

(3) fails to comply with requirements prescribed by the Secretary under section 12505 of this title.

(c) A vessel involved in a violation of this chapter, or regulation under this chapter, and its equipment, may be seized by, and forfeited to, the Government.

(d) If a person, not an individual, is involved in a violation of this chapter, the president or chief executive of the person also is subject to any penalty provided under this section.

(Added Pub. L. 100-710, title I, §101(a), Nov. 23, 1988, 102 Stat. 4737.)

HISTORICAL AND REVISION NOTES

Revised section 12507

This section establishes criminal and civil penalties for certain violations of chapter 125 of title 46 (as enacted by this Act).

PART I—STATE BOATING SAFETY PROGRAMS

CHAPTER 131—RECREATIONAL BOATING SAFETY

Sec.	
13101.	Definitions.
13102.	State recreational boating safety programs.
13103.	Program acceptance.
13104.	Allocations.
13105.	Availability of allocations.
13106.	Computation decisions about State amounts expended.
13107.	Authorization of appropriations.
13108.	Computing amounts allocated to States and State records requirements.
13109.	Consultation, cooperation, and regulation.
13110.	National Boating Safety Advisory Council.

HISTORICAL AND REVISION NOTES

This Chapter establishes the recreational boating safety and facility program administered by the Coast Guard. The general purpose is to encourage State participation in boating safety education and enforcement activities.

AMENDMENTS

2006—Pub. L. 109-304, §16(b)(3), Oct. 6, 2006, 120 Stat. 1705, added item 13101 and redesignated former items 13101 to 13106 as 13102 to 13107, respectively.

1998—Pub. L. 105-178, title VII, §7405(c)(2), June 9, 1998, 112 Stat. 488, substituted “appropriations” for “contract spending” in item 13106.

1984—Pub. L. 98-369, div. A, title X, §1016(c)(2), July 18, 1984, 98 Stat. 1020, struck out item 13107 “National Recreational Boating Safety and Facilities Improvement Fund”.

§ 13101. Definitions

In this chapter:

(1) **ELIGIBLE STATE.**—The term “eligible State” means a State that has a State recreational boating safety program accepted by the Secretary.

(2) **STATE RECREATIONAL BOATING SAFETY PROGRAM.**—The term “State recreational boating safety program” means education, assistance, and enforcement activities conducted for maritime casualty prevention, reduction, and reporting for recreational boating.

(Pub. L. 109-304, §16(b)(2), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

Section 16 of the bill [H.R. 1442, which became Pub. L. 109-304] moves the definitions relating to the rec-

reational boating safety program from section 2102(a)(1) and (3) to chapter 131 because the terms only appear in chapter 131.

Section 16 of the bill also eliminates the special definitions of “State” and “United States” in section 2102(a)(2) as including the Trust Territory of the Pacific Islands because the Trust Territory has been terminated. See the definitions of “State” and “United States” in section 2101, which are being moved to chapter 1 and being made applicable title-wide. Those definitions already include the Northern Mariana Islands, the only component of the former Trust Territory still under United States sovereignty.

PRIOR PROVISIONS

A prior section 13101 was renumbered section 13102 of this title.

§ 13102. State recreational boating safety programs

(a) To encourage greater State participation and uniformity in boating safety efforts, and particularly to permit the States to assume the greater share of boating safety education, assistance, and enforcement activities, the Secretary shall carry out a national recreational boating safety program. Under this program, the Secretary shall make contracts with, and allocate and distribute amounts to, eligible States to assist them in developing, carrying out, and financing State recreational boating safety programs.

(b) The Secretary shall establish guidelines and standards for the program. In doing so, the Secretary—

(1) shall consider, among other things, factors affecting recreational boating safety by contributing to overcrowding and congestion of waterways, such as the increasing number of recreational vessels operating on those waterways and their geographic distribution, the availability and geographic distribution of recreational boating facilities in and among applying States, and State marine casualty and fatality statistics for recreational vessels;

(2) shall consult with the Secretary of the Interior to minimize duplication with the purposes and expenditures of chapter 2003 of title 54, United States Code,¹ the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777-777k), and with the guidelines developed under those Acts; and

(3) shall maintain environmental standards consistent with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464) and other laws and policies of the United States intended to safeguard the ecological and esthetic quality of the waters and wetlands of the United States.

(c) A State whose recreational boating safety program has been approved by the Secretary is eligible for allocation and distribution of amounts under this chapter to assist that State in developing, carrying out, and financing its program. Matching amounts shall be allocated and distributed among eligible States by the Secretary as provided by section 13104 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 592, §13101; Pub. L. 98-369, div. A, title X, §1011(b), July 18,

¹So in original. The words “United States Code,” probably should not appear.

1984, 98 Stat. 1013; Pub. L. 101-595, title III, §312(a), Nov. 16, 1990, 104 Stat. 2987; renumbered §13102 and amended Pub. L. 109-304, §16(b)(1), (c)(3), Oct. 6, 2006, 120 Stat. 1705, 1706; Pub. L. 113-287, §5(n), Dec. 19, 2014, 128 Stat. 3272.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
13101	46:1474

Section 13101(a) authorizes the Secretary to make contracts with, and allocate amounts to eligible States to assist them in carrying out their recreational boating safety and facilities improvement programs.

