

Public Law 85-911

AN ACT

September 2, 1958
[H. R. 11078]

To promote boating safety on the navigable waters of the United States, its Territories, and the District of Columbia; to provide coordination and cooperation with the States in the interest of uniformity of boating laws; and for other purposes.

Federal Boating
Act of 1958.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Boating Act of 1958".

SEC. 2. As used in sections 3 to 5, inclusive, and sections 7 to 13, inclusive, of this Act—

(1) The term "undocumented vessel" means any vessel which is not required to have, and does not have, a valid marine document issued by the Bureau of Customs.

(2) The word "vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(3) The word "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(4) The word "owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(5) The term "State" means a State of the United States, a Territory of the United States, and the District of Columbia.

Numbering of
vessels.

SEC. 3. (a) Every undocumented vessel propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, using the navigable water of the United States, its Territories and the District of Columbia, and every such vessel owned in a State and using the high seas, shall be numbered in accordance with this Act, except—

Exceptions.

(1) foreign vessels temporarily using the navigable waters of the United States, its Territories and the District of Columbia;

(2) public vessels of the United States;

(3) State and municipal vessels;

(4) ships' lifeboats; and

(5) vessels designated by the Secretary under section 7 (b) of this Act.

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(b) The owner of an undocumented vessel required to be numbered under subsection (a) of this section shall secure a number for such vessel in the State in which it is principally used, in accordance with the State numbering system approved by the Secretary in accordance with subsection (c) of this section, or if no such numbering system has been approved by the Secretary for the State where such vessel is principally used, shall secure a number for such vessel in accordance with subsection (d) of this section.

(c) The Secretary shall establish an overall numbering system for the numbering of vessels required to be numbered under subsection (a) of this section. He shall approve any State system for numbering vessels which is submitted to him which meets the standards set forth below:

(1) The system of numbering shall be in accordance with the overall system of numbering established by the Secretary.

(2) The certificate of number and the number awarded shall be valid for a period not exceeding three years, unless canceled or surrendered, and may be renewed for additional periods.

(3) The number awarded shall be required to be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color, and type, as may be prescribed by

the Secretary. No other number shall be permitted to be carried on the bow of such vessel.

(4) The certificate of number shall be pocket size and shall be required to be at all times available for inspection on the vessel for which issued, whenever such vessel is in use.

(5) The owner shall be required to furnish to a designated State official, notice of the transfer of all or any part of his interest in any numbered vessel, and of the destruction or abandonment of such vessel, within a reasonable time thereof. The owner shall be required to notify a designated State official of any change in his address within a reasonable time of such change.

(6) The State shall require that reports be made to it of accidents involving vessels numbered by it under its numbering system, and shall compile and transmit to the Secretary such statistics on such accidents.

(7) The State shall recognize the validity of a number awarded to any vessel by another State under a numbering system approved by the Secretary under this Act, or awarded a number by the Secretary, for a period of at least ninety days.

(8) In the case of a State having its numbering system approved after April 1, 1960, such State shall accept and recognize any valid certificate of number awarded under subsection (d) of this section for so long as such certificate would otherwise be valid under such subsection (d), except that where such a certificate would remain valid for more than one year after the date when such State's numbering system was approved, the State may accept and recognize the validity of such certificate for a lesser period, but such period shall not end sooner than one year from the date of approval of such system.

(9) The State may exempt any vessel or class of vessels from the numbering provisions of its system if such vessel or class of vessels has been made exempt from the numbering provisions of section 3 (d) by the Secretary under section 7 (b) of this Act.

Post, p. 1757.

(10) The States may charge fees in connection with the award of certificates of number and renewals thereof.

(11) The States may require that the operator of a vessel required to be numbered hereunder shall hold a valid safety certificate to be issued under such terms and conditions as may be provided by State law.

(d) The owner of an undocumented vessel required to be numbered under subsection (a) of this section who uses his vessel principally in a State which does not have a numbering system approved by the Secretary under subsection (c) of this section, shall make application to the Secretary, and upon payment of the fee established under section 5, such owner shall be granted a certificate of number containing the number awarded such vessel by the Secretary.

