

103^D CONGRESS
2^D SESSION

H. R. 3786

To amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, to require allocation of State recreational boating safety program assistance based on State adoption of laws regarding boating while intoxicated, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1994

Mr. TAUZIN (for himself, Mr. STUDDS, Mr. FIELDS of Texas, Mr. COBLE, Mr. LIPINSKI, Mr. ORTIZ, Mr. MANTON, Mr. LAUGHLIN, and Mr. PICKETT) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, to require allocation of State recreational boating safety program assistance based on State adoption of laws regarding boating while intoxicated, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Boating
5 Safety Improvement Act of 1994”.

1 **SEC. 2. PERSONAL FLOTATION DEVICES REQUIRED FOR**
2 **CHILDREN.**

3 (a) PROHIBITION.—Section 4307(a) of title 46, Unit-
4 ed States Code, is amended—

5 (1) in paragraph (2) by striking “or” after the
6 semicolon at the end;

7 (2) in paragraph (3) by striking the period and
8 inserting “; or”; and

9 (3) by adding at the end the following:

10 “(4) operate a recreational vessel under 26 feet
11 in length unless each individual 12 years of age or
12 younger wears a Coast Guard approved personal flo-
13 tation device when the individual is on an open deck
14 of the vessel.”.

15 (b) STATE AUTHORITY PRESERVED.—Section 4307
16 of title 46, United States Code, is further amended by
17 adding at the end the following:

18 “(c) Subsection (a)(4) shall not be construed to limit
19 the authority of a State to establish requirements relating
20 to the wearing of personal flotation devices on recreational
21 vessels that are more stringent than that subsection.”.

22 **SEC. 3. ALLOCATION OF FUNDS BASED ON STATE ADOPT-**
23 **ION OF LAWS REGARDING BOATING WHILE**
24 **INTOXICATED.**

25 Section 13103 of title 46, United States Code, is
26 amended—

1 (1) by redesignating subsections (a), (b), and
2 (c) in order as subsections (b), (c), and (d);

3 (2) by inserting before subsection (b) (as so re-
4 designated) the following new subsection:

5 “(a)(1) Beginning in fiscal year 1998, the Secretary
6 shall allocate \$10,000,000 of the amounts available for al-
7 location and distribution under this chapter for State rec-
8 reational boating safety programs as follows:

9 “(A) One-half shall be allocated in accordance
10 with paragraph (2) among eligible States that—

11 “(i) prohibit operation of a recreational
12 vessel by an individual who is under the influ-
13 ence of alcohol or drugs; and

14 “(ii)(I) establish a blood alcohol concentra-
15 tion limit of .10 percent or less; or

16 “(II) provide that acceptable evidence of
17 intoxication may include personal observation
18 by a law enforcement officer of the effect of in-
19 toxicants consumed by the individual on the in-
20 dividual’s manner, disposition, speech, muscular
21 movement, general appearance, or behavior.

22 “(B) One-half shall be allocated in accordance
23 with paragraph (2) among eligible States that—

1 “(i) prohibit operation of a recreational
2 vessel by an individual who is under the influ-
3 ence of alcohol or drugs; and

4 “(ii) establish an implied consent require-
5 ment that specifies that an individual is deemed
6 to have given their consent to evidentiary test-
7 ing for their blood alcohol concentration or
8 presence of other intoxicating substances.

9 “(2) Of the amount allocated under subparagraph
10 (A) or (B) of paragraph (1) each fiscal year—

11 “(A) one-half shall be allocated equally among
12 all eligible States receiving an allocation under that
13 subparagraph for the fiscal year; and

14 “(B) one-half shall be allocated among those el-
15 igible States so that each such State receives an
16 amount bearing the same ratio to the total amount
17 allocated under that subparagraph for the fiscal year
18 as the number of vessels numbered in that State
19 under a system approved under chapter 123 of this
20 title bears to the total number of vessels numbered
21 under approved systems of all States receiving an al-
22 location under that subparagraph for the fiscal
23 year.”;

1 (3) in subsection (b) (as so redesignated) in the
2 matter preceding paragraph (1) by inserting “the
3 balance of remaining” after “allocate”; and

4 (4) by adding at the end the following new sub-
5 section:

6 “(e) A State shall not be ineligible for an allocation
7 under subsection (a) because of the adoption by the State
8 of any requirement relating to the operation of a rec-
9 reational vessel while under the influence of alcohol or
10 drugs that is more stringent than the requirements for
11 receiving the allocation.”.

12 **SEC. 4. MARINE CASUALTY REPORTING.**

13 (a) SUBMISSION OF PLAN.—Not later than one year
14 after enactment of this Act, the Secretary of Transpor-
15 tation shall, in consultation with appropriate State agen-
16 cies, submit to the Committee on Merchant Marine and
17 Fisheries of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate a plan to increase reporting of vessel accidents to
20 appropriate State law enforcement officials.

21 (b) PENALTIES FOR VIOLATING REPORTING RE-
22 QUIREMENTS.—Section 6103(a) of title 46, United States
23 Code, is amended by inserting “or 6102” after “6101”
24 the second place it appears.

1 **SEC. 5. REQUIRING VIOLATORS TO TAKE RECREATIONAL**
2 **BOATING SAFETY COURSE.**

3 (a) NEGLIGENT OPERATION.—Section 2302 of title
4 46, United States Code, is amended by adding at the end
5 the following:

6 “(e) An individual operating a recreational vessel in
7 violation of this section shall complete a boating safety
8 course approved by the Secretary.”.

9 (b) OTHER VIOLATIONS.—Section 4311 of title 46,
10 United States Code, is amended by adding at the end the
11 following:

12 “(h) A person who operates a recreational vessel in
13 violation of this chapter or a regulation prescribed under
14 this chapter may be ordered to complete a recreational
15 boating safety course approved by the Secretary.”.

16 **SEC. 6. TECHNICAL CORRECTIONS.**

17 Section 13108(a)(1) of title 46, United States Code,
18 is amended by—

19 (1) striking “proceeding” and inserting “pre-
20 ceding”; and

21 (2) striking “Secertary” and inserting “Sec-
22 retary”.

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