and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

| 46 CFR part or section where identified or described | Current OMB control No. |
|---|---|
| § 91.27–13 | 2115–0517 |
| § 91.40–3 | 2115–0554 |
| § 91.40–5 | 2115–0554 |
| § 97.15–7 | 2115–0589 |
| § 97.15–17 | 2115–0589 |

[CGD 88–072, 53 FR 34297, Sept. 6, 1988, as amended by CGD 82–004a, 55 FR 2525, Jan. 25, 1990; CGD 89–037, 57 FR 41822, Sept. 11, 1992]

## Subpart 90.05—Application

### § 90.05–1 Vessels subject to requirements of this subchapter.

(a) This subchapter is applicable to all U.S.-flag vessels indicated in Column 4 of Table 90.05–1(a) and to all such foreign-flag vessels which carry 12 or fewer passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1974, and which has on board a current, valid safety equipment certificate.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

(b) Notwithstanding the exception previously noted in paragraph (a)(1) of this section, foreign vessels of novel design or construction or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01–13 of subchapter A (Procedures Applicable to the Public) of this chapter.

(c) Notwithstanding the exception noted in paragraph (a)(1) of this section, each foreign vessel shall report marine casualties occurring while the vessel is in the navigable waters of the United States as required by Subpart 97.07.

## Table 90.05-1(a)

| Method of propulsion, qualified by size or other limitation.[1] | | Vessels inspected and certificated under-- | | | Vessels subject to the provisions of-- | | |
|---|---|---|---|---|---|---|---|
| | | Subchapter D--Tank Vessels.[2] | Subchapter H--Passenger Vessels[2, 3, 4, and 5] or Subchapter K or T--Small Passenger Vessels.[2, 3, and 4] | Subchapter I--Cargo and Miscellaneous Vessels.[2 and 5] | Subchapter C--Uninspected Vessels.[2, 3, 6, 7, and 8] | Subchapter U—Oceanographic Vessels.[2, 3, 6, 7, and 9] | Subchapter O--Certain Bulk and Dangerous Cargoes.[10] |
| Column 1 | | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
| (1) | Motor, all vessels except seagoing motor vessels ≥ 300 gross tons. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7]<br>ii) All vessels < 100 gross tons that--<br>A) Carry more than 6 passengers-for-hire whether chartered or not, or<br>B) Carry more than 6 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iii) All vessels ≥ 100 gross tons that--<br>A) Carry more than 12 passengers-for-hire whether chartered or not, or<br>B) Carry more than 12 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iv) These regulations do not apply to--<br>A) Recreational vessels not engaged in trade.<br>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.<br>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel[5] in addition to the crew, as restricted by the definition of passenger.[7] | All vessels > 15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3, and all vessels when carrying dangerous cargoes when required by 46 CFR part 98. | All vessels not covered by columns 2, 3, 4, and 6. | None. | All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12] |

