

Public Law 94-531
94th Congress

An Act

To amend the Federal Boat Safety Act of 1971.

Oct. 17, 1976

[H.R. 13585]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) is amended as follows:

(1) Section 4 is amended by adding a new subsection to read as follows:

“(d) Until such time as there is a final judicial determination that they are navigable waters of the United States, the following waters lying entirely within the State of New Hampshire, to wit: Lake Winnisquam, Lake Winnepesaukee, portions of the Merrimack River, and their tributary and connecting waters, are declared not to be waters subject to the jurisdiction of the United States, within the meaning of this section.”

(2) Section 5 is amended by striking the word “eighteen” in paragraph (1) of subsection (b) thereof, and by inserting in lieu thereof “twenty-four”.

(3) Section 8 is amended by inserting, immediately after “8.”, the subsection designation “(a)”, and adding a new subsection to read as follows:

“(b) The Secretary may conduct research, testing, and development as necessary to carry out the purposes of this Act, including the procurement (by negotiation or otherwise) of experimental and other boats or associated equipment for research and testing purposes, and the subsequent sale thereof.”

(4) Section 15 is amended, in subsection (a), by striking, at the end thereof, “defect.”, and by inserting in lieu thereof “defect: *Provided*, That the manufacturer’s duty of notification under subsection (b) (1) and subsection (b) (2) of this section applies only to defects or failures of compliance discovered by the manufacturer within one of the following periods, as appropriate:

“(1) in the case of a boat or associated equipment required by regulation to have a date of certification affixed, five years from date of certification, or

“(2) in the case of a boat or associated equipment not required by regulation to have a date of certification affixed, five years from date of manufacture.”

(5) Section 15 is amended, in subsection (e), by striking, at the beginning of the third sentence thereof the word “Upon”, and by inserting in lieu thereof “If the manufacturer receives notice from the Secretary within the time in which he would be required to make notification under subsection (a), upon”.

(6) Section 15 is amended, in subsection (g), by striking “this section.”, and by inserting in lieu thereof “this section, including, but not limited to, procedures to be followed by dealers and distributors to assist manufacturers in obtaining the information required by this section: *Provided*, That a regulation promulgated hereunder may not relieve a manufacturer of any obligation imposed on him by this section.”

Federal Boat
Safety Act of
1971,
amendments.
46 USC 1453.

New Hampshire,
navigable waters.

46 USC 1454.

46 USC 1457.

Research and
testing.

Repair or
replacement of
defects.
46 USC 1464.

Standard
numbering
system.

46 USC 1467.

(7) Section 18 is amended, in subsection (a), by inserting, following the second sentence thereof, a new sentence to read as follows: "In implementing and administering its numbering system, a State shall adopt any definitions of relevant terms, including, but not limited to, 'model year' and 'date of manufacture' established by the Secretary by regulation."

46 USC 1469.

(8) Section 20 is amended, in subsection (a), by striking, in the second sentence the words "twenty-four hours", and by inserting in lieu thereof the words "seven days".

46 USC 1472.

(9) Section 23 is amended by inserting at the end of the first sentence a new sentence to read as follows: "The fees established pursuant to authority granted by this section shall apply equally to residents and nonresidents of the State."

46 USC 1476.

(10) Section 27 is amended, in subsection (a), by striking "July 1", and by inserting in lieu thereof "October 1".

46 USC 1477.

(11) Section 28 is amended, in subsection (a), by striking the first sentence thereof and by inserting, in lieu thereof, the following: "Notwithstanding the allocation ratios prescribed in section 27, the Federal funds allocated to any State in any fiscal year may not exceed fifty per centum of the total cost of that State's boating safety program in that year."

(12) Section 28 is further amended by adding a new subsection to read as follows:

"(d) For the purposes of this section, the transition period of July 1, 1976, to September 30, 1976, shall be treated as a fiscal year."

Approved October 17, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1578 (Comm. on Merchant Marine and Fisheries).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Sept. 20, considered and passed House.

Sept. 30, considered and passed Senate, amended.

Oct. 1, House agreed to Senate amendments.