

ly and effectively extinguishing burning liquid fuel, that may be prescribed by regulation. The fire extinguishers shall be kept in condition for immediate and effective use and so placed as to be readily accessible.

(b) The Secretary shall prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on board uninspected vessels.

(c) Each uninspected vessel shall have the carburetors of each engine of the vessel (except an outboard motor) using gasoline as fuel, equipped with an efficient flame arrester, backfire trap, or other similar device prescribed by regulation.

(d) Each uninspected vessel using a volatile liquid as fuel shall be provided with the means prescribed by regulation for properly and efficiently ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or flammable gases.

(e) Each manned uninspected vessel owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured or beyond three nautical miles from the coastline of the Great Lakes shall be equipped with the number and type of alerting and locating equipment, including emergency position indicating radio beacons, prescribed by the Secretary.

(f)(1) The Secretary, in consultation with the Towing Safety Advisory Committee and taking into consideration the characteristics, methods of operation, and nature of service of towing vessels, may require the installation, maintenance, and use of a fire suppression system or other measures to provide adequate assurance that fires on board towing vessels can be suppressed under reasonably foreseeable circumstances.

(2) The Secretary shall require under paragraph (1) the use of a fire suppression system or other measures to provide adequate assurance that a fire on board a towing vessel that is towing a non-self-propelled tank vessel can be suppressed under reasonably foreseeable circumstances.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 528; Pub. L. 99-640, §16, Nov. 10, 1986, 100 Stat. 3552; Pub. L. 100-424, §2(c), Sept. 9, 1988, 102 Stat. 1590; Pub. L. 100-540, §1(a), Oct. 28, 1988, 102 Stat. 2719; Pub. L. 104-324, title IX, §902(a), Oct. 19, 1996, 110 Stat. 3947; Pub. L. 105-383, title III, §301(b)(3), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 111-281, title VI, §619, Oct. 15, 2010, 124 Stat. 2975.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
4102(a)	46:526g
4102(b)	46:526e
4102(c)	46:526f
4102(d)	46:526j

Section 4102 requires uninspected vessels to comply with certain provisions that incorporate minimum safety equipment and construction requirements. The Committee intends that the term life preserver include all types of personal equipment, including exposure suits with floatation characteristics.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-281 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as fol-

lows: “Each uninspected vessel propelled by machinery shall carry at least one readily accessible life preserver or other lifesaving device, of the type prescribed by regulation, for each individual on board.”

1998—Subsec. (e). Pub. L. 105-383 substituted “owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured” for “operating on the high seas”.

1996—Subsec. (f). Pub. L. 104-324 added subsec. (f).

1988—Subsec. (e). Pub. L. 100-540 amended subsec. (e) generally without regard to the prior repeal of subsec. (e) by Pub. L. 100-424.

Pub. L. 100-424 struck out subsec. (e) which read as follows: “Each uninspected fishing, fish processing, or fish tender vessel operating on the high seas shall be equipped with the number and type of emergency position indicating radio beacons prescribed by regulation.” See section 4502(a)(7) of this title.

1986—Subsec. (e). Pub. L. 99-640 added subsec. (e).

REGULATIONS

Pub. L. 104-324, title IX, §902(b), Oct. 19, 1996, 110 Stat. 3947, provided that: “The Secretary of the department in which the Coast Guard is operating shall issue regulations establishing the requirement described in subsection (f)(2) of section 4102 of title 46, United States Code, as added by this section, by not later than October 1, 1997.”

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 4103. Exemptions

(a) The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

- (1) good cause exists for granting an exemption; and
- (2) the safety of the vessel and individuals on board will not be adversely affected.

(b) Section 4102(a) of this title does not apply to a vessel propelled by outboard motors when competing in a race previously arranged and announced or, if the vessel is designed and intended only for racing, when operated incidental to tuning up the vessel and its engines for the race.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529; Pub. L. 100-540, §2, Oct. 28, 1988, 102 Stat. 2719.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
4103	46:525h

Section 4103 contains an exemption from carrying fire extinguishers, for on a vessel competing in an organized race or a vessel designed and intended for racing only.

AMENDMENTS

1988—Pub. L. 100-540 added subsec. (a) and designated existing provisions as subsec. (b).

[§ 4104. Repealed. Pub. L. 101-595, title VI, § 603(3)(A), Nov. 16, 1990, 104 Stat. 2993]

Section, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529, required Secretary to prescribe regulations to carry out provisions of this chapter.