**Table 90.05-1(a) (continued)**

| Method of propulsion, qualified by size or other limitation.[1] | | Vessels inspected and certificated under-- | | | Vessels subject to the provisions of-- | | |
|---|---|---|---|---|---|---|---|
| | | Subchapter D--Tank Vessels.[2] | Subchapter H--Passenger Vessels[2, 3, 4, and 5] or Subchapter K or T--Small Passenger Vessels.[2, 3, and 4] | Subchapter I--Cargo and Miscellaneous Vessels.[2 and 5] | Subchapter C--Uninspected Vessels.[2, 3, 6, 7, and 8] | Subchapter U—Oceanographic Vessels.[2, 3, 6, 7, and 9] | Subchapter O--Certain Bulk and Dangerous Cargoes.[10] |
| Column 1 | | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
| (2) | Motor, seagoing motor vessels ≥ 300 gross tons. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7]<br>ii) These regulations do not apply to--<br>A) Recreational vessels not engaged in trade.<br>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.<br>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7] | All vessels, including recreational vessels not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry. | All vessels not covered by columns 2, 3, 4, 6, and 7. | All vessels engaged in oceanographic research. | All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12] |
| (3) | Non-self-propelled, vessels < 100 gross tons. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels that--<br>A) Carry more than 6 passengers-for-hire whether chartered or not, or<br>B) Carry more than 6 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>E) Carry more than 12 passengers on an international voyage.[7] | All seagoing barges except those covered by columns 2 and 3. | All barges carrying passengers or passengers-for-hire, except those covered by column 3. | None. | All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1, 11, and 12] |
| (4) | Non-self-propelled, vessels ≥ 100 gross tons. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels that--<br>A) Carry more than 12 passengers-for-hire whether chartered or not, or<br>B) Carry more than 12 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel, or<br>E) Carry more than 12 passengers on an international voyage.[7] | All seagoing barges except those covered by columns 2 and 3. | All barges carrying passengers or passengers-for-hire, except those covered by columns 3 and 6. | All seagoing barges engaged in oceanographic research. | All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1, 11, and 12] |

## Table 90.05-1(a) (continued)

| Method of propulsion, qualified by size or other limitation.[1] | | Vessels inspected and certificated under-- | | | Vessels subject to the provisions of-- | | |
|---|---|---|---|---|---|---|---|
| | | Subchapter D--Tank Vessels.[2] | Subchapter H--Passenger Vessels[2, 3, 4, and 5] or Subchapter K or T--Small Passenger Vessels.[2, 3, and 4] | Subchapter I--Cargo and Miscellaneous Vessels.[2 and 5] | Subchapter C--Uninspected Vessels.[2, 3, 6, 7, and 8] | Subchapter U—Oceanographic Vessels.[2, 3, 6, 7, and 9] | Subchapter O--Certain Bulk and Dangerous Cargoes.[10] |
| Column 1 | | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
| (5) | Sail,[13] vessels ≤ 700 gross tons. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7]<br>ii) All vessels < 100 gross tons that--<br>A) Carry more than 6 passengers-for-hire whether chartered or not, or<br>B) Carry more than 6 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iii) All vessels ≥ 100 gross tons that--<br>A) Carry more than 12 passengers-for-hire whether chartered or not, or<br>B) Carry more than 12 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iv) These regulations do not apply to--<br>A) Recreational vessels not engaged in trade.<br>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.<br>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel[5] in addition to the crew, as restricted by the definition of passenger.[7] | Those vessels carrying dangerous cargoes when required by 46 CFR part 98. | All vessels not covered by columns 2, 3, 4, and 6. | None. | All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12] |
| (6) | Sail,[13] vessels >700 gross tons. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] | Those vessels carrying dangerous cargoes when required by 46 CFR part 98. | None. | None. | All vessels carrying cargoes in bulk that are listed in part 153, table 1, or Part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12] |

**Table 90.05-1(a) (continued)**

| Method of propulsion, qualified by size or other limitation.[1] | | Vessels inspected and certificated under-- | | | Vessels subject to the provisions of-- | | |
|---|---|---|---|---|---|---|---|
| | | Subchapter D--Tank Vessels.[2] | Subchapter H--Passenger Vessels[2, 3, 4, and 5] or Subchapter K or T--Small Passenger Vessels.[2, 3, and 4] | Subchapter I--Cargo and Miscellaneous Vessels.[2 and 5] | Subchapter C--Uninspected Vessels.[2, 3, 6, 7, and 8] | Subchapter U—Oceanographic Vessels.[2, 3, 6, 7, and 9] | Subchapter O--Certain Bulk and Dangerous Cargoes.[10] |
| Column 1 | | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
| (7) | Steam, vessels ≤ 19.8 meters (65 feet) in length. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7]<br>ii) All vessels < 100 gross tons that--<br>A) Carry more than 6 passengers-for-hire whether chartered or not, or<br>B) Carry more than 6 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iii) All vessels ≥ 100 gross tons that--<br>A) Carry more than 12 passengers-for-hire whether chartered or not, or<br>B) Carry more than 12 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iv) These regulations do not apply to--<br>A) Recreational vessels not engaged in trade.<br>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.<br>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel[5] in addition to the crew, as restricted by the definition of passenger.[7] | All tugboats and towboats. All vessels carrying dangerous cargoes when required by 46 CFR Part 98. | All vessels not covered by columns 2, 3, 4, and 6. | None. | All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12] |
| (8) | Steam, vessels > 19.8 meters (65 feet) in length. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7]<br>ii) All vessels < 100 gross tons that--<br>A) Carry more than 6 passengers-for-hire whether chartered or not, or<br>B) Carry more than 6 passengers when chartered with the | All vessels not covered by columns 2, 3, 6, and 7 | None. | All vessels engaged in oceanographic research. | All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would |