(e) The certificate of number initially awarded to an owner under subsection (d) of this section shall be valid for three years from the date of the owner's birthday next occurring after the date the certificate of number is issued, unless surrendered or canceled pursuant to regulations of the Secretary. If at the end of such period such ownership has remain unchanged, such owner shall, upon application and payment of the fee established under section 5 of this Act, be granted a renewal of such certificate of number for an additional three-year period.

(f) The number awarded under subsection (c) or (d) of this section shall be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color, and type as may be prescribed by the Secretary. No other number shall be carried on the bow of such vessel.

(g) The certificate of number granted under subsection (c) or (d) of this section shall be pocket size and shall be required to be at all times available for inspection on the vessel for which issued whenever such vessel is in use, and shall constitute a document in lieu of a marine document that sets forth an official number issued by the Bureau of Customs.

(h) Whenever the Secretary determines that a State is not administering its approved system for numbering vessels in accordance with the standards set forth under subsection (c) of this section, he may withdraw such approval. The Secretary shall not withdraw his approval of a State system of numbering until he has given notice in writing to the State setting forth specifically wherein the State has failed to maintain such standards.

Notice of trans-
fer.
Ante, p. 1755.

SEC. 4. The owner of any vessel numbered under section 3 (d) of this Act shall furnish to the Secretary notice of the transfer of all or any part of his interest in any numbered vessel, and of the destruction, or abandonment of such vessel, within a reasonable time thereof. The owner shall notify the Secretary of any change in his address within a reasonable time of such change.

Fees or charges.
Ante, p. 1755.

SEC. 5. The Secretary may prescribe reasonable fees or charges for the numbering of a vessel, or renewal thereof, under subsections (d) and (e) of section 3 of this Act.

54 Stat. 166.

SEC. 6. (a) Section 13 of the Act entitled "An Act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes", approved April 25, 1940 (46 U. S. C. 5261), is amended to read as follows:

"Operate."

"SEC. 13. (a) No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To 'operate' means to navigate or otherwise use a motorboat or a vessel.

Accident assist-
ance.

"(b) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this Act, it shall be the duty of the operator, if and so far as he can do so without serious danger to his own vessel, or persons aboard, to render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty in order to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection shall be in addition to any duties otherwise provided by law.

Accident reports.

"(c) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this Act, the operator thereof, if the collision, accident, or other casualty results in death or injury to any person, or damage to property in excess of \$100, shall file with the Secretary of the Department within which the Coast Guard is operating, unless such operator is required to file an accident report with the State under section 3 (c) (6) of the Federal Boating Act of 1958, a full description of the collision, accident, or other casualty, including such information as the Secretary may by regulation require."

Ante, p. 1755.

54 Stat. 166.

(b) Section 16 of such Act of April 25, 1940 (46 U. S. C. 5260), is amended by striking out "than that contained in section 14 of this Act".

Applicability.

(c) Such Act of April 25, 1940 (46 U. S. C. 526-526t), is further amended by adding at the end thereof the following new section:

"SEC. 22. (a) This Act shall apply to every motorboat or vessel on the navigable waters of the United States, its Territories and the

District of Columbia, and every motorboat or vessel owned in a State and using the high seas.

“(b) As used in this Act—

“The term ‘State’ means a State of the United States, a Territory of the United States, and the District of Columbia.”

SEC. 7. (a) The Secretary shall make such rules and regulations as may be necessary to carry out the provisions of this Act: *Provided*, That such rules and regulations shall be submitted to the Speaker of the House and the President of the Senate when Congress is in session, and shall not become effective until sixty days thereafter.

Rules and regulations.

Reports to Congress.

(b) The Secretary may, from time to time, and for such periods as he may prescribe, exempt any vessel or class of vessels from the numbering provisions of subsection (d) of section 3 of this Act.

Ante, p. 1755.

SEC. 8. (a) Whoever being the owner of a vessel required to be numbered under this Act, violates section 3 or 4 of this Act, or regulations established by the Secretary under section 7 of this Act, shall be liable to a penalty of \$50 for each violation. Whoever operates a vessel in violation of section 3 of this Act, or regulations established by the Secretary under section 7 of this Act, shall be liable to a penalty of \$50 for each violation.

Ante, p. 1754, 1756.

