

**Union Calendar No. 247**

103D CONGRESS  
2D SESSION

**H. R. 3786**

**[Report No. 103-445]**

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**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.

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MARCH 21, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## 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

MARCH 21, 1994

Additional sponsor: Mr. HUGHES

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**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”.

6 **SEC. 2. PERSONAL FLOTATION DEVICES REQUIRED FOR**  
7 **CHILDREN.**

8       (a) PROHIBITION.—Section 4307(a) of title 46,  
9 United States Code, is amended—

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

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

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

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

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

23       “(c) Subsection (a)(4) shall not be construed to limit  
24 the authority of a State to establish requirements relating

1 to the wearing of personal flotation devices on recreational  
2 vessels that are more stringent than that subsection.”.

3 **SEC. 3. ALLOCATION OF FUNDS BASED ON STATE ADOPTI-**  
4 **ON OF LAWS REGARDING BOATING WHILE**  
5 **INTOXICATED.**

6 Section 13103 of title 46, United States Code, is  
7 amended—

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

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

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

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

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

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

23 “(II) provide that acceptable evidence of  
24 intoxication may include personal observation  
25 by a law enforcement officer of the effect of in-

1 toxicants consumed by the individual on the in-  
2 dividual’s manner, disposition, speech, muscular  
3 movement, general appearance, or behavior.

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

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

9 “(ii) establish an implied consent require-  
10 ment that specifies that an individual is deemed  
11 to have given their consent to evidentiary test-  
12 ing for their blood alcohol concentration or  
13 presence of other intoxicating substances.

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

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

19 “(B) one-half shall be allocated among those el-  
20 ible States so that each such State receives an  
21 amount bearing the same ratio to the total amount  
22 allocated under that subparagraph for the fiscal year  
23 as the number of vessels numbered in that State  
24 under a system approved under chapter 123 of this  
25 title bears to the total number of vessels numbered

1 under approved systems of all States receiving an al-  
2 location under that subparagraph for the fiscal  
3 year.”;

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

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

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

15 **SEC. 4. MARINE CASUALTY REPORTING.**

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

24 (b) PENALTIES FOR VIOLATING REPORTING RE-  
25 QUIREMENTS.—Section 6103(a) of title 46, United States

1 Code, is amended by inserting “or 6102” after “6101”  
2 the second place it appears.

3 **SEC. 5. REQUIRING VIOLATORS TO TAKE RECREATIONAL**  
4 **BOATING SAFETY COURSE.**

5 (a) NEGLIGENT OPERATION.—Section 2302 of title  
6 46, United States Code, is amended by adding at the end  
7 the following:

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

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

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

18 **SEC. 6. TECHNICAL CORRECTIONS.**

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

21 (1) striking “proceeding” and inserting “pre-  
22 ceding”; and

23 (2) striking “Secertary” and inserting “Sec-  
24 retary”.