

NOTE: A single VHF-FM radio capable of scanning or sequential monitoring (often referred to as "dual watch" capability) will not meet the requirements for two radios.

[CGD 91-046, 57 FR 14485, Apr. 21, 1992; 57 FR 21740, May 22, 1992, as amended by CGD 90-020, 59 FR 36322, July 15, 1994; CGD 95-033, 60 FR 28328, May 31, 1995; CGD 92-052, 61 FR 45325, Aug. 29, 1996; CGD-1999-6141, 64 FR 69635, Dec. 14, 1999; USCG-2003-14757, 68 FR 39364, July 1, 2003]

§ 26.04 Use of the designated frequency.

(a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. 1207(a), to transmit any information other than information necessary for the safe navigation of vessels or necessary tests.

(b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

(c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

(d) On the navigable waters of the United States, channel 13 (156.65 MHz) is the designated frequency required to be monitored in accordance with § 26.05(a) except that in the area prescribed in § 26.03(e), channel 67 (156.375 MHz) is the designated frequency.

(e) On those navigable waters of the United States within a VTS area, the designated VTS frequency is an additional designated frequency required to be monitored in accordance with § 26.05.

(85 Stat. 164; 33 U.S.C. 1201-1208; 49 CFR 1.46(m)(2))

[CGD 71-114R, 37 FR 12720, June 28, 1982, as amended by CGD 83-036, 48 FR 30107, June 30, 1983; CGD 91-046, 57 FR 14486, Apr. 21, 1992; 57 FR 21741, May 22, 1992; CGD 90-020, 59 FR 36323, July 15, 1994; CGD 95-033, 60 FR 28329, May 31, 1995]

§ 26.05 Use of radiotelephone.

Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or

person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this act.

[CGD 93-072, 59 FR 39963, Aug. 5, 1994]

§ 26.06 Maintenance of radiotelephone; failure of radiotelephone.

Section 6 of the Act states:

(a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

§ 26.07 Communications.

No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

[CGD 90-020, 59 FR 36323, July 15, 1994, as amended by CGD 95-033, 60 FR 28329, May 31, 1995]

§ 26.08 Exemption procedures.

(a) The Commandant has redelegated to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

(b) Any person may petition for an exemption from any provision of the Act or this part;

(c) Each petition must be submitted in writing to U.S. Coast Guard, Marine Safety, Security and Environmental

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Protection, 2100 Second Street SW., Washington, DC 20593-0001, and must state:

(1) The provisions of the Act or this part from which an exemption is requested; and

(2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

[CGD 71-114R, 37 FR 12720, June 28, 1972, as amended by CGD 73-256, 39 FR 9176, Mar. 8, 1974; CGD 88-052, 53 FR 25119, July 1, 1988; CGD 95-057, 60 FR 34150, June 30, 1995; CGD 96-026, 61 FR 33663, June 28, 1996; CGD 97-023, 62 FR 33362, June 19, 1997; USCG-2002-12471, 67 FR 41331, June 18, 2002]

§ 26.09 List of exemptions.

(a) All vessels navigating on those waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(b) Each vessel navigating on the Great Lakes as defined in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§ 26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI

and Technical Regulations 1-9 of “The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973.”

[CGD 72-223R, 37 FR 28633, Dec. 28, 1972, as amended by CGD 74-291, 39 FR 44980, Dec. 30, 1974; CGD 83-003, 48 FR 7442, Feb. 18, 1983; CGD 91-046, 57 FR 14486, Apr. 21, 1992]

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

AUTHORITY: Secs. 1-6, Pub. L. 101-410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104-134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

SOURCE: CGD 96-052, 62 FR 16700, Apr. 8, 1997, unless otherwise noted.

§ 27.3 Penalty Table.

Table 1 lists sections of the United States Code that authorize civil monetary penalties for laws administered by the Coast Guard. These penalties are assessable in either civil judicial or administrative proceedings. Table 1 is periodically amended to reflect relevant changes in the United States Code and to show adjustments in penalty amounts that are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, but Table 1 will not reflect statutory changes that may take effect subsequent to the most recent amendment of Table 1. In any case of conflict between Table 1 and the current provisions of the United States Code or another Federal statute, the current Code or statutory provision is controlling.

TABLE 1—CIVIL MONETARY PENALTIES

U.S. Code citation	Civil monetary penalty description	Statutory penalty (\$)	Inflation adjustments per 1990 Act as amended (\$)
14 U.S.C. 88(c)	Saving Life and Property	5,000	6,500
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (first offense)	3,000	3,300
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses)	20,000	27,000
16 U.S.C. 4711(g)(1)	Aquatic Nuisance Species in Waters of the United States	25,000	27,500
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels	2,000	2,200
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty	500	550
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge	5,000	(**)