Title 33, Code of Federal Regulations (CFR) AIS regulatory text proposed 12/16/08 in 73 FR 76295, which comment period closed 4/15/09; vice the **final text** published 1/30/15 in 80 FR 5281, which became effective 3/2/15.

§ 164.01 Applicability.

(a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) * * *

(c) Provisions of §§ 164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(d) Provisions of § 164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

§ 164.02 Applicability exception for foreign vessels.

(a) Except for § 164.46(c), none of the requirements of this part apply to foreign vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

§ 164.46 Automatic Identification System.

(a) Definitions. As used in this section--

Automatic Identification Systems or AIS means a maritime navigation safety communications system standardized by the International Telecommunication Union (ITU), adopted by the International Maritime Organization (IMO), that--

(1) Provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft;

(2) Receives automatically such information from similarly fitted ships, monitors and tracks ships; and

(3) Exchanges data with shore-based facilities.

Gross tonnage means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

International voyage means a voyage from a country to which the present International Convention for the Safety of Life at Sea (SOLAS), 1974 applies to a port outside such country, or conversely.

Properly installed, operational means an Automatic Identification System (AIS) that is installed and operated using the guidelines set forth by the International Maritime Organization (IMO) Resolution A.917(22) and Safety of Navigation Circulars (SN/Circ.) 227, 236, 244, and 245, and Resolution A.917(22)(IncorporatedSN.1/Circ.289; or National Marine Electronics Association (NMEA) Installation Standard 0400-3.10 in lieu of SN/Circ.227 and 245 (incorporated by reference, see § 164.03).

(b) AIS carriage. (1) AIS Class A device. The following vessels must have onboardon board a properly installed, operational, Coast Guard type-approved Automatic Identification System (AIS):

(1 Class A device:

(i) A self-propelled vessel of 65 feet or more in length, engaged in commercial service;

(2.

(ii) A towing vessel of 26 feet or more in length and more than 600 horsepower, engaged in commercial towing;

(3service.

(iii) A vessel that is certificated to carry more than 150 passengers.

(iv) A self-propelled vessel carrying 50 or more passengers, engaged in commercial service;

(4) A vessel carrying more than 12 passengers for hire and capable of speeds in excess of 30 knots;

(5) A dredge or floating plant engaged dredging operations in or near a commercial channel or shipping fairway in operationsa manner likely to restrict or affect navigation of other vessels except for an unmanned or intermittently manned floating plant under the control of a dredge; and

(6.

(v) A self-propelled vessel carrying or engaged in the movement of certain –

(A) Certain dangerous cargoescargo as defined in §subpart C of part 160.202 of this subchapter.

Note to paragraph (b): Except for those vessels denoted in paragraph (c) of this section, use ofchapter, or

(B) Flammable or combustible liquid cargo in bulk that is listed in 46 CFR 30.25–1, Table 30.25–1.

(2) AIS Class B device. Use of a Coast Guard type-approved AIS Class B device in lieu of an AIS Class A device is permissible~~, however,~~ on the following vessels if they are not ~~well suited, on~~ subject to pilotage by other than the vessel Master or crew:

(i) Fishing industry vessels ~~that are highly maneuverable, navigate at high speed, or routinely~~;

(ii) Vessels identified in paragraph (b)(1)(i) of this section that are certificated to carry less than 150 passengers and that–

(A) Do not operate ~~on~~ in a Vessel Traffic Service (VTS) or Vessel Movement Reporting System (VMRS) area defined in Table 161.12(c) of § 161.12 of this chapter, and

(B) Do not operate at speeds in excess of 14 knots; and

(iii) Vessels identified in paragraph (b)(1)(iv) of this section engaged in dredging operations.

Note to paragraph (b): Under 33 U.S.C. 1223(b)(3) and 33 CFR 160.111, a Coast Guard Captain of the Port (COTP) may restrict the operation of a vessel if he or ~~near very congested waterways~~she determines that by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or ~~in close quarter situations with other AIS equipped vessels~~the condition of such vessel, the restriction is justified in the interest of safety. In certain circumstances, if a COTP is concerned that the operation of a vessel not subject to § 164.46 would be unsafe, the COTP may determine that voluntary installation of AIS by the operator would mitigate that concern.

(c) SOLAS provisions. The following self-propelled vessels must comply with International Convention for Safety of Life at Sea (SOLAS), as amended, Chapter V, regulation 19.2.1.6~~,~~ (Positioning System), 19.2.4 (AIS Class A), and 19.2.3.5 (Transmitting Heading Device) or 19.2.5.1 (Gyro Compass) as applicable (Incorporated by reference, see § 164.03):

(1) A vessel of ~~500 gross tonnage or more;~~

~~(2) A vessel of~~ 300 gross tonnage or more, on an international voyage~~; and~~

~~(3~~.

(2) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.

(d) Operations. The requirements in this paragraph are applicable to any vessel equipped with AIS.

(1) Use of AIS does not relieve the vessel of the requirements to sound whistle signals or display lights or shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), 28 U.S.T. 3459, T.I.A.S. 8587, or Inland Navigation Rules, 33 ~~U.S.C. 2001 through 2073~~CFR part 83; nor of the radio requirements of the Vessel Bridge-to-Bridge Radiotelephone Act, 33 U.S.C. 1201-1208, part 26 of this chapter, and 47 CFR part 80.

