

§ 42.07-55 Cancellation of load line certificates or exemption certificates.

(a) Since vessels described in § 42.03-5 or § 42.03-10 when found qualified are issued appropriate load line certificates or load line exemption certificates, under U.S. responsibility as indicated in § 42.07-45 such certificates may be canceled by proper U.S. authority for due cause, including one or more of the causes listed in paragraph (b) of this section. Such action may occur prior to the expiration date on the certificate and normal certificate surrender. The cancellation of such certificate means that the correctness of load line marks and compliance with conditions of assignment for the named vessel no longer are recognized by the United States and that the existing assigned load line marks are voided.

(b) Certain causes for automatic cancellation of certificates are:

(1) The conditions of assignment have not been maintained as required by this subchapter.

(2) Material alterations have taken place in the hull or superstructure of the vessel, which will necessitate the assignment of an increased freeboard.

(3) The fittings and appliances have not been maintained in an effective condition for the protection of openings, guardrails, freeing ports, and means of access to crew's quarters.

(4) The structural strength of the vessel is lowered to such an extent that the vessel is unsafe.

(5) The load line certificate or International Load Line Exemption Certificate is not endorsed to show the vessel has been surveyed annually or periodically by the issuing authority as required by this part or the 1966 Convention.

(6) Issuance of a new load line certificate for the same vessel.

(7) Surrender of a certificate for cancellation when required.

(8) The owner, master, or agent of the vessel has furnished false or fraudulent information in or with the application for a certificate.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969]

§ 42.07-60 Control.

(a) The District Director of Customs or the Coast Guard District Commander may detain a vessel for survey if there is reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this subchapter as indicated by the vessel's load line certificate, or otherwise. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea.

(b) If the District Director of Customs orders a vessel detained, he shall immediately inform the Coast Guard District Commander thereof, who shall thereupon advise the District Director of Customs whether or not he deems that the vessel may proceed to sea with safety. If the Coast Guard District Commander orders a vessel detained, such officer will furnish the District Director of Customs immediate notification of such detention. The clearance shall be refused to any vessel which shall have been ordered detained, which shall be in effect until it is shown that the vessel is not in violation of the applicable law and the regulations in this subchapter.

(1) Where a vessel is detained for non-compliance with "material alteration" and "effective maintenance" requirements of paragraph (f)(1) of this section, the detention shall only be exercised insofar as may be necessary to ensure that the vessel can proceed to sea without danger to passengers or crew.

(c) The detention of a vessel will be by written order of either the Coast Guard District Commander or the District Director of Customs, depending on who orders the detention. The Coast Guard District Commander will immediately arrange for a survey in the manner prescribed by 46 U.S.C. 5113. Unless the owner or agent waives in writing and stipulates to accept the Coast Guard's survey, the Coast Guard District Commander shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Such surveyors shall conduct a survey to ascertain whether or not the vessel is loaded