

ORDINANCE 454

CITY OF LACEY

AN ORDINANCE RELATING TO THE OPERATION OF VESSELS AND MOTORBOATS UPON LAKES WITHIN THE CITY OF LACEY, AMENDING SECTION 9.56.010, REPEALING SECTIONS 9.56.090, 9.56.110, 9.56.200 AND 9.56.210, AND ADDING NEW SECTIONS 9.56.090 AND 9.56.110 TO THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LACEY as follows:

Section 1. Section 9.56.010 of the Lacey Municipal Code is hereby amended to read as follows:

"Section 9.56.010. Definitions. As used in this chapter the following terms shall have the meaning ascribed to them by this section:

"(1) "Vessel" means any contrivance used or designed for navigation on water.

"(2) "Motorboat" means any vessel propelled in any respect by machinery, including those temporarily equipped with detachable motors.

~~"(3) -- "Hydroplane" means a boat that has transverse or longitudinal effects or breaks of more than three-quarters of an inch on the bottom of the boat.~~

"(4) (3) "Waters" includes any lake, pond or other body of fresh water within the City of Lacey.

"(5) (4) "Person" means any natural person, partnership, association or corporation."

Section 2. Sections 9.56.090, 9.56.110, 9.56.200 and 9.56.210 of the Lacey Municipal Code are hereby repealed.

Section 3. There is hereby added to the Lacey Municipal Code a new section, 9.56.090, to read as follows:

"Mufflers. It shall be unlawful to operate a motor boat on any waters in the City of Lacey unless it is equipped with a muffler or other similar device to reduce the sound of exhaust."

Section 4. There is hereby added to the Lacey Municipal Code a new section, 9.56.110, to read as follows:

"Speed Limit on Hicks Lake. (a) It shall be lawful to operate motorboats and/or motorboats having in tow a person or persons on water skis, aquaplane, or similar contrivance at speeds in excess of five miles per hour on Hicks Lake under the following conditions:

"(1) If the aforementioned lake is buoyed along a line two hundred feet from shore and fifty feet from any underwater obstruction lying within four feet of the lake's average seasonal low water level to restrict skiing to an area outside the buoys, such excess speed shall be allowed between the hours of eleven a.m. and one hour before sunset. Sunset shall be defined as that time prescribed as sunset in Lacey by the Director of the Nautical Almanac at the United States Observatory at Washington, D.C.

"(2) Placement and maintenance of buoys under Subsection (1) shall be the responsibility of the skiers and/or property owners. Distance between buoys placed under this subsection shall not exceed three hundred feet.

"(3) Time referred to in Subsection (1) above shall be either Pacific Standard or Pacific Daylight, whichever is currently in effect in Lacey.

"(4) Motorboats may pull skiers, aquaplanes or similar contrivances between the line of buoys and shore only when taking off or landing; and in so doing, must operate on a line as nearly perpendicular to the shore line as possible.

"(5) Notwithstanding other provisions of this ordinance to the contrary, it shall be unlawful to operate a motorboat upon or across waters of any lake within the City of Lacey at a rate of speed greater than five miles per hour commencing with the opening day of lowland fishing season each year and continuing until May 15."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON  
this 12th day of May, 1977.

CITY COUNCIL

By Karen R. Isaacs  
Mayor

Attest:

Timothy McGuire  
City Clerk

Approved as to Form:

[Signature]  
City Attorney

Passed: May 12, 1977

Published: May 19, 1977

violations by such charterers or contractors. (R. S. § 4499; Mar. 3, 1905, ch. 1454, § 4, 33 Stat. 1025.)

DERIVATION

Act Feb. 28, 1871, ch. 100, § 1, 16 Stat. 440.

REFERENCES IN TEXT

For distribution of title 52, sections 4399—4500, of the Revised Statutes, referred to in the text, of which this section is a part, see note under section 170 of this title.

CODIFICATION

R.S. § 4499, as enacted in the Revised Statutes, contained only the first sentence. The second sentence was added by act Mar. 3, 1905.

CROSS REFERENCES

Section as applicable to foreign private steam vessels, see section 362 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 362, 404 of this title.

§ 498. Penalty in cases not provided for.

The penalty for the violation of any provision of title 52 of the Revised Statutes, not otherwise especially provided for, shall be a fine of \$500, recoverable one-half for the use of the informer. (R. S. § 4500.)

DERIVATION

Act Feb. 28, 1871, ch. 100, § 68, 16 Stat. 458.

REFERENCES IN TEXT

For distribution of title 52, sections 4399—4500, of the Revised Statutes, referred to in the text, of which this section is a part, see note under section 170 of this title.

CROSS REFERENCES

Section as applicable to foreign private steam vessels, see section 362 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 362, 404 of this title.

Chapter 16.—REGULATION OF MOTORBOATS

SUBCHAPTER I.—GENERAL PROVISIONS

Sec. 511 to 520. Repealed.  
521, 522. Omitted.

SUBCHAPTER II.—MOTORBOAT ACT OF 1940

- 526. "Motorboat" defined; inspection.
- 526a. Classification of motorboats.
- 526b. Lights.
- 526c. Whistles or other sound-producing appliances.
- 526d. Bells.
- 526e. Life preservers, etc.
- 526f. Motorboats and small craft carrying passengers for hire; operators' licenses.
- 526g. Fire extinguishers.
- 526h. Exemption of racing outboard motorboats from requirement of sound and fire extinguishing equipment.
- 526i. Carburetor flame arrestors and backfire traps.
- 526j. Ventilation of engine and fuel compartment bilges on open vessels using volatile liquids as fuel.
- 526k. Carrying copies of pilot rules.
- 526l. Reckless or negligent operation of vessels; prohibition; accident assistance, information and report.
- 526m. Same; penalty.
- 526n. Same; arrest; procedure after arrest.
- 526o. Violations generally; penalties.
- 526p. Regulations; remission or mitigation of fines, penalties, etc.
- 526q. Application of other laws.
- 526r. Laws unaffected.
- 526s. Authorization of appropriations.
- 526t. Repealed.
- 526u. Application of subchapter; "State" defined.

