

“(c) The regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section), shall be effective not later than 60 days after the date of enactment of this title [Nov. 8, 1984].” [Regulations effective Dec. 30, 1984, see 49 F.R. 50722, Dec. 31, 1984.]

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

Similar provisions were contained in section 22(b), (c) of Pub. L. 98-557, which was repealed by section 2 of Pub. L. 99-36, set out above as a Repeal of Duplicate Section note.

§ 3103. Use of reports, documents, and records

The Secretary may rely, as evidence of compliance with this subtitle, on—

(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

(2) other methods the Secretary has determined to be reliable.

(Added Pub. L. 104-324, title VI, §603(a), Oct. 19, 1996, 110 Stat. 3930.)

§ 3104. Survival craft

(a) REQUIREMENT TO EQUIP.—The Secretary shall require that a passenger vessel be equipped with survival craft that ensures that no part of an individual is immersed in water, if—

(1) such vessel is built or undergoes a major conversion after January 1, 2016; and

(2) operates in cold waters as determined by the Secretary.

(b) HIGHER STANDARD OF SAFETY.—The Secretary may revise part 117 or part 180 of title 46, Code of Federal Regulations, as in effect before January 1, 2016, if such revision provides a higher standard of safety than is provided by the regulations in effect on or before the date of the enactment of the Coast Guard Authorization Act of 2016.

(c) INNOVATIVE AND NOVEL DESIGNS.—The Secretary may, in lieu of the requirements set out in part 117 or part 180 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2016, allow a passenger vessel to be equipped with a life-saving appliance or arrangement of an innovative or novel design that—

(1) ensures no part of an individual is immersed in water; and

(2) provides an equal or higher standard of safety than is provided by such requirements as in effect before such date of the enactment.

(d) BUILT DEFINED.—In this section, the term “built” has the meaning that term has under section 4503(d).

(Added Pub. L. 111-281, title VI, §609(a), Oct. 15, 2010, 124 Stat. 2968; amended Pub. L. 112-213, title III, §303, Dec. 20, 2012, 126 Stat. 1563; Pub. L. 114-120, title III, §301(a), Feb. 8, 2016, 130 Stat. 50; Pub. L. 114-328, div. C, title XXXV, §3503(a), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115-282, title V, §508(e), Dec. 4, 2018, 132 Stat. 4273.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsecs. (b) and (c), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-282 substituted “section 4503(d)” for “section 4503(e)”.

2016—Pub. L. 114-120 amended section generally. Prior to amendment, section related to survival craft.

Subsecs. (b), (c). Pub. L. 114-328 substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

2012—Subsec. (b). Pub. L. 112-213, §303(1), substituted “the date that is 30 months after the date on which the report described in subsection (c) is submitted” for “January 1, 2015” in introductory provisions.

Subsec. (c). Pub. L. 112-213, §303(2), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 315 of Title 14, Coast Guard.

REVIEW; REVISION OF REGULATIONS

Pub. L. 114-120, title III, §301(b), Feb. 8, 2016, 130 Stat. 50, provided that:

“(1) REVIEW.—Not later than December 31, 2016, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of—

“(A) the number of casualties for individuals with disabilities, children, and the elderly as a result of immersion in water, reported to the Coast Guard over the preceding 30-year period, by vessel type and area of operation;

“(B) the risks to individuals with disabilities, children, and the elderly as a result of immersion in water, by passenger vessel type and area of operation;

“(C) the effect that carriage of survival craft that ensure that no part of an individual is immersed in water has on—

“(i) passenger vessel safety, including stability and safe navigation;

“(ii) improving the survivability of individuals, including individuals with disabilities, children, and the elderly; and

“(iii) the costs, the incremental cost difference to vessel operators, and the cost effectiveness of requiring the carriage of such survival craft to address the risks to individuals with disabilities, children, and the elderly;

“(D) the efficacy of alternative safety systems, devices, or measures in improving survivability of individuals with disabilities, children, and the elderly; and

“(E) the number of small businesses and nonprofit vessel operators that would be affected by requiring the carriage of such survival craft on passenger vessels to address the risks to individuals with disabilities, children, and the elderly.

“(2) SCOPE.—In conducting the review under paragraph (1), the Secretary shall include an examination of passenger vessel casualties that have occurred in the waters of other nations.

“(3) UPDATES.—The Secretary shall update the review required under paragraph (1) every 5 years.

“(4) REVISION.—Based on the review conducted under paragraph (1), including updates thereto, the Secretary shall revise regulations concerning the carriage of survival craft under section 3104(c) of title 46, United States Code.”