## Table 90.05-1(a) (continued)

| Method of propulsion, qualified by size or other limitation.[1] | | Vessels inspected and certificated under-- | | | Vessels subject to the provisions of-- | | |
|---|---|---|---|---|---|---|---|
| | | Subchapter D--Tank Vessels.[2] | Subchapter H--Passenger Vessels[2, 3, 4, and 5] or Subchapter K or T--Small Passenger Vessels.[2, 3, and 4] | Subchapter I--Cargo and Miscellaneous Vessels.[2 and 5] | Subchapter C--Uninspected Vessels.[2, 3, 6, 7, and 8] | Subchapter U—Oceanographic Vessels.[2, 3, 6, 7, and 9] | Subchapter O--Certain Bulk and Dangerous Cargoes.[10] |
| Column 1 | | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
| (8) | Steam, vessels > 19.8 meters (65 feet) in length. | All vessels carrying combustible or flammable liquid cargo in bulk.[5] | crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iii) All vessels ≥ 100 gross tons that--<br>A) Carry more than 12 passengers-for-hire whether chartered or not, or<br>B) Carry more than 12 passengers when chartered with the crew provided, or<br>C) Carry more than 12 passengers when chartered with no crew provided, or<br>D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7]<br>iv) These regulations do not apply to--<br>A) Recreational vessels not engaged in trade.<br>B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.<br>C) Fishing vessels, not engaged in ocean or coastwise service, may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7] | | | | otherwise be subject to these parts.[12] |

Key to symbols used in this table: ≤ is less than or equal to, > is greater than, < is less than, and ≥ is greater than or equal to.

Footnotes:

1 Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

2 Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171-179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

3 Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

4 Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

5 Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

6 Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

7 The terms "passenger(s)" and "passenger(s)-for-hire" are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

8 Boilers and machinery are subject to examination on vessels over 40 feet in length.

9 Under 46 U.S.C. 441 and oceanographic research vessel "* * * being employed exclusively in instruction in oceanography or linmology, or both, or exclusively in oceanographic research, * * *." Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

10 Bulk dangerous cargoes are cargoes specified in table 151.01-10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

11 For manned tank barges, see § 151.01-10(c) of this chapter.

12. See § 151.01-15, 153.900(d), or 154.30 of this chapter as appropriate.

13. Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

[CGFR 65–50, 30 FR 16970, Dec. 30, 1965, as amended by CGFR 67–83, 33 FR 1109, Jan. 27, 1968; CGFR 70–10, 35 FR 3711, Feb. 25, 1970; CGD 73–96, 42 FR 49025, Sept. 26, 1977; CGD 77–042, 42 FR 63643, Dec. 19, 1977; CGD 86–033, 53 FR 36025, Sept. 16, 1988; CGD 86–033, 53 FR 46871, Nov. 21, 1988; CGD 90–008, 55 FR 30661, July 26, 1990; USCG–1999–5040, 67 FR 34792, May 15, 2002]