SUBCHAPTER III.—FEDERAL BOATING PROGRAM OF 1958

- Sec. 527. Definitions.
- 527a. Numbering of vessels.
  - (a) Exceptions.
  - (b) State or Federal system.
  - (c) Overall system; standards for approval of State system.
  - (d) Federal system.
  - (e) Duration of initial or renewal certificate under Federal system.
  - (f) Display of number.
  - (g) Size; availability for inspection, and documentary nature of certificate.
  - (h) Withdrawal of State system approval; notice.
- 527b. Federal numbering system; notice of transfer of interest, destruction or abandonment of vessel, change of address.
- 527c. Same; fees.
- 527d. Regulations; Federal numbering system exemptions.
- 527e. Violations generally.
  - (a) Penalties.
  - (b) Assessment and collection, remission or mitigation of penalties; discontinuance of prosecution.
  - (c) Inspection by Coast Guard.
- 527f. Declaration of policy.
- 527g. Publication of findings; public inspection.
- 527h. Enforcement provisions; State jurisdiction unimpaired; approval of State numbering system.

SUBCHAPTER I.—GENERAL PROVISIONS

§§ 511 to 519. Repealed. Apr. 25, 1940, ch. 155, § 19, 54 Stat. 167.

Sections, act June 9, 1910, ch. 268, §§ 1—9, 36 Stat. 462, 463, prescribed certain regulations and penalties in connection with the operation of motorboats, and is now covered by sections 526—526t of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections 515—517 of this title became effective one year from Apr. 25, 1940.

§ 520. Repealed. May 10, 1956, ch. 258, § 6 (a), 70 Stat. 153.

Section, act Jan. 18, 1897, ch. 61, 29 Stat. 489, related to regulations as to certain vessels propelled by gas, fluid, naphtha, or electric motors, and is now covered generally by sections 390 to 390g of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective on June 1, 1958, or on the first day of the sixth month following the prescription of rules and regulations by the Secretary under section 390b of this title, whichever is later, see note set out under section 390 of this title.

§§ 521, 522. Omitted.

CODIFICATION

Section 521, act Aug. 7, 1939, ch. 558, § 1, 53 Stat. 1257, omitted from the Code, related to exemption of outboard motorboats for racing from provisions of sections 514 and 516 of this title which have been repealed. See section 526h of this title.

Section 522, act Aug. 7, 1939, ch. 558, § 2, 53 Stat. 1257, which related to exempting motorboats from carrying copies of pilot rules, was omitted as superseded by section 526k of this title.

SUBCHAPTER II.—MOTORBOAT ACT OF 1940

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 527e of this title.

§ 526. "Motorboat" defined; inspection.

The word "motorboat" where used in this subchapter shall include every vessel propelled by machinery and not more than sixty-five feet in length

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except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: *Provided*, That the engine, boiler, or other operating machinery shall be subject to inspection by the Coast Guard, and to its approval of the design thereof, on all said motorboats, which are more than forty feet in length, and which are propelled by machinery driven by steam. (Apr. 25, 1940, ch. 155, § 1, 54 Stat. 163; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

#### TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Plan excepted, from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

References to local inspectors of steam vessels were changed to Coast Guard on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

#### § 526a. Classification of motorboats.

Motorboats subject to the provisions of this subchapter shall be divided into four classes as follows:

Class A. Less than sixteen feet in length.

Class 1. Sixteen feet or over and less than twenty-six feet in length.

Class 2. Twenty-six feet or over and less than forty feet in length.

Class 3. Forty feet or over and not more than sixty-five feet in length. (Apr. 25, 1940, ch. 155, § 2, 54 Stat. 163.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 526b, 526c, 526d of this title.

#### § 526b. Lights.

Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(a) Every motorboat of classes A and 1 of section 526a of this title shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motorboat of classes 2 and 3 of section 526a of this title shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed

as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(c) Motorboats of classes A and 1 of section 526a of this title when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by this section. Motorboats of classes 2 and 3 of section 526a of this title when so propelled, shall carry the colored side lights, suitably screened, but not the white lights, prescribed by this section. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subchapter, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(e) When propelled by sail and machinery any motor boat shall carry the lights required by this section for a motor boat propelled by machinery only.

(f) Any motor boat may carry and exhibit the lights required by the Regulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951 (65 Stat. 406—420), as amended, in lieu of the lights required by this section. (Apr. 25, 1940, ch. 155, § 3, 54 Stat. 164; June 4, 1956, ch. 353, §§ 1, 2, 70 Stat. 228.)

#### REFERENCES IN TEXT

Regulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951, referred to in subsec. (f), are classified to section 1051 et seq. of Title 33, Navigation and Navigable Waters, and to sections 1430 and 1509 of Title 49, Transportation.

#### AMENDMENTS

1956—Subsec. (c). Act June 4, 1956, § 1, required motorboats of classes A and 1, when propelled by sail alone, to carry the combined lantern but not the white light aft.

Subsec. (e) and (f) added by act June 4, 1956, § 2.

#### § 526c. Whistles or other sound-producing appliances.

Every motorboat of class 1, 2, or 3 of section 526a of this title, shall be provided with an efficient whistle or other sound-producing mechanical appliance. (Apr. 25, 1940, ch. 155, § 4, 54 Stat. 164.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 526h of this title.

§ 526d. Bells.

Every motorboat of class 2 or 3 of section 526a of this title shall be provided with an efficient bell. (Apr. 25, 1940, ch. 155, § 5, 54 Stat. 164.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 526h of this title.

§ 526e. Life preservers, etc.

Every motorboat subject to any of the provisions of this subchapter and also all vessels propelled by machinery other than by steam more than sixty-five feet in length shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Commandant of the Coast Guard, for each person on board, so placed as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard, for each person on board. (Apr. 25, 1940, ch. 155, § 6, 54 Stat. 164; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

EFFECTIVE DATE

Section 19 of act Apr. 25, 1940, provided that this section and sections 526f and 526g of this title should take effect one year from Apr. 25, 1940.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

"Commandant of the Coast Guard" was substituted for "board of supervising inspectors with the approval of the Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 526o of this title.

§ 526f. Motorboats and small craft carrying passengers for hire; operators' licenses.

