

§ 42.07-50

46 CFR Ch. I (10-1-04 Edition)

(f) The form of certificate certifying to the correctness of exemptions granted under the regulations in this part shall be as shown in subpart 42.50 of this part as follows:

(1) International load line exemption certificate issued under special conditions to U.S.-flag vessels engaged in foreign voyages, as follows:

(i) Form *E1*, For general international use.

(ii) Where this certificate is intended to expire after a single voyage, this information shall be noted on the face of the certificate.

(2) International load line certificate Form A1, A2, or A3 issued under special conditions to U.S.-flag vessels on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. Exemptions, if any, shall be specified on the certificate.

(g) The issuing authority shall provide the printed forms it may use under the regulations in this subchapter. These forms shall be approved by the Commandant before final printing. The international load line certificate and exemption certificate forms shall exactly reproduce the arrangement of the printed part of the model Forms *A1*, *A2*, *A3*, and *E1* indicated in subpart 42.50 of this part for all official copies and any certified copies issued.

(h) Where a vessel qualifies for and is issued a Form *E1* International Load Line Exemption Certificate for foreign voyages but is also or solely engaged in coastwise or intercoastal voyages by sea, this certificate shall be considered equivalent to a valid coastwise load line certificate. In such case the vessel shall be deemed in full compliance with 46 U.S.C. 5101-5116 and the regulations in this part promulgated thereunder.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969; CGD 73-49R, 38 FR 12290, May 10, 1973; CGD-74; 153, 39 FR 25324, July 10, 1974; CGD 80-120, 47 FR 5722, Feb. 8, 1982; CGD 96-006, 61 FR 35964, July 9, 1996; USCG-1998-4442, 63 FR 52190, Sept. 30, 1998]

§ 42.07-50 Penalties for violations.

(a) The penalties for violation of various provisions of the load line acts or the regulations established thereunder are set forth in 46 U.S.C. 5116. The Sec-

retary of Transportation by 49 CFR 1.46(b) has transferred to the Commandant authority to assess, collect, remit or litigate any monetary penalty imposed under these laws.

(b) The master and/or owner of a vessel that is operated, navigated, or used in violation of the provisions of the load line acts, or the regulations in this subchapter will be subject to the penalties as set forth in law, and the vessel shall also be liable therefor. Depending upon the gravity of the violations, the Coast Guard may do any one or more of the following:

(1) Detain a vessel if deemed to be overloaded in violation of title 46 U.S.C. 5112, in accordance with 46 U.S.C. 5113 and have the vessel surveyed by three disinterested surveyors.

(2) Assess and collect applicable monetary penalties for certain violations as provided in 46 U.S.C. 5112 and 5116.

(3) Initiate a criminal prosecution for certain violations when required by 46 U.S.C. 5112 or 5116.

(4) Initiate an action of libel against the vessel involved if there is a failure to pay monetary penalties assessed.

(5) Initiate a suspension or revocation proceeding, in addition to the foregoing actions described in this paragraph against any officer or seaman holding a valid Coast Guard license or merchant mariner's document and who may violate any provision of the load line acts, the 1966 Convention, or the regulations in this subchapter, under the provisions of 46 U.S.C. Chapter 77, and the regulations in 46 CFR part 5.

(c) In determining offenses, 46 U.S.C. 5116 provides that 'Each day of a continuing violation is a separate violation' and

(d) The procedures governing the assessment, collection, remission and litigation of any monetary penalty proposed under 46 U.S.C. 5116 for a violation of either load line law or the applicable regulations in this subchapter, as well as the appeal procedures to be allowed, are in 33 CFR subpart 1.07.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969; CGD 80-120, 47 FR 5722, Feb. 8, 1982; CGD 97-057, 62 FR 51043, Sept. 30, 1997]