

TABLE 10.201(i)—GUIDELINES FOR EVALUATING APPLICANTS FOR LICENSES AND CERTIFICATES OF REGISTRY WHO HAVE NDR MOTOR VEHICLE CONVICTIONS INVOLVING DANGEROUS DRUGS OR ALCOHOL<sup>1</sup>

No. of convictions	Date of conviction	Assessment period
1 .....	Less than 1 year .....	1 year from date of conviction.
1 .....	More than 1, less than 3 years ...	Application will be processed, unless suspension or revocation <sup>2</sup> is still in effect. Applicant will be advised that additional conviction(s) may jeopardize merchant mariner credentials.
1 .....	More than 3 years old .....	Not necessary unless suspension or revocation is still in effect.
2 or more .....	Any less than 3 years old .....	1 year since last conviction and at least 3 years from 2nd most recent conviction, unless suspension or revocation is still in effect.
2 or more .....	All more than 3 years old .....	Application will be processed unless suspension or revocation is still in effect.

<sup>1</sup> Any applicant who has ever been the user of, or addicted to the use of, a dangerous drug shall meet the requirements of paragraph (b) of this section.

<sup>2</sup> Suspension or revocation, when referred to in table 10.201(i), means a State suspension or revocation of a motor vehicle operator's license.

(j) If an applicant has one or more alcohol or dangerous drug related criminal or NDR listed convictions; if the applicant has ever been the user of, or addicted to the use of, a dangerous drug; or if the applicant applies before the minimum assessment period for his or her conviction has elapsed; the OCM I may consider the following factors, as applicable, in assessing the applicant's suitability to hold a license or certificate of registry. This list is intended as a guide for the OCM I. The OCM I may consider other factors which he or she judges appropriate to a particular applicant, such as:

- (1) Proof of completion of an accredited alcohol- or drug-abuse rehabilitation program.
- (2) Active membership in a rehabilitation or counseling group, such as Alcoholics Anonymous or Narcotics Anonymous.
- (3) Character references from persons who can attest to the applicant's sobriety, reliability, and suitability for employment in the merchant marine including parole or probation officers.
- (4) Steady employment.
- (5) Successful completion of all conditions of parole or probation.

[CGD 81-059 and CGD 81-059a, 52 FR 38623 and 38666, Oct. 16, 1987, as amended by CGD 81-059, 54 FR 133, Jan. 4, 1989; CGD 81-059a, 55 FR 14799, Apr. 18, 1990; CGD 91-223, 60 FR 4524, Jan. 23, 1995; CGD 91-212, 60 FR 65484, Dec. 19, 1995; CGD 95-062, 62 FR 34529, June 26, 1997; USCG-1999-6224, 64 FR 63225, Nov. 19, 1999]

**§10.202 Issuance of licenses, certificates of registry, and STCW certificates or endorsements.**

(a) Applications for original licenses, original certificates of registry, raises of grade, extensions of route, or endorsements must be current and up-to-date with respect to service and the physical examination, as appropriate. Physical examinations and approved applications are valid for 12 months.

(b) Any person who is found qualified under the requirements set forth in this part is issued an appropriate license or certificate of registry valid for a term of 5 years from date of issuance. Any license or certificate of registry which is renewed or upgraded prior to its expiration date automatically becomes void upon issuance of the replacement license or certificate of registry.

(c) A license or certificate of registry is not valid until signed by the applicant and the OCM I (or the OCM I's designated representative).

(d) Every person who receives an original license or certificate of registry shall take an oath before a designated Coast Guard official that he or she will faithfully and honestly, according to his or her best skill and judgment, without concealment or reservation, perform all the duties required by law and obey all lawful orders of superior officers. Such an oath remains binding for all subsequent licenses or certificates of registry issued to that person unless specifically renounced in writing.

## § 10.202

## 46 CFR Ch. I (10–1–04 Edition)

(e) The applicant for any original license, endorsement, or raise of grade of license must have at least three months' qualifying service on vessels of appropriate tonnage or horsepower within the three years immediately preceding the date of application.

(f) Any applicant whose uncorrected vision exceeds 20/40 in either eye for deck licenses or 20/50 in either eye for engineer, radio officer, offshore installation manager, barge supervisor, or ballast control operator licenses may not serve under the authority of the license unless corrective lenses are worn and spare lenses are carried on board a vessel while serving. (Not applicable to staff officers).

(g) If an Officer in Charge, Marine Inspection, refuses to grant an applicant the license or certificate of registry for which applied, the OCMI will furnish the applicant, if requested, a written statement setting forth the cause of denial.

(h) The Officer in Charge, Marine Inspection, may modify the service and examination requirements in this part to satisfy the unique qualification requirements of an applicant. The Officer in Charge, Marine Inspection, may also lower the age requirement for operator of uninspected passenger vessels license applicants. The authority granted by a license will be restricted on its face to reflect any modifications made under the authority of this paragraph. Such restrictions shall not be removed without the approval of the OCMI issuing the license.

(i) To obtain an original issuance or a renewal of a license or a certificate of registry, a raise in grade of a license, or a higher grade of certificate of registry each applicant shall produce evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in §16.220 of this subchapter. An applicant who fails a chemical test for dangerous drugs will not be issued a license or certificate of registry.

(j) When an original license is issued, renewed, upgraded, or otherwise modified, the OCMI will determine whether the holder of the license needs to hold an STCW certificate or endorsement for service on a seagoing vessel and then, if the holder is qualified, will

issue the appropriate certificate or endorsement. The OCMI will also issue an STCW certificate or endorsement at other times, if circumstances so require and if the holder of the license is qualified to hold the certificate or endorsement.

(k) Notwithstanding §10.205 (l), (m), (n), (o), and (p), §10.304, and §10.901, each mariner found qualified to hold any of the following licenses will also be entitled to hold an STCW certificate or endorsement corresponding to the service or other limitations on the license, because the vessels concerned are not subject to further obligation under STCW, on account of their special operating conditions as small vessels engaged in domestic voyages:

(1) Master's, mate's, or engineer's license for service on small passenger vessels that are subject to subchapter T or K of title 46, Code of Federal Regulations (CFR), and that operate beyond the boundary line.

(2) Master's, mate's, or engineer's license for service on seagoing vessels of less than 200 gross register tons (GRT), other than passenger vessels subject to subchapter H of title 46, CFR.

(l) Neither any person serving on any of the following vessels, nor any owner or operator of any of these vessels, need hold STCW certificates or endorsements, because they are exempt from application of STCW:

(1) Uninspected passenger vessels as defined in 46 U.S.C. 2101(42).

(2) Fishing vessels as defined in 46 U.S.C. 2101(11)(a).

(3) Fishing vessels used as fish-tender vessels as defined in 46 U.S.C. 2101(11)(c).

(4) Barges as defined in 46 U.S.C. 2101(2), including non-self-propelled mobile offshore-drilling units.

(5) Vessels operating exclusively on the Great Lakes or the inland waters of the U.S. in the straits of Juan de Fuca inside passage.

[CGD 81-059, 52 FR 38623, Oct. 16, 1987, as amended by CGD 81-059, 53 FR 133, Jan. 4, 1989; CGD 91-211, 59 FR 49297, Sept. 27, 1994; CGD 91-223, 60 FR 4524, Jan. 23, 1995; CGD 95-062, 62 FR 34529, June 26, 1997; CGD 95-062, 62 FR 40140, July 25, 1997; CGD 95-062, 62 FR 40281, July 28, 1997; CGD 95-028, 62 FR 51195, Sept. 30, 1997]