No such motorboat, and no other vessel of fifteen gross tons or less propelled by machinery other than steam, while carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service by the Secretary of the department in which the Coast Guard is operating. Whenever any person applies to be licensed as operator of any motorboat, or of any other vessel of fifteen gross tons or less propelled by machinery, carrying passengers for hire, the Secretary shall

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make diligent inquiry as to his character, and shall carefully examine the applicant orally as well as the proofs which he presents in support of his claim, and if the Secretary is satisfied that his capacity, experience, habits of living, and character are such to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, the Secretary shall grant him a license authorizing him to discharge such duties on any such motorboat, or on any other vessel of fifteen gross tons or less propelled by machinery, carrying passengers for hire, for the term of five years. Such license shall be subject to suspension or revocation on the same grounds and in the same manner with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 239 of this title: *Provided*, That motorboats and other vessels of fifteen gross tons or less propelled by machinery shall not be required to carry licensed officers except as required in this subchapter: *And provided further*, That licenses herein prescribed shall not be required of motorboats or of any other vessels of fifteen gross tons or less propelled by machinery engaged in fishing contests previously arranged and announced. (Apr. 25, 1940, ch. 155, § 7, 54 Stat. 165; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097; May 10, 1956, ch. 258, § 6(c), 70 Stat. 154.)

AMENDMENTS

1956—Act May 10, 1956, extended its provisions to cover vessels of 15 gross tons or less propelled by machinery other than steam, and by making technical changes.

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment of section effective on June 1, 1958, or on the first day of the sixth month following the prescription of rules and regulations by the Secretary under section 390b of this title, whichever is later, see note set out under section 390 of this title.

EFFECTIVE DATE

Section 19 of act Apr. 25, 1940, provided that this section and sections 526e and 526g of this title shall take effect one year from Apr. 25, 1940.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard. References to local board of inspectors were changed to Coast Guard on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390 to 390g, 526o of this title.

§ 526g. Fire ext.

Every motor by machinery of five feet in length, length, beam, size, and draft, shall be promptly and efficiently extinguished, as may be required by the Commandant of the Coast Guard. Such extinguishers shall be immediately available and ready for use as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one fire extinguisher of the sort prescribed by the regulations of the Commandant of the Coast Guard, for each person on board. (Apr. 25, 1940, ch. 155, § 8, 54 Stat. 165, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

Section 19 of act Apr. 25, 1940, provided that this section and sections 526d, 526e, and 526f of this title should take effect one year from Apr. 25, 1940.

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard. "Commandant of the Coast Guard" was substituted for "board of supervising inspectors with the approval of the Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

SECTION

This section is referred to in section 526h of this title.

§ 526h. Exemption from requirement of equipment.

The provision of this title shall not apply to outboard motorboats of fifteen gross tons or less previously arranged and installed on a vessel engaged in such navigation as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one fire extinguisher of the sort prescribed by the regulations of the Commandant of the Coast Guard, for each person on board. (Apr. 25, 1940, ch. 155, § 9, 54 Stat. 166, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

§ 526i. Carburetor

Every motorboat of five feet in length, length, beam, size, and draft, shall be promptly and efficiently extinguished, as may be required by the Commandant of the Coast Guard. Such extinguishers shall be immediately available and ready for use as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one fire extinguisher of the sort prescribed by the regulations of the Commandant of the Coast Guard, for each person on board. (Apr. 25, 1940, ch. 155, § 10, 54 Stat. 167, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

## § 526g. Fire extinguishers.

Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Commandant of the Coast Guard, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible. (Apr. 25, 1940, ch. 155, § 8, 54 Stat. 165; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

## EFFECTIVE DATE

Section 19 of act Apr. 25, 1940, provided that this section and sections 526e and 526f of this title shall take effect one year from Apr. 26, 1940.

## TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard. "Commandant of the Coast Guard" was substituted for "board of supervising inspectors with the approval of the Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 526h, 526o of this title.

## § 526h. Exemption of racing outboard motorboats from requirement of sound and fire extinguishing equipment.

The provisions of sections 526c, 526d, and 526g of this title shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race. (Apr. 25, 1940, ch. 155, § 9, 54 Stat. 165.)

## § 526i. Carburetor flame arrestors and backfire traps.

Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the Commandant of the Coast Guard: *Provided*, That this section shall apply only to such motorboats or vessels, the construction of which or the replacement of the engine or engines of which is commenced subsequent to April 25, 1940. (Apr. 25, 1940, ch. 155,

§ 10, 54 Stat. 165; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

## TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

"Commandant of the Coast Guard" was substituted for "board of supervising inspectors with the approval of the Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

## § 526j. Ventilation of engine and fuel compartment bilges on open vessels using volatile liquids as fuel.

Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by regulations of the Commandant of the Coast Guard for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases: *Provided*, That this section shall apply only to such motorboats or vessels, the construction or decking over of which is commenced subsequent to April 25, 1940. (Apr. 25, 1940, ch. 155, § 11, 54 Stat. 165; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

## TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

"Commandant of the Coast Guard" was substituted for "board of supervising inspectors with the approval of the Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

## § 526k. Carrying copies of pilot rules.

Motorboats shall not be required to carry on board copies of the pilot rules. (Apr. 25, 1940, ch. 155, § 12, 54 Stat. 166.)

§ 526f. Reckless or negligent operation of vessels; prohibition; accident assistance, information and report.

(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.

(b) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this subchapter, 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.

(c) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this subchapter, 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 527a(c)(6) of this title, a full description of the collision, accident, or other casualty, including such information as the Secretary may by regulation require. (Apr. 25, 1940, ch. 155, § 13, 54 Stat. 166; Sept. 2, 1958, Pub. L. 85-911, § 6(a), 72 Stat. 1756.)

AMENDMENTS

1958—Pub. L. 85-911 designated existing provisions as subsec. (a), defined the term "operate" therein, and added subsecs. (b) and (c).

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 80-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 526n, 527g of this title.

§ 526m. Same; penalty.

Any person who 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 shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court. (Apr. 25, 1940, ch. 155, § 14, 54 Stat. 166.)

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 526p of this title.

§ 526n. Same; arrest; procedure after arrest.

Any officer of the United States authorized to enforce the navigation laws of the United States, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person who may commit any act or offense prohibited by section 526f of this title, or who may violate any provision of said section: Provided, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: Provided, further, That whenever an arrest is made under the provisions of this subchapter, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. (Apr. 25, 1940, ch. 155, § 15, 54 Stat. 166.)

§ 526o. Violations generally; penalties.

If any motorboat or vessel subject to any of the provisions of this subchapter is operated or navigated in violation of this subchapter or any regulation issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law be liable to a penalty of \$100: Provided, That in the case of motorboats or vessels subject to the provisions of this subchapter carrying passengers for hire, a penalty of \$200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 526e, 526f, or 526g of this title or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found. (Apr. 25, 1940, ch. 155, § 16, 54 Stat. 166; Sept. 2, 1958, Pub. L. 85-911, § 6(b), 72 Stat. 1756.)