Subsection (b) requires the Secretary to establish guidelines and standards for the program, and specifies specific conditions the Secretary must consider, requires consultation with the Secretary of the Interior, and to maintain environmental standards consistent with the Coastal Zone Management Act.

Subsection (c) makes the States who meet the standards prescribed by the Secretary eligible for the amounts authorized under this chapter.

REFERENCES IN TEXT

The Federal Aid in Sport Fish Restoration Act of 1950, referred to in subsec. (b)(2), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, also known as the Dingell-Johnson Sport Fish Restoration Act, the Federal Aid in Fish Restoration Act, and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 777 of Title 16 and Tables.

The Coastal Zone Management Act of 1972, referred to in subsec. (b)(3), is title III of Pub. L. 89-454 as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§1451 et seq.) of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

PRIOR PROVISIONS

A prior section 13102 was renumbered section 13103 of this title.

AMENDMENTS

2014—Subsec. (b)(2). Pub. L. 113-287, §5(n), substituted “chapter 2003 of title 54, United States Code,” for “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-4—4607-11)”.

2006—Pub. L. 109-304, §16(b)(1), renumbered section 13101 of this title as this section.

Subsec. (c). Pub. L. 109-304, §16(c)(3), substituted “section 13104” for “section 13103”.

1990—Subsec. (b)(2). Pub. L. 101-595 substituted “the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777-777k), and with the guidelines developed under those Acts; and” for “and with the guidelines developed under that Act; and”.

1984—Subsec. (a). Pub. L. 98-369, §1011(b), struck out “and facility improvement” after “in boating safety”, struck out “and facilities improvement” in two places after “recreational boating safety”, and substituted “shall” for “may” in second sentence.

Subsec. (c). Pub. L. 98-369, §1011(b)(1)(B), struck out “and facilities improvement” after “recreational boating safety”.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-369, div. A, title X, subtitle B, part I, subpart A (§§1010-1013), §1013, July 18, 1984, 98 Stat. 1014, provided that: “The amendments made by this subpart [amending this section and sections 2102, 13102, 13103, 13105, 13106, 13108, and 13109 of this title and enacting a provision set out as a note under this section] shall take effect on October 1, 1984, and shall apply with re-

spect to fiscal years beginning after September 30, 1984.”

SURVEY OF FUEL USE BY RECREATIONAL VESSELS

Pub. L. 100-448, §6(d), Sept. 28, 1988, 102 Stat. 1841, provided that:

“(1) IN GENERAL.—The Secretary of Transportation and the Secretary of the Interior shall jointly conduct a survey of—

“(A) the number, size, and primary uses of recreational vessels operating on the waters of the United States; and

“(B) the amount and types of fuel used by those vessels.

“(2) AUTHORIZATION OF CONTRACTS.—The Secretary of Transportation and the Secretary of the Interior may enter into contracts for the performance of a survey pursuant to this subsection.

“(3) REPORT.—The Secretary of the Interior and the Secretary of Transportation shall jointly submit a report to the Speaker of the House of Representatives and to the President pro tempore of the Senate which describes the results of the survey conducted pursuant to this section not later than November 15, 1992.

“(4) FUNDING.—Activities under this subsection may be carried out—

“(A) using amounts available to the Secretary of the Interior for administrative expenses under the Act entitled ‘An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes’ (64 Stat. 430; 16 U.S.C. 777 et seq.); and

“(B) subject to appropriations, using amounts available to the Secretary of Transportation under section 13106(a)(1) [now section 13107(a)(1)] of title 46, United States Code (as amended by this Act).”

CONGRESSIONAL DECLARATION OF POLICY FOR 1984 AMENDMENT

Pub. L. 98-369, div. A, title X, subtitle B, part I (§§1010-1017), §1010, July 18, 1984, 98 Stat. 1012, provided that: “It is declared to be the policy of Congress and the purpose of this part [enacting sections 4162 and 9504 of Title 26, Internal Revenue Code, amending this section, sections 2102, 13102, 13103, 13105, 13106, 13108, and 13109 of this title, sections 777, 777b to 777e, 777g, and 777k of Title 16, Conservation, and sections 4161 and 9503 of Title 26, repealing section 13107 of this title, and enacting provisions set out as notes under this section, section 777 of Title 16, and sections 4161, 4162, and 9504 of Title 26] to improve recreational boating safety and to foster greater development, use, and enjoyment of all waters of the United States by encouraging and assisting participation by the States, the boating industry, and the boating public in activities related to increasing boating safety; by authorizing the establishment of national construction and performance standards for boats and associated equipment; by creating more flexible authority governing the use of boats and equipment; and by facilitating the provision of services by the United States Coast Guard on behalf of boating safety. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations among the States and the Federal Government, to encourage and assist the States in exercising their authorities in boating safety, to foster greater cooperation and assistance between the Federal Government and the States in administering and enforcing Federal and State laws and regulations pertaining to boating safety, and to equitably utilize taxes paid on fuel use in motor boats in a manner which enhances boating safety.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reor-

ganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

§ 13103. Program acceptance

(a) The Secretary shall make a contract with, and allocate and distribute amounts from the Sport Fish Restoration and Boating Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) to, a State that has an approved State recreational boating safety program, if the State demonstrates to the Secretary's satisfaction that—

