

103^D CONGRESS
2^D SESSION

H. R. 3786

IN THE SENATE OF THE UNITED STATES

MARCH 23 (legislative day, FEBRUARY 22), 1994

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend title 46,
United States Code, to establish requirements to ensure
safe operation of recreational vessels, to require alloca-
tion of State recreational boating safety program assist-
ance 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, of the amounts
6 transferred to the Secretary each fiscal year pursuant to
7 section 4(b) of the Act of August 9, 1950 (16 U.S.C.
8 777c(b)), the Secretary shall allocate for State rec-
9 reational boating safety programs \$10,000,000 as follows:

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

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

15 “(ii) establish a blood alcohol concentration
16 limit of .10 percent or less.

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

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

22 “(ii) establish an implied consent require-
23 ment that specifies that an individual is deemed
24 to have given their consent to evidentiary test-

1 ing for their blood alcohol concentration or
2 presence of other intoxicating substances.

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

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

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

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

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

23 “(e) A State shall not be ineligible for an allocation
24 under subsection (a) because of the adoption by the State
25 of any requirement relating to the operation of a rec-

1 recreational vessel while under the influence of alcohol or
2 drugs that is more stringent than the requirements for
3 receiving the allocation.”.

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

5 (a) SUBMISSION OF PLAN.—Not later than one year
6 after enactment of this Act, the Secretary of Transpor-
7 tation shall, in consultation with appropriate State agen-
8 cies, submit to the Committee on Merchant Marine and
9 Fisheries of the House of Representatives and the Com-
10 mittee on Commerce, Science, and Transportation of the
11 Senate a plan to increase reporting of vessel accidents to
12 appropriate State law enforcement officials.

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

17 **SEC. 5. REQUIRING VIOLATORS TO TAKE RECREATIONAL**
18 **BOATING SAFETY COURSE.**

19 (a) NEGLIGENT OPERATION.—Section 2302 of title
20 46, United States Code, is amended by adding at the end
21 the following:

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

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

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

8 **SEC. 6. TECHNICAL CORRECTIONS.**

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

11 (1) striking “proceeding” and inserting “pre-
12 ceding”; and

13 (2) striking “Secertary” and inserting “Sec-
14 retary”.

Passed the House of Representatives March 21,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.