AMENDMENTS

1958—Pub. L. 85-911 deleted the phrase "than that contained in section 526m of this title" following "prescribed by law".

§ 526p. Regulations; remission or mitigation of fines, penalties, etc.

The Commandant of the Coast Guard shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this subchapter, and such regulations shall have the force of law. The Commandant of the Coast Guard or any officer of the Coast Guard authorized by the Commandant may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this subchapter or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 526m of this title. The Commandant of the Coast Guard shall establish such regulations as may be necessary to secure the enforcement of the provisions of this subchapter by any officer of the United States authorized to enforce the navigation laws of the United States. (Apr. 25,

1940, ch. 155, § No. 3, §§ 101-102 Stat. 1097.)

The Coast Guard of Transportation relating to the Treasury and of the Department of the Treasury. See section 1097.

All functions of the Treasury, and all of the Department of the Treasury, to the extent vested in him to the performance of any agencies, and employees, 2, eff. July 31, 1950. The Appendix to the Employees. The Functions of the Coast Guard when the Coast Guard under sections 1 and 2.

References to the Secretary of the Coast Guard of the Coast Guard, commerce was changed, approval of regulations omitted on authority in the appendix to

§ 526q. Application

The provisions of section 223 of this title shall have force and effect to this subchapter.

Motorboats as exempted from this title. (Apr. 25, 1940,

§ 526r. Laws unaff

Nothing in this title shall alter or amend, or repeal Acts of Congress or revising international law at sea. (Apr. 25, 1940, ch. 155, § 17.)

§ 526s. Authorizati

There are authorized sums as may be provided in this subchapter. (Apr. 25, 1940, ch. 155, § 20, 54 Stat. 167.)

§ 526t. Repealed. F

Stat. 1758, eff. April 25, 1940. Section, act Apr. 25, 1940, related to necessity award of number and of this title.

§ 526u. Application

(a) This subchapter shall apply to any motorboat or vessel on the high seas of the United States, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico, and to every motorboat or vessel using the high seas.

(b) As used in this title

The term "States" includes the United States, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico.

Repealed  
§ 526f  
§ 1465(c)  
§ 1486(d)

Repealed  
(1971)



1940, ch. 155, § 17, 54 Stat. 166; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

#### TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Plan excepted from the transfer the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

References to the board of supervising inspectors and to the Secretary of Commerce were changed to Commandant of the Coast Guard, reference to Department of Commerce was changed to Coast Guard, and provisions for approval of regulations by the Secretary of Commerce were omitted on authority of 1946 Reorg. Plan No. 3, set out in the appendix to title 5.

#### § 526q. Application of other laws.

The proviso contained in the last paragraph of section 223 of this title shall apply also with like force and effect to motorboats as defined in this subchapter.

Motorboats as defined in this subchapter are exempted from the provisions of section 361 of this title. (Apr. 25, 1940, ch. 155, § 18, 54 Stat. 166.)

#### § 526r. Laws unaffected.

Nothing in this subchapter shall be deemed to alter or amend section 367 or 391a of this title, or repeal Acts of Congress or treaties embodying or revising international rules for preventing collisions at sea. (Apr. 25, 1940, ch. 155, § 19, 54 Stat. 167.)

#### § 526s. Authorization of appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter. (Apr. 25, 1940, ch. 155, § 20, 54 Stat. 167.)

#### § 526t. Repealed. Pub. L. 85-911, § 12, Sept. 2, 1958, 72 Stat. 1758, eff. Apr. 1, 1960.

Section, act Apr. 25, 1940, ch. 155, § 21, 54 Stat. 167, related to necessity of keeping on board certificate of award of number and is now covered by section 527a(g) of this title.

#### § 526u. Application of subchapter; "State" defined.

(a) This subchapter shall apply to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas.

(b) As used in this subchapter—

The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Colum-

bia. (Apr. 25, 1940, ch. 155, § 22, as added Sept. 2, 1958, Pub. L. 85-911, § 6(c), 72 Stat. 1756, and amended Mar. 28, 1960, Pub. L. 86-396, 74 Stat. 10.)

#### AMENDMENTS

1960—Subsec. (a). Pub. L. 86-396 substituted "Guam, the Virgin Islands, the Commonwealth of Puerto Rico," for "its Territories."

Subsec. (b). Pub. L. 86-396 substituted "Guam, the Virgin Islands, the Commonwealth of Puerto Rico" for "a Territory of the United States."

### SUBCHAPTER III—FEDERAL BOATING PROGRAM OF 1958

#### § 527. Definitions.

As used in this subchapter—

(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, the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia. (Pub. L. 85-911, § 2, Sept. 2, 1958, 72 Stat. 1754; Pub. L. 87-171, § 1 (1), Aug. 30, 1961, 75 Stat. 408.)

#### AMENDMENTS

1961—Par. (5). Pub. L. 87-171 substituted "the Commonwealth of Puerto Rico, the Virgin Islands, Guam" for "a Territory of the United States."

#### EFFECTIVE DATE

Section 11 of Pub. L. 85-911 provided that:

"(a) Except section 3(d) [section 527a(d) of this title], this Act shall take effect on the date of its enactment [Sept. 2, 1958].

"(b) Section 3(d) of this Act [section 527a(d) of this title] shall take effect April 1, 1960."

#### SHORT TITLE

Section 1 of Pub. L. 85-911 provided that Pub. L. 85-911, enacting this subchapter, adding section 526u, amending sections 526f and 526o, and repealing, eff. Apr. 1, 1960, sections 288 and 526t of this title, should be popularly known as the "Federal Boating Act of 1958."

#### TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655(b) of Title 49, Transportation.

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 26, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were

**PART 25—REQUIREMENTS**

**Subpart 25.01—Application**

Sec. 25.01-1 Applicable to all vessels.

**Subpart 25.05—Navigation Lights and Shapes, Whistles, Foghorns, Fog Bells, and Gongs**

- 25.05-1 Vessels operating on waters governed by the 72 COLREGS.
- 25.05-10 Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road.
- 25.05-15 Light intensity standards.

**Subpart 25.25—Life Preservers and Other Lifesaving Equipment**

- 25.25-1 Application.
- 25.25-3 Definitions.
- 25.25-5 Life preservers and other lifesaving equipment required.
- 25.25-7 Marking.
- 25.25-9 Storage.
- 25.25-11 Condition.

