



**Title 33, Code of Federal Regulations, § 164.46 – Automatic Identification System**

Original Requirements	Proposed Changes	New Requirements
	33 CFR 164.46(a). Proposed new ‘Definitions’ section, which defines terms previously defined or addressed in ‘Note to § 164.46(a)’, i.e. ‘gross tonnage’, and, ‘properly installed’, and adds ‘AIS’, ‘international voyage’, and, ‘operational’.	33 CFR 164.46(a). Amended as proposed, but, ‘properly installed, operational’ adds IMO SN/Circ.289 regarding the use of AIS Application Specific Messages and the use of NMEA Installation Guideline 4.00-3.10 in lieu of IMO Resolution A.917(22).
33 CFR 164.46(a). Following vessels must have a ‘properly installed, operational’, Coast Guard type-approved AIS as of the date specified:	33 CFR 164.46(b). Proposed new ‘AIS carriage’ section; and, to address implementation dates in new §164.46(j)—see below.	33 CFR 164.46(b). Amended as proposed.
33 CFR 164.46(a)(1). Self-propelled commercial vessels of 65 feet or more on international voyage (NLT 12/31/2004), except fishing or passenger vessels and those in innocent passage.	33 CFR 164.46(b)(1). Proposed, new ‘AIS Class A device’ section, which revokes the exception for fishing and passenger vessels and, specifically mandates a Coast Guard type-approved AIS Class A device on all self-propelled commercial vessels of 65 feet or more in length regardless of industry or voyage type.	33 CFR 164.46(b)(1). Amended as proposed.
33 CFR 164.46(a)(2). Vessels on international voyage: tankers (NLT 7/1/2003), vessels of 150 gross tonnage or more carrying more than 12 passengers (NLT 7/1/2003), other vessels 50,000 gross tonnage or more (NLT 7/1/2004), or 300 gross tonnage or more (NLT 12/31/2004); and, mandates AIS integration with onboard positioning, heading, and rate of turn systems per SOLAS V/19.2.	33 CFR 164.46(c). Proposed new ‘SOLAS Provision’ section, which adds a requirement for self-propelled vessels of 500 gross tonnage or more (regardless of voyage).	33 CFR 164.46(c). Amended as proposed, but, omits vessels of 500 gross tonnage or more; because these are captured in new §164.46(b)(1) [as vessels of 65 feet or more in length].
33 CFR 164.46(a)(3). Notwithstanding §164.46(a)(1)&(2), these vessels within a VTS area (denoted in 33 CFR 161.12(c)) must also have an AIS: commercial towing vessels of 26 feet or more in length and over 600 hp; self-propelled commercial vessels of 65 feet or more in length, except fishing and small passenger vessels (certificated to carry 150 passengers-for-hire or less); vessels certified to carry 150 or more passengers-for-hire.	33 CFR 164.46(b)(1). Proposed to expand beyond VTS areas, to all U.S. navigable waters; and, keeps the same threshold for towboats and self-propelled commercial vessels; revokes the exception for fishing boats and small passenger vessels and, adds commercial vessels carrying 50 or more passengers or more than 12 passengers for hire on a high-speed craft.	33 CFR 164.46(b). Amended as proposed, but, adopts a certificated to carry more than 150 passenger threshold vice actually carrying 50 or more passengers, and, deletes high speed craft carry more than 12 passengers for hire.
	33 CFR 164.46(b)(iv). Proposed to require a Coast Guard type-approved AIS Class A device on dredges and floating plants operating near commercial channels.	33 CFR 164.46(b)(iv). Amended as proposed, but, deletes floating plants.
	33 CFR 164.46(b)(v). Proposed to require a Coast Guard type-approved AIS Class A device on vessels moving or carrying certain dangerous cargoes.	33 CFR 164.46(b)(v). Amended as proposed, but, adds vessels engaged in the movement of flammable or combustible liquid cargo in bulk.
‘Note to §164.46(a)’ defines ‘properly installed’, ‘length’, ‘gross tonnage’, and, ‘type approved; and, encourage integration with	‘Note to §164.46(b)’. Proposed to delete ‘Note to §164.46(a)’, because terms therein are now in §164.46(a) or defined	33 CFR 164.46(b)(2). Adds new ‘AIS Class B device’ section, which permits the use of Coast Guard type-approved AIS Class



