

§ 185.115 Applicability to existing vessels.

(a) An existing vessel need not comply with the hull marking requirements in § 185.602(c) until completion of a vessel's first drydock required by § 176.600 of this subchapter, which occurs after March 11, 1996.

(b) An existing vessel need not comply with the marking requirement in §§ 185.604 and 185.610, where the size and contents of the markings required by these sections vary from the size and contents of required markings on life-saving equipment, watertight doors, and watertight hatches on the vessel prior to March 11, 1996, until the existing markings are no longer legible as determined by the cognizant Officer in Charge, Marine Inspection (OCMI).

(c) An existing vessel need not comply with the requirements of §§ 185.514, 185.516, and 185.604(i) until completion of the first inspection for certification that occurs after March 11, 1996.

[CGD 85-080, 61 FR 1005, Jan. 10, 1996; 61 FR 24465, May 15, 1996]

Subpart B—Marine Casualties and Voyage Records**§ 185.202 Notice of casualty.**

(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, or person in charge of a vessel involved in a marine casualty shall notify the nearest Marine Safety Office, Marine Inspection Office, or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting of:

(1) An unintended grounding, or an unintended strike of (allision with) a bridge;

(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraphs (a)(3) through (a)(7) of this section;

(3) Loss of main propulsion or primary steering, or any associated component or control system, that reduces the maneuverability of the vessel;

(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire,

flooding, failure of or damage to fixed fire extinguishing systems, lifesaving equipment, auxiliary power generating equipment, or bilge pumping systems;

(5) Loss of life;

(6) Injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, which renders the individual unfit to perform his or her routine duties; or

(7) An occurrence not meeting any of the above criteria but causing property damage in excess of \$25,000. This damage includes the cost of labor and material to restore the property to its condition before the occurrence, but does not include the cost of salvage, cleaning, gas freeing, drydocking, or demurrage.

(b) A vessel is excluded from the requirements of paragraphs (a)(5) and (a)(6) of this section with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g., collision) or a vessel equipment casualty (e.g., cargo boom failure) and are subject to the reporting requirements of the Occupational Safety and Health Administration (OSHA) in 29 Code of Federal Regulations (CFR) part 1904.

(c) Notice given as required by § 185.203 satisfies the requirement of this section if the marine casualty involves a hazardous condition.

§ 185.203 Notice of hazardous conditions.

Whenever there is a hazardous condition, as defined by § 175.400 of this subchapter, on board the vessel, the owner, master, agent, or person in charge shall immediately notify the Captain of the Port of the port of place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

§ 185.206 Written report of marine casualty.

(a) The owner, master, agent, or person in charge shall, within five days, file a written report of any marine casualty. This written report is in addition to the immediate notice required

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by 185.202. This written report must be delivered to a Coast Guard Marine Safety Office, or Marine Inspection Office. It must be provided on Form CG-2692 (Report of Marine Accident, Injury, or Death), Supplemented as necessary by appended Forms CG-2692A (Barge Addendum) and CG-2692B (Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident).

(b) If filed without delay after the occurrence of the marine casualty, the notice required by paragraph (a) of this section suffices as the notice required by § 185.202.

§ 185.208 Accidents to machinery.

The owner, managing operator, or master shall report damage to a boiler, unfired pressure vessel, or machinery that renders further use of the item unsafe until repairs are made, to the OCMi at the port in which the casualty occurred or nearest the port of first arrival, as soon as practicable after the damage occurs.

§ 185.210 Alcohol or drug use by individuals directly involved in casualties.

(a) For each marine casualty required to be reported by § 185.202, the owner, agent, master, or person in charge of the vessel shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.

(b) The owner, agent, master, or person in charge of the vessel shall include in the written report, Form CG 2692, submitted for the casualty information that:

(1) Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and

(2) Specifies the method used to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.

(c) An entry must be made in the Official Logbook if carried, pertaining to those individuals for whom evidence of intoxication is obtained. The individual shall be informed of this entry and the entry shall be witnessed by a second person.

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(d) If an individual directly involved in a casualty refuses to submit to, or cooperate in, the administration of a timely chemical test, when directed by a Coast Guard commissioned, warrant, or petty officer, or any other law enforcement officer authorized to obtain a chemical test under Federal, state, or local law, or by the owner, agent, master, or person in charge, this fact must be noted in the Official Logbook, if carried, and in the written report (Form CG 2692), and will be admissible as evidence in any administrative proceeding.

[CGD 85-080, 61 FR 1005, Jan. 10, 1996, as amended by CGD 97-057, 62 FR 51050, Sept. 30, 1997]

§ 185.212 Mandatory chemical testing following serious marine incidents.

A marine employer whose vessel is involved in a casualty or incident that is, or is likely to become, a serious marine incident as defined in § 4.03-2 of subchapter A of this chapter shall comply with the requirements of § 4.06 in subchapter A of this chapter.

§ 185.220 Records of a voyage resulting in a marine casualty.

The owner, agent, master, or person in charge of any vessel involved in a marine casualty for which a report is required under § 185.202 of this part shall retain all voyage records maintained by the vessel, including rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists and counts, articles of shipment, official logs, and other material that might be of assistance in investigating and determining the cause of the casualty. The owner, agent, master, other officer, or person responsible for the custody thereof, shall make these records available upon request, to a duly authorized investigating officer, administrative law judge, officer or employee of the Coast Guard.

[CGD 85-080, 61 FR 1005, Jan. 10, 1996, as amended by CGD 97-057, 62 FR 51050, Sept. 30, 1997]