**Subpart 25.30—Fire Extinguishing Equipment**

- 25.30-1 Application.
- 25.30-5 General provisions.
- 25.30-10 Hand portable fire extinguishers and semiportable fire extinguishing systems.
- 25.30-15 Fixed fire extinguishing systems.
- 25.30-20 Fire extinguishing equipment required.
- 25.30-90 Vessels contracted for prior to November 19, 1952.

**Subpart 25.35—Backfire Flame Control**

- 25.35-1 Requirements.

**Subpart 25.40—Ventilation**

- 25.40-1 Tanks and engine spaces.

**Subpart 25.45—Liquefied Petroleum Gas**

- 25.45-1 Prohibited on vessels carrying passengers for hire.

**AUTHORITY:** Sec. 2, 30 Stat. 102, as amended, sec. 3, 28 Stat. 649, as amended, R.S. 4233A, as amended, R.S. 4405, as amended, R.S. 4462, as amended, sec. 17, 54 Stat. 166, as amended, sec. 6(b) (1), 80 Stat. 937; 33 U.S.C. 157, 243, 353, 46 U.S.C. 375, 416, 526p, 49 U.S.C. 1655 (b); 49 CFR 1.4 (a) and (g) except as otherwise noted.

**SOURCE:** CGFR 65-50, 30 FR 16653, Dec. 30, 1965, unless otherwise noted.

**Subpart 25.01—Application**

§ 25.01-1 Applicable to all vessels.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

**Subpart 25.05—Navigation Lights and Shapes, Whistles, Foghorns, Fog Bells, and Gongs**

§ 25.05-1 Vessels operating on waters governed by the 72 COLREGS.

(a) Each vessel including motorboats, operating on waters governed by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) must be equipped with the navigation lights and shapes, whistles, bells, and gongs as required by those international rules.

(Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11984, (42 FR 4327); 49 CFR 1.46(b).)

[CGD 77-126, 42 FR 35796, July 11, 1977; CGD 77-126, 42 FR 51607, Sept. 29, 1977]

§ 25.05-10 Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road.

(a) All vessels, other than motorboats, operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road (33 U.S.C. 154-232, 241-295, 301-355) shall be equipped with the navigation lights and shapes, whistles, foghorns, fog bells, and gongs as required by the Rules of the Road applicable to the waters on which the vessel is navigated.

(b) Each motorboat operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road must be equipped with the following:

(1) The navigation lights required by Section 3 of the Motorboat Act of April 25, 1940, as amended (46 U.S.C. 526b) or, in lieu thereof, the lights required by the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS).

(2) An efficient whistle or other sound producing mechanical device as

set forth in Table 25.05-10(b)(2), except:

(i) Motorboats engaged in a race which has been previously arranged or announced, or while engaged in such navigation as is incidental to the tuning up of the motorboat and engines for the race, need not carry the devices required by Table 25.05-10(b)(2).

TABLE 25.05-10(b)(2)

| Class of motorboat                                    | Type of device  |
|---|---|
| A (less than 16 feet in length).                      | None required by law.   |
| 1 (16 feet or over, and less than 26 feet in length). | Mouth, hand, or power operated, capable of producing a blast of 2 seconds or more duration, and audible for at least one-half mile. |
| 2 (26 feet or over, and less than 40 feet in length). | Hand or power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.  |
| 3 (40 feet or over, and not over 65 feet in length).  | Power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.          |

(3) An efficient fog bell, except that the following motorboats need not carry such a bell:

(i) Motorboats of less than 26 feet in length (Classes A and 1).

(ii) Motorboats engaged in a race previously arranged or announced, or while engaged in such navigation as is incidental to the tuning up of the motorboat and engines for the race.

[CGFR 66-33, 31 FR 15267, Dec. 6, 1966, as amended by CGD 77-126, 42 FR 35796, July 11, 1977]

§ 25.05-15 Light intensity standards.

(a) Navigation lights shall be of sufficient intensity so that the candlepower outside the lens is not less than that amount corresponding to the required distance of visibility as specified in Table 25.05-15(a).

TABLE 25.05-15(a)

| Distance of visibility, in nautical miles | Candlepower |
|---|-------------|
| 1.....                                    | 1.0         |
| 2.....                                    | 5.5         |
| 3.....                                    | 17.6        |
| 5.....                                    | 100.0       |

**NOTE:** In Table 25.05-15(a) the standards are based upon a transmissivity factor of 70 percent per sea-mile and a practical threshold of vision of ¼ sea-mile candles.

(b)-(c) [Reserved]

(d) The light intensity standards of this section shall apply to new navigation lights installed and replacement of existing lights made on or after July 1, 1974.

(70 Stat. 152, sec. 6(b)(1) (46 U.S.C. 390(b)); 49 CFR 1.46(b))

[CGFR 67-91, 32 FR 20312, Dec. 27, 1967, as amended by CGD 72-238R, 38 FR 1000, Jan. 8, 1973; CGD 74-7R, 39 FR 3270, Jan. 25, 1974; CGD 77-126, 42 FR 35796, July 11, 1977]

**Subpart 25.25—Life Preservers and Other Lifesaving Equipment**

**AUTHORITY:** R.S. 4405, as amended, R.S. 4462, as amended, sec. 17, 54 Stat. 166, as amended, secs. 5 and 39, 85 Stat. 215, 228, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 526P, 1454, 1488; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o) (1).

**SOURCE:** CGD 72-172R, 38 FR 8117, Mar. 28, 1973, unless otherwise noted.

§ 25.25-1 Application.

This subpart applies to each vessel to which this part applies, except:

(a) Vessels used for noncommercial use;

(b) Vessels leased, rented, or chartered to another for the latter's noncommercial use;

(c) Commercial vessels propelled by sail not carrying passengers for hire; or

(d) Commercial barges not carrying passengers for hire.

§ 25.25-3 Definitions.

As used in this subpart:

(a) "Approved" means approved under Subchapter Q of this chapter.

(b) "Use" means operate, navigate, or employ.

§ 25.25-5 Life preservers and other lifesaving equipment required.

(a) No person may operate a vessel to which this subpart applies unless it meets the requirements of this subpart.

(b) Each vessel not carrying passengers for hire, less than 40 feet in

length must have at least one life preserver, buoyant vest, or special purpose water safety buoyant device intended to be worn, approved under Subchapter Q of a suitable size for each person on board. Kapok and fibrous glass life preservers that do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 of this chapter are not acceptable as equipment required by this paragraph.

(c) Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire must have at least one life preserver approved under Subchapter Q of a suitable size for each person on board. Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 of this chapter are not acceptable as equipment required by this paragraph.