(2) AIS must be maintained in effective operating ~~conditions~~condition, which includes~~the:~~--

(i) The ability to reinitialize the AIS ~~should the need arise (this could require~~, which requires access to and knowledge of the AIS power source and password~~);~~;

(ii) The ability to access AIS information from the primary conning position of the vessel;

(iii) The accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;

(iv) The accurate input and upkeep of all AIS data fields and system updates; and

(v) For those vessels denoted in paragraph (b) of this section, the continual operation of AIS~~,~~ and its associated devices (e.g., ~~GPS~~positioning system, gyro, converters~~),~~, displays) at all times while the vessel is underway~~,~~ or at anchor, ~~or~~and, if moored ~~in or near a commercial channel or shipping fairway in operations likely~~, at least 15 minutes prior to ~~restrict or affect navigation of other vessels,~~getting underway; except—

~~(A) When use of AIS~~ when its operation would compromise the safety or security of the vessel or a security incident is imminent.

~~(B)~~ The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. ~~At that~~The time~~, those vessels denoted in paragraph (b), must report~~ and reason for the silent period should be recorded in the ship's official log and reported to the nearest ~~U.S.~~ Captain of the Port or Vessel Traffic Center~~, and record in the ship's official log, the AIS operational interruption and the reason for the interruption.~~

— (VTC).

(3) AIS safety-related text messaging must be conducted in English and solely to exchange or communicate pertinent navigation safety information (~~for example,~~analogous to a SECURITE broadcast). Although not prohibited, ~~it~~AIS text messaging should not be relied upon as the primary means for broadcasting distress (MAYDAY) or urgent

(PAN PAN) communications ~~(for example, MAYDAY or PAN PAN)~~. (47 CFR 80.1109, Distress, urgency, and safety communications).

(4) AIS application-specific messaging (ASMs) is permissible, but is limited to applications adopted by the International Maritime Organization (such as IMO SN.1/Circ.289) or those denoted in the International Association of Marine Aids to Navigation and Lighthouse Authorities' (IALA) ASM Collection for use in the United States or Canada, and to no more than one ASM per minute.

Note to paragraph (d): ~~AIS devices must be able to broadcast vessel position, course, and speed, and may require the~~ The Coast Guard has developed the "U.S. AIS Encoding Guide" to help ensure consistent and accurate data encoding (input ~~of an external positioning device (e.g., DGPS) to do so.~~) by AIS users. This Guide is available at our "AIS Frequently Asked Questions" (FAQ #2) at www.navcen.uscg.gov. Although of great benefit, the ~~integration of existing~~ interfacing or installation of~~,~~ other external devices or displays (e.g., transmitting heading device, gyro, rate of turn indicator, ~~ECDIS/ECS~~electronic charting systems, and radar~~) is highly recommended but~~), is not currently required except as denoted in § 164.46(c).

Most application-specific messages require interfacing to an external system that is capable of their portrayal, such as equipment certified to meet Radio Technical Commission for Maritime Services (RTCM) electronic chart system (ECS) standard 10900 series.

(e) Watchkeeping. AIS is primarily intended for use ~~of~~by the ~~master~~Master or person in charge of the vessel, or by the person designated by the ~~master~~Master or person in charge to pilot or direct the movement of the vessel, who must maintain a periodic watch for AIS information.

(f) Portable AIS. The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board and such that only one AIS ~~unit~~device may be ~~in operation~~ transmitting on board a vessel at any one time.

(g) AIS Pilot ~~Port~~Plug. The AIS Pilot ~~Port,~~Plug on any vessel subject to pilotage~~,~~ by other than the vessel Master or crew must be readily available and easily accessible from the primary conning position of the vessel and permanently affixed (not an extension cord) and adjacent (within ~~at least~~ 3 feet ~~of~~) to a 120-volt 50/60 Hz AC power receptacle~~-~~ (NEMA 5-15).

(h) Exceptions. ~~Only those~~ The following vessels may seek up to a 5-year deviation from the AIS requirements of this section by requesting a deviation under § 164.55

(1) Vessels that operate solely within a very confined area (e.g., less than a ~~one~~1 nautical-mile radius, shipyard, or barge fleeting ~~area), or on facility~~);

(2) Vessels that conduct only short ~~and~~ voyages (less than 1 nautical mile) on a fixed ~~schedules~~schedule (e.g., a bank-to-bank river ferry service~~),~~ or a tender vessel);

(3) Vessels that ~~otherwise~~ are not likely to encounter ~~another~~other AIS~~-~~equipped ~~vessel, may request~~vessels;

(4) Vessels whose design or construction makes it impracticable to operate an AIS device (e.g., those that lack electrical power, have an exposed or open cabin, or are submersible); or

(5) Vessels denoted in paragraph (b)(2) that seek a ~~yearly~~ deviation from requirements in paragraphs (d)(2)(ii) and (e) of this section ~~as set forth in § 164.55~~because their AIS Class B device lacks a display.

(i) Prohibition. Except for maritime support stations (see 47 CFR 80.5) licensed by the Federal Communications Commission (FCC), broadcasts from AIS Class A or B devices on aircraft, non-self propelled vessels or from land are prohibited.

(j) Implementation date. Those vessels identified in ~~paragraph~~paragraphs (b) and (c) of this section that were not previously subject to AIS carriage must install AIS no later than ~~[date of the first day of the seventh month after publication of the final rule to be inserted]~~March 1st, 2016.

§ 164.53 Deviations from rules and reporting: Non-operating equipment.

(a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by part 160 of this chapter.

(b) If the vessel's automatic identification system (AIS), radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.