

CODE OF FEDERAL REGULATIONS, TITLE 33, PART 164

§ 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](#) 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, 244, 245, and SN.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](#)).

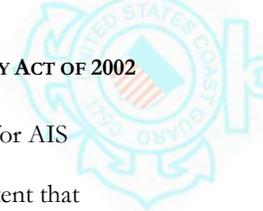
(b) *AIS carriage*. (1) *AIS Class A device*. The following vessels must have on board a properly installed, operational [Coast Guard type-approved AIS Class A](#) device:

- (i) A self-propelled vessel of 65 feet or more in length, engaged in [commercial service](#).
- (ii) A [towing vessel](#) of 26 feet or more in length and more than 600 horsepower, engaged in [commercial service](#).
- (iii) A vessel that is [certificated](#) to carry more than 150 [passengers](#).
- (iv) A self-propelled vessel engaged in dredging operations in or near a commercial channel or shipping fairway in a manner likely to restrict or affect navigation of other vessels.
- (v) A self-propelled vessel engaged in the movement of --
 - (A) [Certain dangerous cargo](#) as defined in subpart C of part 160 of this chapter, 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 on the following vessels if they are not subject to pilotage by other than the vessel Master or crew:
 - (i) Fishing industry vessels;
 - (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 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 she determines that by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or 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 300 gross tonnage or more, on an international voyage.
- (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 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 condition, which includes--

(i) The ability to reinitialize the AIS, 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., positioning system, gyro, converters, displays) at all times while the vessel is underway or at anchor, and, if moored, at least 15 minutes prior to getting underway; except when its operation would compromise the safety or security of the vessel or a security incident is imminent. The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. The time and reason for the silent period should be recorded in the ship's official log and reported to the nearest [Captain of the Port](#) or [Vessel Traffic Center \(VTC\)](#).

(3) [AIS safety-related text messaging](#) must be conducted in English and solely to exchange or communicate pertinent navigation safety information (analogous to a SECURITE broadcast). Although not prohibited, AIS text messaging should not be relied upon as the primary means for broadcasting distress (MAYDAY) or urgent (PAN PAN) communications. ([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): The Coast Guard has developed the "U.S. AIS Encoding Guide" to help ensure consistent and accurate data encoding (input) 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 interfacing or installation of other external devices or displays (e.g., transmitting heading device, gyro, rate of turn indicator, electronic charting systems, and radar), 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 by the Master or person in charge of the vessel, or by the person designated by the 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 device may be transmitting on board a vessel at any one time.

(g) *AIS Pilot Plug.* The AIS Pilot 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 3 feet) to a 120-volt 50/60 Hz AC power receptacle ([NEMA 5-15](#)).

(h) *Exceptions.* 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 1 nautical-mile radius, shipyard, or barge fleeting facility);

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

(3) Vessels that are not likely to encounter other AIS-equipped 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 deviation from requirements in paragraphs (d)(2)(ii) and (e) of this section 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.

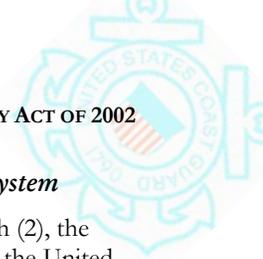
(j) *Implementation date.* Those vessels identified in paragraphs (b) and (c) of this section that were not previously subject to AIS carriage must install AIS no later than February 26th, 2016.

§ 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.

Source: 68 FR 60564, published October 22nd, 2003, and effective November 21st, 2004; as amended by [80 FR 5281](#), published January 30th, 2015, and effective March 2nd, 20015



Safety of Life at Sea (SOLAS) Convention, Chapter V, Regulation 19

2.4 All ships of 300 gross tonnage and upwards engaged on international voyages and cargo ships of 500 gross tonnage and upwards not engaged on international voyages and passenger ships irrespective of size shall be fitted with an automatic identification system (AIS), as follows:

- .1 ships constructed on or after 1 July 2002;
- .2 ships engaged on international voyages constructed before 1 July 2002:
 - .2.1 in the case of passenger ships, not later than 1 July 2003;
 - .2.2 in the case of tankers, not later than the first survey for safety equipment on or after 1 July 2003;
 - .2.3 in the case of ships, other than passenger ships and tankers, of 50,000 gross tonnage and upwards, not later than 1 July 2004;
 - ~~.2.4 in the case of ships, other than passenger ships and tankers, of 10,000 gross tonnage and upwards but less than 50,000 gross tonnage, not later than 1 July 2005;~~
 - ~~.2.5 in the case of ships, other than passenger ships and tankers, of 3,000 gross tonnage and upwards but less than 10,000 gross tonnage, not later than 1 July 2006.~~
 - ~~.2.6 in the case of ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 3,000 gross tonnage, not later than 1 July 2007; and~~
 - .2.4 in the case of ships, other than passenger ships and tankers, of 300 gross tonnage and upwards, but less than 50,000 gross tonnage, not later than the first safety equipment survey¹ after 1 July 2004 or by 31 December 2004, whichever occurs earlier; and
- .3 ships not engaged on international voyages constructed before 1 July 2002, not later than 1 July 2008;
- .4 the Administration may exempt ships from the application of the requirements of this paragraph when such ships will be taken permanently out of service within two years after the implementation date specified in subparagraphs .2 and .3;
- .5 AIS shall:
 - .1 provide automatically to appropriately equipped shore stations, other ships and aircraft information, including the ship's identity, type, position, course, speed, navigational status and other safety-related information;
 - .2 receive automatically such information from similarly fitted ships;
 - .3 monitor and track ships; and
 - .4 exchange data with shore-based facilities;
 - .6 the requirements of paragraph 2.4.5 shall not be applied to cases where international agreements, rules or standards provide for the protection of navigational information; and
 - .7 AIS shall be operated taking into account the guidelines adopted by the Organization. *Ships fitted with AIS shall maintain AIS in operation at all times except where international agreements, rules or standards provide for the protection of navigational information.*

¹The first safety equipment survey means the first annual survey, the first periodical survey of the first renewal survey for safety equipment, whichever is due first after 1 July 2004 and, in addition, the case of ships under construction, the initial survey.

Source: International Maritime Organization (IMO) Resolution MSC.99(73) adopted December 12th, 2000 and entered into force July 1st, 2002; as amended by SOLAS Resolution CONF.5/32 adopted December 13th, 2002 and entered into force July 1st, 2004

U.S. Code, Title 46, § 70114. Automatic identification system

- (a) SYSTEM REQUIREMENTS.--(1) Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate an automatic identification system under regulations prescribed by the Secretary:
 - (A) A self-propelled commercial vessel of at least 65 feet overall in length.
 - (B) A vessel carrying more than a number of passengers for hire determined by the Secretary.
 - (C) A towing vessel of more than 26 feet overall in length and 600 horsepower.
 - (D) Any other vessel for which the Secretary decides that an automatic identification system is necessary for the safe navigation of the vessel.
- (2) The Secretary may--
 - (A) exempt a vessel from paragraph (1) if the Secretary finds that an automatic identification system is not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and
 - (B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary if the Secretary finds that automatic identification systems are not needed for safe navigation on those waters.
- (b) REGULATIONS.--The Secretary shall prescribe regulations implementing subsection (a), including requirements for the operation and maintenance of the automatic identification systems required under subsection (a).

§ 70117. Civil Penalties

- (e) PHASE-IN OF AUTOMATIC IDENTIFICATION SYSTEM.--
 - (1) SCHEDULE.--Section 70114 of title 46, United States Code, as enacted by this Act, shall apply as follows:
 - (A) On and after January 1, 2003, to any vessel built after that date.
 - (B) On and after July 1, 2003, to any vessel built before the date referred to in subparagraph (A) that is--
 - (i) a passenger vessel required to carry a certificate under the International Convention for the Safety of Life at Sea, 1974 (SOLAS);
 - (ii) a tanker; or
 - (iii) a towing vessel engaged in moving a tank vessel.
 - (C) On and after December 31, 2004, to all other vessels built before the date referred to in subparagraph (A).

Source: Section 102 of the Marine Transportation Security Act of 2002, P. Law 107-29, enacted November 25th, 2002