(d) Each vessel 26 feet in length or longer must have at least one ring life buoy approved under Subparts 160.009 or 160.050 of this chapter in addition to the equipment required by paragraph (b) or (c) of this section.

#### § 25.25-7 Marking.

The lifesaving equipment required by this subpart must be legibly marked as specified in Subchapter Q of this chapter.

#### § 25.25-9 Storage.

(a) The lifesaving equipment designed to be worn required in § 25.25-5 (a) and (b) must be readily accessible.

(b) Lifesaving equipment designed to be thrown required in § 25.25-5(d) must be immediately available.

#### § 25.25-11 Condition.

The lifesaving equipment required by this subpart must be in servicable condition.

### Subpart 25.30—Fire Extinguishing Equipment

#### § 25.30-1 Application.

(a) The provisions of this subpart, with the exception of § 25.30-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of § 25.30-90.

#### § 25.30-5 General provisions.

(a) Where equipment in this subpart is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the Federal Register, and in addition, are contained in Coast Guard publication CG-190, "Equipment Lists."

(b) All hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be of an approved type.

#### § 25.30-10 Hand portable fire extinguishers and semiportable fire extinguishing systems.

(a) Hand portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) For the purpose of this subchapter, all required hand portable fire extinguishers and semiportable fire extinguishing systems are of the "B" type; i.e., suitable for extinguishing fires involving flammable liquids, greases, etc.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. For the purpose of this subchapter, only sizes I through III will be considered. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable fire extinguishers and semiportable fire extinguishing systems are set forth in Table 25.30-10(c).

TABLE 25.30-10(c)

| Classification  | Type | Size | Foam, gallons | Carbon Dioxide, pounds | Dry chemical, pounds |
|-----------------|------|------|---------------|------------------------|----------------------|
|                 |      |      |               |                        |                      |
| B..... I.....   |      |      | 1½            | 4                      | 2                    |
| B..... II.....  |      |      | 2½            | 15                     | 10                   |
| B..... III..... |      |      | 12            | 35                     | 20                   |

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

(e) Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not acceptable as equipment required by this subchapter.

(f) Hand portable or semiportable extinguishers which are required on their name plates to be protected from freezing shall not be located where freezing temperatures may be expected.

(g) The use of dry chemical, stored pressure, fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, may be permitted on motorboats and other vessels so long as such extinguishers are maintained in good and serviceable condition. The following maintenance and inspections are required for such extinguishers:

(1) When the date on the inspection record tag on the extinguishers shows that 6 months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions.

(2) If the weight of the container is ¼ ounce less than that stamped on container, it shall be serviced.

(3) If the outer seal or seals (which indicate tampering or use when broken) are not intact, the boarding officer or marine inspector will inspect such extinguisher to see that the frangible disc in neck of the container is intact; and if such disc is not intact, the container shall be serviced.

(4) If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced with a new one and the extinguisher properly serviced or the extinguisher replaced with another approved extinguisher.

(h) The dry chemical, stored pressure, fire extinguishers without pressure gauges or indicating devices manufactured after January 1, 1965, shall not be labeled with the marine type label described in § 162.028-4 of this title nor shall such extinguishers manufactured after January 1, 1965, be carried on board motorboats or other vessels as required equipment.

[CGFR 65-50, 30 FR 16653, Dec. 30, 1965, as amended by CGFR 68-32, 33 FR 5711, Apr. 12, 1968; CGFR 69-18, 34 FR 5723, Mar. 27, 1969]

#### § 25.30-15 Fixed fire extinguishing systems.

(a) When a fixed fire extinguishing system is installed, it shall be of an approved carbon dioxide type, designed and installed in agreement with the applicable provisions of Subpart 76.15 of Subchapter H (Passenger Vessels) of this chapter.

#### § 25.30-20 Fire extinguishing equipment required.

(a) *Motorboats.* (1) All motorboats shall carry at least the minimum number of hand portable fire extinguishers set forth in Table 25.30-20(a)(1), except that motorboats less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors.

TABLE 25.30-20(a)(1)

| Class of motor boat | Length, feet                  | Minimum number of B-I hand portable fire extinguishers required: <sup>1</sup> |  |
|---------------------|-------------------------------|---|--|
|                     |                               | No fixed fire extinguishing system in machinery space                         | Fixed fire extinguishing system in machinery space |
| A                   | Under 16.....                 | 1   | 0  |
| 1                   | 16 and over, but under 26.    | 1   | 0  |
| 2                   | 26 and over, but under 40.    | 2   |  |
| 3                   | 40 and over, but not over 65. | 3   | 2  |

<sup>1</sup>One B-II hand portable fire extinguisher may be substituted for two B-I hand portable fire extinguishers.

(2) The intent of this regulation is illustrated in Figure 25.30-20(a1) where fire extinguishers are required if any one or more of the specified conditions exist, and in Figure 25.30-20(a2) where specified conditions do not, in themselves, require that fire extinguishers be carried.

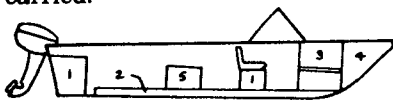


FIGURE 25.30-20(a1)

Fire extinguishers are required if any one or more of the following conditions exist (numbers identifying conditions are the same as those placed in Figure 25.30-20(a1)):

1. Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
2. Double bottoms not sealed to the hull or which are not completely filled with flotation material.
3. Close living spaces.
4. Closed storage compartments in which combustible or flammable materials are stowed.
5. Permanently installed fuel tanks.

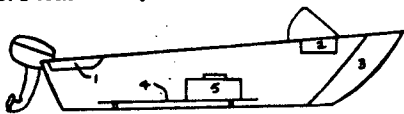


FIGURE 25.30-20(a2)

The following conditions do not, in themselves, require that fire extinguishers be carried (numbers identifying conditions are the same as those placed in Figure 25.30-20(a2)):

1. Bait wells.
2. Glove compartments.
3. Buoyant flotation material.
4. Open slatted flooring.
5. Ice chests.

(b) *Motor vessels.* (1) All motor vessels shall carry at least the minimum number of hand portable fire extinguishers set forth in Table 25.30-20(b)(1).

