

The Federal authority to regulate uninspected vessels originated with the Motorboat Act of 1910 (Public Law 61-201, 36 Stat. 462) when Congress established standards with respect to navigation lights, machinery requirements, life preservers, and for the licensing of operators on small vessels carrying passengers. This was an extension of Federal regulatory authority over certain non-steam-propelled vessels, that is, those recreational vessels and commercial vessels that are propelled by machinery other than steam.

Thirty years later, the 1910 Act was amended by the Motorboat Act of 1940 (Public Law 76-484, 54 Stat. 163), which added to the equipment that was required and provided for other regulatory controls. In this manner the Federal Government continued to exercise some degree of maritime safety supervision over the commercial and recreational vessel sector that was "uninspected". This was important because steam towing vessels were converting to diesel propulsion and were therefore no longer subject to the detailed periodic and extensive hull, machinery, and equipment inspections of a Federal agency. In addition, the number of recreational vessels primarily propelled by gasoline were increasing and were also suffering casualties from explosions and fires.

AMENDMENTS

1990—Pub. L. 101-595, title VI, §603(3)(B), Nov. 16, 1990, 104 Stat. 2993, struck out item 4104 "Regulations".

1984—Pub. L. 98-364, title IV, §402(7)(B), July 17, 1984, 98 Stat. 446, inserted "GENERALLY" in chapter heading.

§ 4101. Application

This chapter applies to an uninspected vessel not subject to chapter 45 of this title—

- (1) on the navigable waters of the United States; or
- (2) owned in the United States and operating on the high seas.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 528; Pub. L. 100-424, §8(b), Sept. 9, 1988, 102 Stat. 1593.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
4101	46:526u

Section 4101 makes this chapter applicable to uninspected vessels, as defined in section 2101(43), that operate on the navigable waters of the United States or that are owned in the United States and while operating on the high seas. Therefore a vessel that operates on waters that are considered to be solely State waters would not be subject to these Federal requirements.

AMENDMENTS

1988—Pub. L. 100-424 inserted "not subject to chapter 45 of this title" after "an uninspected vessel".

EFFECTIVE DATE

Chapter effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 4102. Safety equipment

(a) Each uninspected vessel propelled by machinery shall be provided with the number, type, and size of fire extinguishers, capable of promptly 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 arrestor, 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)	46:526i
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 follows: "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) Within twenty-four months of the date of enactment of this subsection, 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.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
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.

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (b), is the date of enactment of Pub. L. 103-206, which was approved Dec. 20, 1993.

AMENDMENTS

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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
4106	46:526o

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

- Sec.
- 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 num-