(1) the program submitted by that State is consistent with this chapter and chapters 61 and 123 of this title;

(2) amounts distributed will be used to develop and carry out a State recreational boating safety program containing the minimum requirements of subsection (c) of this section;

(3) sufficient State matching amounts are available from general State revenue, undocumented vessel numbering and license fees, State marine fuels taxes, or from a fund constituted from the proceeds of those taxes and established to finance a State recreational boating safety program; and

(4) the program submitted by that State designates a State lead authority or agency that will carry out or coordinate carrying out the State recreational boating safety program supported by financial assistance of the United States Government in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable to carry out properly and efficiently the program and that are in the form prescribed by the Secretary.

(b) Amounts of the Government (except amounts from sources referred to in subsection (a)(3) of this section) may not be used to provide a State's share of the costs of the program described under this section. State matching amounts committed to a program under this chapter may not be used to constitute the State's share of matching amounts required by another program of the Government.

(c) The Secretary shall approve a State recreational boating safety program, and the program is eligible to receive amounts authorized to be expended under section 13107 of this title, if the program includes—

(1) a vessel numbering system approved or carried out by the Secretary under chapter 123 of this title;

(2) a cooperative boating safety assistance program with the Coast Guard in that State;

(3) sufficient patrol and other activity to ensure adequate enforcement of applicable State boating safety laws and regulations;

(4) an adequate State boating safety education program, that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol or drugs; and

(5) a system, approved by the Secretary, for reporting marine casualties required under section 6102 of this title.

(d) The Secretary's approval under this section is a contractual obligation of the Govern-

ment for the payment of a proportionate share of the cost of carrying out the program.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 593, §13102; Pub. L. 98-369, div. A, title X, §1011(c), July 18, 1984, 98 Stat. 1013; Pub. L. 98-557, §7(b)(3), Oct. 30, 1984, 98 Stat. 2862; Pub. L. 99-307, §1(17), May 19, 1986, 100 Stat. 446; Pub. L. 99-626, §4(a), (b), Nov. 7, 1986, 100 Stat. 3505; Pub. L. 100-448, §6(b)(3)-(5), Sept. 28, 1988, 102 Stat. 1840; Pub. L. 101-595, title III, §312(b), Nov. 16, 1990, 104 Stat. 2987; Pub. L. 109-59, title X, §10141, Aug. 10, 2005, 119 Stat. 1931; renumbered §13103 and amended Pub. L. 109-304, §§15(25), 16(b)(1), (c)(4), Oct. 6, 2006, 120 Stat. 1704-1706.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
13102	46:1475

Section 13102(a) authorizes the Secretary to contract with the States and allocate the amounts of them if they demonstrate to the satisfaction of the Secretary that they have a program consistent with this chapter and chapters 61 and 123, that the amounts received will be used to develop and carry out their recreational boating safety and facilities improvement programs, that they have sufficient matching amounts available from specified revenue sources to meet the objectives of the program, that they will submit required reports to the Secretary to ensure continued compliance with the objectives of this chapter.

Subsection (b) prohibits a State from using any other funds received from the Federal Government to meet their required State match.

Subsections (c) and (d) require the Secretary to approve a State's recreational boating safety and facilities improvement program if the program meets the specified requirements of this subsection.

Subsection (e) makes the approval of a State's program a contractual obligation of the Government to pay the Federal portion of the cost to carry out the program.

Subsection (f) allows a State to submit a combined boating safety and facility improvement program if it meets the requirements of all of the objectives of both programs.

PRIOR PROVISIONS

A prior section 13103 was renumbered section 13104 of this title.

AMENDMENTS

2006—Pub. L. 109-304, §16(b)(1), renumbered section 13102 of this title as this section.

Subsec. (a). Pub. L. 109-304, §15(25), inserted “(26 U.S.C. 9504)” after “Internal Revenue Code of 1986”.

Subsec. (c). Pub. L. 109-304, §16(c)(4), substituted “section 13107” for “section 13106”.

2005—Subsec. (a). Pub. L. 109-59 substituted “the Sport Fish Restoration and Boating Trust Fund” for “the Boat Safety Account” in introductory provisions. 1990—Subsec. (a)(3). Pub. L. 101-595, §312(b)(1), inserted “State” after “general”.

Subsec. (c)(4). Pub. L. 101-595, §312(b)(2), inserted “or drugs” after “alcohol”.

Subsec. (d). Pub. L. 101-595, §312(b)(3), substituted “a proportionate share” for “the proportional share”.

1988—Subsec. (a). Pub. L. 100-448, §6(b)(4), substituted “1986” for “1954.” in introductory provisions.

Subsec. (a)(4). Pub. L. 100-448, §6(b)(5), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “the program submitted by that State designates a State lead authority or agency that will carry out or coordinate carrying out the State recreational boating safety program supported by financial assistance of the United States Government in that State,