TABLE 25.30-20(b)(1)

| Gross tonnage— |          | Minimum number of B-II hand portable fire extinguishers |
|----------------|----------|---|
| Over           | Not over |   |
| .....          | 50       | 1   |
| 50             | 100      | 2   |
| 100            | 500      | 3   |
| 500            | 1,000    | 6   |
| 1,000          | .....    | 8   |

(2) In addition to the hand portable fire extinguishers required by paragraph (b)(1) of this section, the following fire-extinguishing equipment shall be fitted in the machinery space:

(i) One Type B-II hand portable fire extinguisher shall be carried for each 1,000 B. H. P. of the main engines or fraction thereof. However, not more than 6 such extinguishers need be carried.

(ii) On motor vessels of over 300 gross tons, either one Type B-III semi-portable fire-extinguishing system shall be fitted, or alternatively, a fixed fire-extinguishing system shall be fitted in the machinery space.

(c) *Barges carrying passengers.* (1) Every barge of 65 feet in length or less while carrying passengers when towed or pushed by a motorboat, motor vessel, or steam vessel shall be fitted with hand portable fire extinguishers as required by Table 25.30-20(a)(1), depending upon the length of the barge.

(2) Every barge of over 65 feet in length while carrying passengers when towed or pushed by a motorboat, motor vessel, or steam vessel shall be fitted with hand portable fire extinguishers as required by Table 25.30-20(b)(1), depending upon the gross tonnage of the barge.

§ 25.30-90 Vessels contracted for prior to November 19, 1952.

(a) Vessels contracted for prior to November 19, 1952, shall meet the applicable provisions of §§ 25.30-5 through 25.30-20 insofar as the number and general type of equipment is concerned. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service so long as they are in good condition. All new installations and replacements shall meet the requirements of §§ 25.30-5 through 25.30-20.

**Subpart 25.35—Backfire Flame Control**

§ 25.35-1 Requirements.

(a) Every gasoline engine installed in a motorboat or motor vessel after April 25, 1940, except outboard

motors, shall be equipped with an acceptable means of backfire flame control.

(b) Installations made before November 19, 1952, need not meet the detailed requirements of this subpart and may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions in this section.

(c) Installations consisting of backfire flame arresters bearing basic Approval No. 162.015 may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions in this section.

(d) Installations consisting of engine air and fuel induction system and given a basic Approval No. 162.015 may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions in this section.

(e) The following are acceptable means of backfire flame control for gasoline engines:

(1) A backfire flame arrester constructed in accordance with the specification regulations contained in Subpart 162.041 of Subchapter Q (Specifications) of this chapter and it shall be specifically approved by the Commandant. The flame arrester shall be suitably secured to the air intake with flame-tight connection.

(2) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an approved backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester shall have such installation tested and labeled in accordance with the specifications contained in Subpart 162.042 of Subchapter Q (Specifications) of this chapter and such system shall be specifically approved by the Commandant.

(3) Any attachment to the carburetor or location of the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel,

persons on board, or nearby vessels and structures. All attachments shall be of metallic construction with flame-tight connections and firmly secured to withstand vibration, shock, and engine backfire. Such installations do not require formal approval and labeling, but will be accepted by Coast Guard law enforcement officers on the basis of compliance with this subpart.

(4) Where manufacturers wish to produce vessels having an integrated engine-vessel design, a pre-market approval of an engine air induction system is available. Such an installation shall be tested and labeled in accordance with the specifications contained in Subpart 162.043 of Subchapter Q (Specifications) of this chapter and such system shall be specifically approved by the Commandant.

(Interpret or apply sec. 10, 54 Stat. 165, as amended, 46 U.S.C. 526i)

**Subpart 25.40—Ventilation**

§ 25.40-1 Tanks and engine spaces.

(a) All motorboats or motor vessels, except open boats, the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flashpoint of 110° F. or less, shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

(b) As used in this section, the term "open boats" means those motorboats or motor vessels with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to pre-

vent the entrapment of such gases and vapors within the vessel.

(c) Where alterations are needed for existing motorboats or motor vessels to comply with the requirements in this section, such alterations shall be accomplished as soon as practicable but in any case shall be completed by June 1, 1966.

(Sec. 11, 54 Stat. 165, as amended; 46 U.S.C. 526j)

**Subpart 25.45—Liquefied Petroleum Gas**

§ 25.45-1 Prohibited on vessels carrying passengers for hire.

(a) On vessels carrying passengers for hire, the use of liquefied petroleum gases and certain flammable liquids for cooking, heating, or lighting is prohibited by Parts 146 and 147 of Subchapter N (Dangerous Cargoes) of this chapter.

(R.S. 4472, as amended; 46 U.S.C. 170)

**PART 26—OPERATIONS**

**Subpart 26.01—Application**

Sec.

26.01-1 Applicable to all vessels.

**Subpart 26.03—Special Operating Requirements**

26.03-5 Action required after accident.

26.03-10 Signaling light.

26.03-15 Pilot ladders.

**Subpart 26.10—Assessment, Collection, Mitigation, Remission of Fines or Penalties**

26.10-1 General.

26.10-5 Procedures.

**Subpart 26.15—Boarding**

26.15-1 May board at any time.

**Subpart 26.20—Exhibition of Motorboat Operator's License**

26.20-1 Must be available.

**Subpart 26.25—Crew Requirements**

26.25-1 Licensed personnel.

26.25-5 Manning.

**Subpart 26.30—Work Vest**

26.30-1 Approved unicellular plastic foam work vests.

Sec.

26.30-5 Use.

26.30-10 Stowage.

AUTHORITY: R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 526p, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 FR 4959). Additional authority is cited in parentheses following the sections affected.

SOURCE: CGFR 65-50, 30 FR 16656, Dec. 30, 1965, unless otherwise noted.

**Subpart 26.01—Application**

§ 26.01-1 Applicable to all vessels.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

**Subpart 26.03—Special Operating Requirements**

§ 26.03-5 Action required after accident.

(a) Whenever an undocumented vessel is involved in a collision, accident, or other casualty, the operator shall:

(1) Comply with requirements in subsection 13(b) of the Act of April 25, 1940, as amended (46 U.S.C. 5261), which reads as follows:

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 other 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.

(b) See Subpart 173.01 of Part 173 of Subchapter S (Numbering of Undocumented Vessels, Statistics on Numbering, and "Boating Accident Reports" and Accident Statistics) of this chapter for requirements governing "boating accident reports."

§ 26.03-10 Signaling light.

(a) All vessels of over 150 gross tons, when engaged on an international

voyage, shall be equipped with an efficient daylight signaling lamp in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter.