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other onboard sensors.	elsewhere in the CFR. Adds new ‘Note to paragraph (b)’, which permits the use of Coast Guard type-approved AIS Class B on vessel subject to AIS carriage not on international voyage, but, forewarns that Class B is not well-suited, on vessels that are highly maneuverable, navigate at high speed, or routinely operate on or near very congested waterways or in close-quarter situations with other AIS equipped vessels.	B devices on dredges, fishing, and, passenger vessels certificated to carry less than 150 passengers that do not operate in a VTS or in excess of 14 knots.. Also adds new ‘Note to paragraph (b)’, which states that Captain of the Port may restrict the operation of a vessel in the interest of safety, and, may determine that voluntary installation of AIS by the operator may mitigate that concern.
33 CFR 164.46(a)(2). Cites Bridge-to-Bridge radiotelephone requirements (33 CFR 26) regarding use by master or pilot, English communication and maintaining unit in ‘effective operating condition’ as also applicable to AIS; and includes accurate input and upkeep of AIS data fields.	33 CFR 164.46(d)(1). Proposed new ‘Operations’ section, which clarifies that AIS does not relieve the vessel of COLREG and Bridge-to-Bridge requirements (previously denoted in 164.46(a)(2)).	33 CFR 164.46(d)(1). Amended as proposed.
	33 CFR 164.46(d)(2). Proposed defining ‘effective operating conditions’ as the: ability to reinitialize the AIS should the need arise (this could require access and knowledge of the AIS power source and password); ability to access AIS information from the primary conning position of the vessel; accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number; accurate input and upkeep of all AIS data and system updates; and continual operation of AIS, and its associated devices (e.g., GNSS, gyro, converters), at all times the vessel is underway, at anchor, or moored in or near a commercial channel or shipping fairway in operations likely to restrict or affect navigation of other vessels, except when its use will compromise safety or security, to wit, should be reported to USCG, and, returned to continuous operation soon thereafter.	33 CFR 164.46(d)(2). Amended as proposed, but, spells out that: the ability to reinitialize the AIS requires access to and knowledge of the AIS power source and password; that AIS information need be accessible from the primary conning position; that the MMIS must be properly assigned; and, that those mandated to carry AIS not only keep it operational at all times while the vessel is underway or at anchor, but, at least 15 minutes prior to unmooring.
	33 CFR 164.46(d)(3). Proposed that AIS text messaging be conducted solely in English and to exchange or communicate navigation safety information. Although not prohibited, it should not be relied upon as the primary means for broadcasting distress or urgent communications.	33 CFR 164.46(d)(3). Amended as proposed.
		33 CFR 164.46(d)(4). Adds ‘AIS application-specific messaging (ASM)’ section, which makes their use permissible, but limited to IMO or IALA adopted messages, and, to no more than one ASM/min.
	‘Note to paragraph (d)’. Proposed new ‘Note to paragraph (d)’, which states that an AIS device must be able to broadcast vessel position, course, and speed, and may require the input	‘Note to paragraph (d)’. Amended as proposed, but, adds that most application-specific messages require interfacing to an external system that is capable of their portrayal, such as



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	of an external positioning device (e.g., GPS) to do so; and, encourages its integration into other onboard systems (e.g., transmitting heading device, gyro, rate of turn indicator, ECDIS/ECS, and radar), but, is not required to except as denoted in §164.46(c) (SOLAS V/19.2).	equipment certified by RTCM; and, informs of the ‘U.S. AIS Encoding Guide’ to help ensure consistent and accurate data encoding.
	33 CFR 164.46(e). Proposed new ‘Watchkeeping’ section, which states AIS is primarily intended for use of the master or person directing the movement of the vessel, who must maintain a periodic watch for AIS information.	33 CFR 164.46(e). Amended as proposed, but, spells out that not only the master or person directing the movement of the vessel, but, the person (or designated) in charge of the vessel or in charge to pilot or direct the movement of the vessel must also maintain a periodic watch for AIS information.
33 CFR 164.46(f). Portable AIS is permissible, as long as only one is used at any one time for transmitting and only if it does not affect the proper function of onboard navigation and communication equipment.	33 CFR 164.46(f). Unchanged	33 CFR 164.46(f). Unchanged.
33 CFR 164.46(d). Requires an AIS Pilot Plug on vessel over 1,600 gross tons, on international voyage; easily accessible from the conning position and near AC power outlet.	33 CFR 164.46(g). Proposed to title it ‘AIS pilot plug’ (vice Port), and, expands it to include any vessel subject to pilotage (regardless of tonnage) and limits its distance to an AC outlet to no more than 3 feet.	33 CFR 164.46(g). Amended as proposed, but, requires the AC outlet be a permanently affixed (no power cords) NEMA 5-15 AC receptacle.
33 CFR 164.55. Amongst others, an AIS equipped vessel, may request a yearly deviation from part 164 requirements as set forth in §164.55.	33 CFR 164.46(h). Proposed new ‘Exceptions’ section, which allows for §164.55 yearly deviation requests from vessels that operate solely within a very confined area (e.g., less than a one nautical-mile radius, shipyard, fleeting area), or on short and fixed schedules (e.g., a bank-to-bank river ferry service), or that otherwise are not likely to encounter another AIS user.	33 CFR 164.46(h). Amended as proposed, but, extends the deviation to 5 years, adds vessels whose design or construction makes it impracticable to operate an AIS; and, Class B users who lack a display (thus unable to meet monitoring and watchkeeping requirements). Also adds ‘AIS’ to the existing list of equipment in § 164.53, which requires USCG notification if it’s not operating properly.
		33 CFR 164.46(i). Adds new ‘Prohibition’ section, which prohibits AIS Class A/ B broadcasts from aircraft, non-self propelled vessels or from land; except FCC licensed maritime support stations.
	33 CFR 164.46(i). Proposed new ‘Implementation date’ section, which states AIS is to be installed no later than the first day of the 7 <sup>th</sup> month after publication of the final rule.	33 CFR 164.46(j). Amended the section number; and extended the implementation period to no later than March 1 <sup>st</sup> , 2016.
Source: <a href="#">68 FR 60564</a> (10/22/03), effective 11/21/04	Source: <a href="#">73 FR 76295</a> (12/16/08), comments closed 4/15/09	Source: <a href="#">80 FR 5281</a> (1/30/15), effective 3/2/15