

112TH CONGRESS
2D SESSION

S. 3537

To require all recreational vessels to have and post passenger capacity limits and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2012

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require all recreational vessels to have and post passenger capacity limits and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Boating Capacity
5 Standards Act of 2012”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **PASSENGER.**—The term “passenger” in-
9 cludes any individual aboard a vessel.

10 (2) **RECREATIONAL VESSEL.**—

1 (A) IN GENERAL.—The term “recreational
2 vessel” means any vessel that is—

3 (i) manufactured or used primarily for
4 pleasure; or

5 (ii) leased, rented, or chartered to a
6 person for the pleasure of that person.

7 (B) EXCLUSION.—The term “recreational
8 vessel” does not include a vessel that is subject
9 to Coast Guard inspection and that—

10 (i) is engaged in commercial use; or

11 (ii) carries paying passengers.

12 **SEC. 3. CAPACITY LIMITS FOR RECREATIONAL VESSELS.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, the Commandant of
15 the Coast Guard shall—

16 (1) establish standards for determining the
17 maximum passenger capacity in whole number of
18 passengers and in pounds for recreational vessels;

19 (2) require each manufacturer of a passenger
20 vessel to post such maximum passenger capacity on
21 the passenger vessel as described in subsection (b);
22 and

23 (3) require each operator of a passenger vessel
24 to ensure that—

1 (A) such maximum passenger capacity is
2 posted as described in subsection (b) and legible
3 to passengers; and

4 (B) notice of the need to balance the
5 weight carried by the vessel to avoid capsizing
6 is posted as described in subsection (b) and leg-
7 ible to passengers.

8 (b) ELEMENTS OF DISPLAY.—The maximum pas-
9 senger capacity, maximum carrying capacity in pounds,
10 and notice of the need to balance the carried weight for
11 a passenger vessel shall each be permanently displayed in
12 a legible matter and located so as to be clearly visible to
13 a passenger boarding the passenger vessel.

14 (c) PENALTIES.—Not later than 180 days after the
15 date of the enactment of this Act, the Commandant of
16 the Coast Guard shall publish regulations that establish
17 appropriate penalties for a manufacturer of a recreational
18 vessel that does not comply with the requirements of this
19 section.

20 (d) APPLICATION.—The requirements of this section
21 shall apply to any recreational vessel manufactured after
22 the date that is 180 days after the date of the enactment
23 of this Act.

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