(Sec. 633, 63 Stat. 545; 14 U.S.C. 633; E.O. 11239, 3 CFR, 1965 Supp.) [CGFR 68-32, 33 FR 5711, Apr. 12, 1968]

§ 26.03-15 Pilot ladders.

(a) All vessels on ocean and coastwise voyages in the course of which pilots are likely to be employed shall have a ladder for the use of the pilot. A man rope, and a safety line shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require. At night illumination for the pilot ladder shall be readily available.

(Sec. 633, 63 Stat. 545; 14 U.S.C. 633; E.O. 11239, 3 CFR, 1965 Supp.)

[CGFR 68-32, 33 FR 5711, Apr. 12, 1968]

**Subpart 26.10—Assessment, Collection, Mitigation, Remission of Fines or Penalties**

§ 26.10-1 General.

(a) The assessment, collection, mitigation, and remission of any fine, penalty, or forfeiture incurred under the Act of April 25, 1940, as amended, are authorized by section 17 (46 U.S.C. 526p), which reads in part as follows:

... The Commandant of the Coast Guard or any officer of the Coast Guard authorized by the Commandant may, upon application therefor, remit or mitigate any fine, penalty or forfeiture incurred under this Act or any regulations thereunder relating to motorboats or vessels, except the penalties provided in section 14 hereunder. ...

(b) The assessment, collection, mitigation, and remission of penalties incurred under the Federal Boating Act of 1958 are authorized by subsection 8(b) (46 U.S.C. 527e), which reads as follows:

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.

§ 26.10-5 Procedures.

(a) Violations of maritime safety, navigation and vessel inspection laws, as well as rules and regulations prescribed thereunder, administered and enforced by the Coast Guard and reported by Coast Guard personnel detecting such violations to the Commander of the Coast Guard district in which the alleged violations occurred. The alleged offender will be informed of the nature of the nature of the violation.

(b) The procedures for the assessment, collection, remission, or mitigation are set forth in 33 CFR Part 1.

[CGFR 65-50, 30 FR 16656, Dec. 30, 1965, as amended by CGD 74-68, 39 FR 19481, June 3, 1974]

**Subpart 26.15—Boarding**

§ 26.15-1 May board at any time.

(a) In addition to any other authority provided by law, the boarding of vessels is authorized by subsection 8(c) of the Federal Boating Act of 1958 (46 U.S.C. 527e(c)), which reads as follows:

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, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, 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.

(b) To facilitate the boarding of vessels by the commissioned, warrant, and petty officers of the Coast Guard in the exercise of their authority, every vessel subject to the Federal Boating Act of 1958, or the Act of April 25, 1940, as amended (46 U.S.C. 526-526u), if under way and upon being hailed by a Coast Guard vessel or patrol boat, shall stop immediately and lay to, or shall maneuver in such a

way as to permit the boarding officer to come aboard. Failure to stop to permit a boarding officer to board a vessel or refusal to comply will subject the operator or owner to penalties provided in these laws.

(c) Coast Guard boarding vessels will be identified by the display of the Coast Guard ensign as a symbol of authority and the Coast Guard personnel will be dressed in Coast Guard uniform. The Coast Guard boarding officer upon boarding a vessel will identify himself to the master, owner, or operator and explain his mission.

(Interpret or apply sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

(R.S. 4427, as amended (46 U.S.C. 405(b)); 49 CFR 1.46(o)(3))

[CGFR 65-50, 30 FR 16656, Dec. 30, 1965, as amended by CGD 72-132R, 38 FR 5750, Mar. 2, 1973]

#### Subpart 26.20—Exhibition of Motorboat Operator's License

§ 26.20-1 Must be available.

(a) Any person to whom a license as a motorboat operator has been issued shall have such license in his possession and available for immediate production to any Coast Guard boarding officer at all times during which any vessel which he is operating is carrying passengers for hire.

(Sec. 7, 54 Stat. 165, as amended; 46 U.S.C. 526f)

#### Subpart 26.25—Crew Requirements

§ 26.25-1 Licensed personnel.

(a) Every motorboat, as defined by the Act of April 25, 1940, as amended (46 U.S.C. 526), and any other vessel of fifteen gross tons or less propelled by machinery other than steam, while carrying passengers for hire, shall be operated or navigated by a person duly licensed for such service by the Coast Guard. This licensed operator shall be in charge of such motorboat or vessel, regardless of whether or not the passengers carried for hire are on such motorboat or vessel or are carried on a nonself-propelled vessel being towed or pushed by such motorboat or

vessel. See § 157.30-30 of Subchapter P (Manning of Vessels) for special provisions with regard to use of superior licenses for motorboat operator's license.

(b) Certain uninspected vessels of 200 gross tons and upward are required to carry licensed officers. For details of these provisions see Subchapter P (Manning of Vessels) of this chapter, and the applicable law.

(c) An uninspected towing vessel, as defined in section (b)(1) of R.S. 4427, as amended (36 Stat. 423; 46 U.S.C. 405(b)) shall, while underway, be under the actual direction and control of a person licensed by the Coast Guard. For details of these provisions, see 46 U.S.C. 405(b) and the implementing regulations contained in Subparts 10.16, 157.01, 157.10, and 157.30 of this chapter.

(R.S. 4427, as amended (46 U.S.C. 405(b)); 49 CFR 1.46(o)(3)) [CGFR 65-50, 30 FR 16656, Dec. 30, 1965, as amended by CGD 72-132R, 38 FR 5750, Mar. 2, 1973]

§ 26.25-5 Manning.

(a) Certain provisions with regard to requirements for able seamen, division of crew into watches, and citizenship of crew which are contained in various navigation and vessel inspection laws may apply to uninspected vessels operating on ocean, coastwise or Great Lakes waters. For details of these provisions see Subchapter P (Manning of Vessels) of this chapter and the applicable law.

#### Subpart 26.30—Work Vest

Source: CGFR 68-65, 33 FR 19982, Dec. 28, 1968, unless otherwise noted.

§ 26.30-1 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall be of an approved type, and shall be constructed, listed, and labeled in accordance with Subpart 160.053 of Subchapter Q (Specifications) of this chapter.

§ 26.30-5 Use.

(a) Approved buoyant work vests are considered to be items of safety appar-

el and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions.

(b) When carried, approved buoyant work vests shall not be accepted in lieu of any portion of the required number of approved lifesaving appliances re-

quired by § 25.25-10 of this subchapter.

§ 26.30-10 Stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of required lifesaving equipment.

**PARTS 27-29 [RESERVED]**