(b) The Secretary may assess and collect any penalty incurred under this Act or any regulations prescribed pursuant to section 7 of this Act. The Secretary may, in his discretion, remit or mitigate any penalty imposed under this section, or discontinue prosecution therefor on such terms as he may deem proper.

Penalties.

(c) Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this Act at any time such vessel is found upon the navigable waters of the United States, its Territories and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this Act, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such vessel for compliance with this Act, the Act of April 25, 1940, as amended, and the applicable rules of the road.

Inspection by Coast Guard.

SEC. 9. It is hereby declared to be the policy of Congress to encourage uniformity of boating laws, rules, and regulations as among the several States and the Federal Government to the fullest extent practicable, subject to reasonable exceptions arising out of local conditions. In the interest of fostering the development, use, and enjoyment of all the waters of the United States it is further declared to be the policy of the Congress hereby to encourage the highest degree of reciprocity and comity among the several jurisdictions. The Secretary, acting under the authority of section 141 of title 14 of the United States Code, shall to the greatest possible extent enter into agreements and other arrangements with the States to insure that there shall be the fullest possible cooperation in the enforcement of both State and Federal statutes, rules, and regulations relating to recreational boating.

54 Stat. 163.
46 USC 526 et seq.
Uniformity of laws, etc.

63 Stat. 505.

SEC. 10. The Secretary is authorized and directed to compile, analyze, and publish, either in summary or detailed form, the information obtained by him from the accident reports transmitted to him under section 3 (c) (6) of this Act, and under section 13 (c) of the Act entitled “An Act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes”, approved April 25, 1940 (46 U. S. C. 5261), together with such findings concerning the causes of such accidents and such recommendations for their prevention as he may deem necessary. Such information shall

Publication of findings.

Ante, p. 1755.

be made available for public inspection in such manner as the Secretary may deem practicable.

Effective date.

SEC. 11. (a) Except section 3 (d), this Act shall take effect on the date of its enactment.

Ante, p. 1755.

(b) Section 3 (d) of this Act shall take effect April 1, 1960.

40 Stat. 602.

SEC. 12. The Act entitled "An Act to require numbering and recording of undocumented vessels", approved June 7, 1918, as amended (46 U. S. C. 288), and section 21 of the Act entitled "An Act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes", approved April 25, 1940, as amended (46 U. S. C. 526t), shall not be applicable in any State having a numbering system approved by the Secretary under section 3 (c) of this Act. Such Act of June 7, 1918, and such section 21 of the Act of April 25, 1940, are repealed effective April 1, 1960.

54 Stat. 167.

Repeals.

Law enforcement.

SEC. 13. The applicability and the jurisdiction for enforcement, upon the navigable waters of the United States, its Territories and the District of Columbia, of the laws of the United States and of any State which require the numbering and otherwise regulate the use of undocumented vessels, shall be as follows:

(1) Such laws of the United States shall be applicable and enforced on such waters by law enforcement officers of the United States.

Ante, p. 1754.

(2) Such laws of any State in a State having a numbering system approved by the Secretary under section 3 (c) of this Act shall be applicable and enforced on such waters by law enforcement officers of the State or by law enforcement officers of the appropriate subdivisions of the State.

Ante, p. 1757.

(3) Nothing herein shall preclude enforcement of State or Federal laws pursuant to agreements or other arrangements entered into between the Secretary and any State within the contemplation of section 9 of this Act.

Ante, p. 1754.

(4) Nothing herein shall interfere with, abrogate or limit the jurisdiction of any State: *Provided, however,* That the Secretary shall not approve any State system for numbering which does not fully comply with the standards set forth in section 3 (c).

Approved September 2, 1958.

Public Law 85-912

AN ACT

To increase the public debt limit.

September 2, 1958
[H. R. 13580]

Public debt
limit.
Increase.
70 Stat. 519.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of the Second Liberty Bond Act, as amended (31 U. S. C., sec. 757b), is amended to read as follows:

"SEC. 21. The face amount of obligations issued under authority of this Act, and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate \$283,000,000,000 outstanding at any one time. The current redemption value of any obligation issued on a discount basis which is redeemable prior to maturity at the option of the holder thereof shall be considered, for the purposes of this section, to be the face amount of such obligation."

Approved September 2, 1958.