

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

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 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 Repealed.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(51) 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) In applying this title with respect to an uninspected vessel of less than 25 feet overall in length that carries passengers on Crane Lake or waters contiguous to such lake in St. Louis County, Minnesota, the Secretary shall substitute "12 passengers" for "6 passengers" each place it appears in section 2101(51).

(d) 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(51)(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; Pub. L. 115-232, div. C, title XXXV, §3541(b)(10), Aug. 13, 2018, 132 Stat. 2323; Pub. L. 115-282, title V, §502, Dec. 4, 2018, 132 Stat. 4269.)

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

2018—Subsec. (b)(1). Pub. L. 115-232, §3541(b)(10)(A), substituted "section 2101(51)" for "section 2101(42)" in introductory provisions.

Subsec. (c). Pub. L. 115-282, §502(2), added subsec. (c). Former subsec. (c) redesignated (d).

Pub. L. 115-232, §3541(b)(10)(B), substituted "section 2101(51)(A)" for "section 2101(42)(A)".

Subsec. (d). Pub. L. 115-282, §502(1), redesignated subsec. (c) as (d).

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 regula-