pub. L. 101-380, title IV, §4103(a)(2)(B), Aug. 18, 1990, 104 Stat. 511; Pub. L. 115-232, div. C, title XXXV, §3545(a), Aug. 13, 2018, 132 Stat. 2326.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7503(a) 46:239a(a), 46:239(b)(a)

Section 7503 provides that the issuance of a license, certificate, or document may be denied by the Secretary to any individual who has been convicted, within 10 years, of violating a dangerous drug law of the United States or to any individual who has been a user of a dangerous drug, unless the individual provides satisfactory proof of being cured. This includes PCP and LSD. See also the note to section 7704. However, the Secretary may deny issuing a license, certificate or document to the individual who has used or been convicted of a “controlled substance” such as LSD if that use or conviction occurred before the date of enactment of this Act.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 amended section generally. Prior to amendment, section consisted of repealed subsec. (a) and subsec. (b) identical to present provisions.

1990—Subsec. (a). Pub. L. 101-380 struck out subsec. (a) which defined “dangerous drug” for purpose of this section as narcotic drug, controlled substance, and marihuana.

1985—Subsec. (b). Pub. L. 99-36 substituted “certificate of registry, or merchant mariner’s document” for first reference to “certificate, or document”.