

46 USC 4503(d) Compliance Check-Sheet



While the guidance contained in this document may assist the industry, public, Coast Guard, and other Federal and State regulators in applying statutory and regulatory requirements, this guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally-binding requirements on any part.

This is to apprise fishing vessel owners/operators of requirements that apply to the new construction, survey, and maintenance of certain commercial fishing vessels. In lieu of the commercial fishing vessel classing requirements in Title [46 United States Code \(USC\) 4503\(a\)](#),ⁱ certain vessels may meet alternative requirements as specified in 46 USC §4503(d).

When applying the requirements of 46 USC §4503(d), it is important to differentiate:

- **Construction Oversight**
- **Post-Construction Surveys**

Construction Oversight:

46 USC §4503(d)(2) states that the construction of the vessel must be overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary (i.e. the Coast Guard). The Coast Guard accepts select Classification Societies to oversee **[all]** aspects of construction and post-construction verification as outlined in 46 USC §4503(d) (1)-(7).

In alignment with 46 Code of Federal Regulations (CFR) Subpart 8, the Coast Guard Office of Commercial Vessel Compliance (CG-CVC) maintains the list of Coast Guard accepted Classification Societies, which can be accessed at: [USCG.Flag.State.ClassSoc.List](#)ⁱⁱ.
Currently (2021): Coast Guard accepted Classification Societies are as follows: ABS, BV, NK, DNV, IRS, LR, RINA (list is subject to change).

To verify construction oversight compliance as prescribed by 46 USC 4503(d) (1), (2), (3), & (4), check:

- ✓ Vessel is designed by an individual licensed by a State as a naval architect or marine engineer. * *Verify credentials of naval architect or marine engineer licensed by a State.*
- ✓ Keel laid date; provide documentation (design/drawings); guidance: [CVC-WI-015 \(series\)](#)ⁱⁱⁱ
- ✓ The design of the vessel incorporates standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under [46 USC 3316](#).^{iv} (or another qualified organization approved by the Secretary).

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- ✓ Documentation indicates that the vessel construction was **overseen** and **certified** as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.
- ✓ Stability test was performed/documented by a qualified individual.
- ✓ Stability/loading instructions were provided to owner/operator by a qualified individual.
- ✓ Loading Mark or Load Line Mark (clearly marked on port/starboard hull).
- ✓ Has vessel received a **substantial alteration**^v (if so, provide documentation from a State registered naval architect or marine engineer).

Post Construction Surveys:

Post construction surveys as prescribed by 46 USC 4503(d) (5), (6), & (7) involve condition surveys, out-of-water surveys, and compliance verification measures that are to be satisfied by a marine surveyor of an organization accepted by the Secretary.

The following [Third Party Organizations](#)^{vi} are accepted to verify compliance of 46 USC 4503(d) (5), (6), & (7):

- **Classification Societies** as listed @ [USCG.Flag.State.ClassSoc.List](#) [and]
- **National Association of Marine Surveyors (NAMS)**. * *Note: NAMS surveyors must be listed by the NAMS organization as a qualified surveyor to conduct 46 USC 4503(d) (5), (6), & (7) compliance verifications.*

To verify post-construction surveys as prescribed by 46 USC 4503(d) (5), (6), & (7), check:

- ✓ Vessel had a condition survey at least 2x in the past 5 years.
- ✓ Vessel had at least 1 out-of-water survey every 5 years.
- ✓ Once every 5 years, and at the time of a substantial alteration to such vessel, review and updated applicable documentation as necessary (i.e. stability test; loading instructions; load mark or load line).
- ✓ Maintain records of applicable content (as prescribed by 46 USC 4503(d) (8)).

Questions: Inquiries related to this guidance should be directed to the Office of Commercial Vessel Compliance, Fishing Vessel Safety Division (CG-CVC-3) at CGFishSafe@uscg.mil

ⁱ [46 U.S. Code § 4503 - Fishing, fish tender, and fish processing vessel certification | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)Classification Society Authorization \(uscg.mil\)Fishing Vessel Safety CG-CVC-3 \(uscg.mil\)](#)

ⁱⁱ <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Flag-State-Control-Division/ClassSocAuth/>

ⁱⁱⁱ <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/CVCmms/>

^{iv} <https://www.govinfo.gov/content/pkg/USCODE-2010-title46/pdf/USCODE-2010-title46-subtitleII-partB-chap33-sec3316.pdf>

^v <https://www.law.cornell.edu/cfr/text/46/28.510>

^{vi} <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Fishing-Vessel-Safety-Division/>