§ 4105. Uninspected passenger vessels

(a) Chapter 43 of this title applies to an uninspected passenger vessel.

(b)(1) In applying this title with respect to an uninspected vessel of less than 24 meters overall in length that carries passengers to or from a port in the United States Virgin Islands, the Secretary shall substitute "12 passengers" for "6 passengers" each place it appears in section 2101(42) if the Secretary determines that the vessel complies with, as applicable to the vessel—

(A) the Code of Practice for the Safety of Small Commercial Motor Vessels (commonly referred to as the "Yellow Code"), as published by the U.K. Maritime and Coastguard Agency and in effect on January 1, 2014; or

(B) the Code of Practice for the Safety of Small Commercial Sailing Vessels (commonly referred to as the "Blue Code"), as published by such agency and in effect on such date.

(2) If the Secretary establishes standards to carry out this subsection—

(A) such standards shall be identical to those established in the Codes of Practice referred to in paragraph (1); and

(B) on any dates before the date on which such standards are in effect, the Codes of Practice referred to in paragraph (1) shall apply with respect to the vessels referred to in paragraph (1).

(c) The Secretary shall, by regulation, require certain additional equipment which may include liferafts or other lifesaving equipment, construction standards, or specify additional operating standards for those uninspected passenger vessels defined in section 2101(42)(A) of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529; Pub. L. 103-206, title V, §511(b), Dec. 20, 1993, 107 Stat. 2442; Pub. L. 113-281, title III, §319, Dec. 18, 2014, 128 Stat. 3051.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 4105, 46:1452, 46:1453

Section 4105 provides that an uninspected passenger vessel is subject to Chapter 43, as a recreational vessel even when it is carrying not more than six passengers.

AMENDMENTS

2014—Subsecs. (b), (c). Pub. L. 113-281 added subsec. (b), redesignated former subsec. (b) as (c), and in subsec. (c) substituted "The" for "Within twenty-four months of the date of enactment of this subsection, the".

1993—Pub. L. 103-206 designated existing provisions as subsec. (a) and added subsec. (b).

§ 4106. Penalties

If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of not more than \$5,000. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529; Pub. L. 100-540, §3, Oct. 28, 1988, 102 Stat. 2719.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 4106, 46:5260

Section 4106 provides a civil penalty of \$100 for a violation of this chapter or a regulation under this chapter. The vessel also is liable in rem.

AMENDMENTS

1988—Pub. L. 100-540 substituted "not more than \$5,000" for "\$100".

CHAPTER 43—RECREATIONAL VESSELS

Table with 2 columns: Sec., Description. Rows 1-11: 4301. Application, 4302. Regulations, 4303. Inspection and testing, 4304. Importation of nonconforming vessels and equipment, 4305. Exemptions, 4306. Federal preemption, 4307. Prohibited acts, 4308. Termination of unsafe operation, 4309. Investigation and reporting, 4310. Repair and replacement of defects, 4311. Penalties and injunctions.

HISTORICAL AND REVISION NOTES

Chapter 43 contains the laws applicable to recreational vessels, which originated primarily with the enactment of the Federal Boat Safety Act of 1971 (Public Law 92-75, 85 Stat. 213). That Act embraced a number of activities, but the portion restated in this chapter deals with the establishment of national construction and performance standards for recreational vessels and their associated equipment, the necessary flexible regulatory authority for inspection and testing, Federal preemption, certain necessary prohibited acts, enforcement authority, investigation and reporting requirements, procedures for repair and defect notification, and attendant penalties and injunctive relief. These laws are a direct response to the dramatic increase in the number of recreational boats and the Congressional recognition of the maritime safety problems that recreational boating has imposed upon our more than 25 million miles of waterways.

§ 4301. Application

(a) This chapter applies to a recreational vessel and associated equipment carried in the vessel on waters subject to the jurisdiction of the United States (including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988) and, for a vessel owned in the United States, on the high seas.

(b) Except when expressly otherwise provided, this chapter does not apply to a foreign vessel temporarily operating on waters subject to the jurisdiction of the United States.

(c) Until there is a final judicial decision that they are navigable waters of the United States, the following waters lying entirely in New Hampshire are declared not to be waters subject to the jurisdiction of the United States within the meaning of this section: Lake Winnisquam, Lake Winnepesaukee, parts of the Merrimack River, and their tributary and connecting waters.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 529; Pub. L. 105-383, title III, §301(b)(4), Nov. 13, 1998, 112 Stat. 3417.)