

## Title 33, Code of Federal Regulations

{as amended July 1st (68 FR 39353), July 16th (68 FR 41913), and October 22<sup>nd</sup>, 2003 (68 FR 60559)}

### § 164.46 Automatic Identification System (AIS)

(a) The following vessels must have a properly installed, operational, type approved AIS as of the date specified:

(1) Self-propelled vessels of 65 feet or more in length, other than passenger and fishing vessels, in commercial service and on an international voyage, not later than December 31, 2004.

(2) Notwithstanding paragraph (a)(1) of this section, the following, self-propelled vessels, that are on an international voyage must also comply with SOLAS, as amended, Chapter V, regulation 19.2.1.6, 19.2.4, and 19.2.3.5 or 19.2.5.1 as appropriate (Incorporated by reference, see § 164.03):

(i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more but less than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

(3) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, when navigating an area denoted in table 161.12(c) of § 161.12 of this chapter, not later than December 31, 2004.

(i) Self-propelled vessels of 65 feet or more in length, other than fishing vessels and passenger vessels certificated to carry less than 151 passengers-for-hire, in commercial service;

(ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.

Note to § 164.46(a): "*Properly installed*" refers to an installation using the guidelines set forth in IMO SN/Circ.227 (incorporated by reference, see § 164.03). Not all AIS units are able to broadcast position, course, and speed without the input of an external positioning device (e.g. dGPS); the use of other external devices (e.g. transmitting heading device, gyro, rate of turn indicator) is highly recommended, however, not required except as stated in § 164.46(a)(2). "*Type approved*" refers to an approval by an IMO recognized Administration as to comply with IMO Resolution MSC.74(69), ITU-R Recommendation M.1371-1, and IEC 61993-2 (Incorporated by reference, see § 164.03). "*Length*" refers to "registered length" as defined in 46 CFR part 69. "*Gross tonnage*" refers to tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(b) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§ 26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter also apply to AIS. The term "effective operating condition" used in § 26.06 of this chapter includes accurate input and upkeep of AIS data fields.

(c) 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 may be in operation at any one time.

(d) The AIS Pilot Plug, on each vessel over 1,600 gross tons on an international voyage, must be available for pilot use, easily accessible from the primary conning position of the vessel, and near a 120 Volt, AC power, 3-prong receptacle.

### Cross-references & Hyperlinks

#### International Maritime Organization (IMO)

Resolution MSC74(69), Annex 3, Performance Standard for Universal Shipborne Automatic Identification System, adopted 12 May 1998

SOLAS Chapter V, Regulation 19.2.4, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2002 Amendments effective July 2003

SN/Circ.227, Guidelines for Installation of Shipborne Automatic Identification System (AIS), NAV 48/18, 6 January 2003

#### International Electrotechnical Commission (IEC)

IEC 61993-2, Maritime navigation and radiocommunication equipment and systems-- Automatic identification systems (AIS); Part 2: Class A shipborne equipment of the universal automatic identification system (AIS)--Operational and performance requirements, methods of test and required test results, Edition 1.0, 2001-12.

#### International Telecommunication Union (ITU)

Recommendation ITU-R M.1371-1, Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band, 1998-2001

### Definitions

#### SOLAS Chapter I, Regulation 2

(d) *International voyage* means a voyage from a country to which the present Convention applies to a port outside such country, or conversely.

(e) *Passenger* is every person other than: (i) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and, (ii) a child under the age of one.

(f) A *passenger ship* is a ship which carries more than 12 passengers.

(g) A *cargo ship* is a ship which is not a passenger ship.

(h) A *tanker* is a cargo ship constructed or adapted for the carriage in bulk on liquid cargoes of an inflammable nature.

#### 46 USC 2101

(5) "*commercial service*" includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(11a) "*fishing vessel*" means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(21) "*passenger*" -

(A) means an individual carried on the vessel except -

(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) the master; or

(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services;...

(21a) "*passenger for hire*" means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(22) "*passenger vessel*" means a vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title -

(A) carrying more than 12 passengers, including at least one passenger for hire;

(B) that is chartered and carrying more than 12 passengers; or

(C) that is a submersible vessel carrying at least one passenger for hire.

(24) "*public vessel*" means a vessel that -

(A) is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(B) is not engaged in commercial service.

(40) "*towing vessel*" means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.