

## Revocation or Denial of a Merchant Mariner Credential Because of a DUI

A Merchant Marine Credential (MMC) is a credential issued by the [U.S. Coast Guard](#) combining the elements of the merchant mariner's document, merchant mariner's license, and certificate of registry, which are no longer issued as separate documents. ([46 CFR § 10.201](#).)

When determining whether to issue or renew a Merchant Marine Credential the Coast Guard may conduct a criminal record review and in certain circumstances consider whether the person's driver's license is suspended due to a DUI conviction. ([46 CFR § 10.211](#).) Federal statute provides that a DUI conviction can serve as the basis for the denial, suspension, or revocation of an MMC for three years following the conviction. ([46 U.S.C. § 7703](#), subd. (3).)

Federal regulations state that no person who has ever been convicted of a DUI because of an addiction to, or abuse of, alcohol is eligible for an MMC unless the person furnishes proof of completion of an accredited alcohol rehabilitation program or active membership in a rehabilitation or counseling group. ([46 CFR § 10.211](#), subds. (f) & (l).)

Additionally, the federal regulations set out specific periods of time during which the Coast Guard will consider alcohol related driving convictions as a bar to the MMC. ([46 CFR § 10.213](#), subd. (c).)

Similar to the California punishment scheme for DUI's, the federal regulations specify different time periods depending on the number of DUI convictions a person has. For example, after a person's first DUI the regulations specify an assessment period of one year from the date of conviction. This means that a person will not be considered for an MMC until one year after his first DUI conviction.

Once three years have passed since the date of the conviction, the regulations state that an assessment period is not necessary unless suspension or revocation of the person's driver's license is still in effect. ([46 CFR § 10.213](#), subd. (c).) However, even though the assessment period has passed the Coast Guard still considers the conviction in assessing whether to grant or renew the MMC. An individual at the Coast Guard National Maritime Center reached by telephone confirmed that while DUI convictions occurring prior to the applicable assessment period will be considered their negative effect on an applicant decreases with the passage of time.

Because the assessment period continues while a license suspension is in effect, the policies and actions of the California Department of Motor Vehicles can have a direct and adverse effect on a person's Merchant Marine Credential issued by the United States Coast Guard. This is not good news for people convicted of DUI or BUI (boating under the influence) offenses.

The same basic regulatory scheme applies to drug related driving offenses except that special provisions apply to any person who has ever been the user of, or addicted to, the use of, a dangerous drug. ([46 CFR § 10.213](#), subd. (f).)

Moreover, the California Courts have held that the State can revoke a state pilot license issued by the Board of Pilot Commissioners notwithstanding the fact that the pilot was operating under a federally-issued license at the time of the disqualifying incident. (*Hochstetler v. Board of Pilot Commissioners* (1992) 6 Cal.App.4th 1659, 1670.)

In addition, state pilot licensing laws require possession of a federal license. ([Cal. Harb. & Nav. Code § 1177](#).) Therefore, a DUI conviction may result in the revocation of a state piloting license if the Coast Guard acts pursuant to the above-cited federal regulations.

If you or someone you know has been arrested for a DUI charge contact [The Law Office of Johnson & Johnson](#) at 925.952.8900 for a consultation.

