

103^D CONGRESS
1ST SESSION

H. R. 3168

To amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, and to improve State recreational boating safety programs.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1993

Mr. TAUZIN (for himself, Mr. LIPINSKI, Mr. ORTIZ, and Mr. MANTON) 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, and to improve State recreational boating safety programs.

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 1993”.

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 personal flotation device when the
13 individual is on an open deck of the vessel when the
14 vessel is underway.”.

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. LIMITATION ON PERCENTAGE AMOUNT OF BOAT-**
23 **ING SAFETY PROGRAM ALLOCATION USED**
24 **FOR PUBLIC ACCESS SITES.**

25 (a) IN GENERAL.—Section 13106(b)(4) of title 46,
26 United States Code, is amended by inserting before the

1 semicolon at the end the following: “, except that not more
2 than 25 percent of the amount allocated to a State for
3 a fiscal year may be used by the State for these purposes”.

4 (b) APPLICATION.—The amendment made by sub-
5 section (a) shall not apply to an amount allocated to a
6 State for a fiscal year before fiscal year 1994.

7 **SEC. 4. ALLOCATION OF FUNDS BASED ON STATE ADOPTI-**
8 **ON OF LAWS REGARDING BOATING WHILE**
9 **INTOXICATED.**

10 Section 13103 of title 46, United States Code, is
11 amended—

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

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

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

20 “(1)(A) One-half shall be allocated among eligi-
21 ble States that prohibit operation of a recreational
22 vessel by an individual who is under the influence of
23 alcohol or drugs and that—

24 “(i) establish a blood alcohol concentration
25 limit of .10 percent or less; or

1 “(ii) provide that acceptable evidence of in-
2 toxication may include personal observation by
3 a law enforcement officer of the effect of intoxi-
4 cants consumed by the individual on the indi-
5 vidual’s manner, disposition, speech, muscular
6 movement, general appearance, or behavior.

7 “(B) The amount allocated to a State under
8 this paragraph for a fiscal year shall be in the same
9 ratio to the total amount allocated under this para-
10 graph for the fiscal year as the number of vessels
11 numbered in that State under a system approved
12 under chapter 123 of this title bears to the total
13 number of vessels numbered under approved systems
14 of all States that receive an allocation under this
15 paragraph for that fiscal year.

16 “(2)(A) One-half shall be allocated among eligi-
17 ble States that prohibit operation of a recreational
18 vessel by an individual who is under the influence of
19 alcohol or drugs and that establish an implied con-
20 sent requirement that specifies that an individual is
21 deemed to have given their consent to evidentiary
22 testing for their blood alcohol concentration or pres-
23 ence of other intoxicating substances.

24 “(B) The amount allocated to a State under
25 this paragraph for a fiscal year shall be in the same

1 ratio to the total amount allocated under this para-
2 graph for the fiscal year as the number of vessels
3 numbered in that State under a system approved
4 under chapter 123 of this title bears to the total
5 number of vessels numbered under approved systems
6 of all States that receive an allocation under this
7 paragraph for the fiscal year.”;

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

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

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

19 **SEC. 5. REQUIRING VIOLATORS TO TAKE RECREATIONAL**
20 **BOATING SAFETY COURSE.**

21 Section 4311 of title 46, United States Code, is
22 amended by adding at the end the following:

23 “(h)(1) A person who willfully operates a recreational
24 vessel in violation of this chapter or a regulation pre-

1 scribed under this chapter may be ordered to complete a
2 qualified recreational boating safety course—

3 “(A) in addition to any other civil penalty that
4 is assessed for the violation, in the case of—

5 “(i) a subsequent violation by the same
6 person; or

7 “(ii) a violation that results in a personal
8 injury; or

9 “(B) in lieu of any other civil penalty that is as-
10 sessed for the violation, in the case of any other vio-
11 lation.

12 “(2) In this subsection, the term ‘qualified rec-
13 reational boating safety course’ means a recreational boat-
14 ing safety course that is approved by the Secretary of
15 Transportation for purposes of this subsection.”.

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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