

113TH CONGRESS
2^D SESSION

H. R. 4642

To require all recreational vessels to have and post passenger capacity limits, to amend title 46, United States Code, to authorize States to enter into contracts for the provision of boating safety education services under State recreational boating safety programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2014

Mr. ISRAEL introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require all recreational vessels to have and post passenger capacity limits, to amend title 46, United States Code, to authorize States to enter into contracts for the provision of boating safety education services under State recreational boating safety programs, 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 Occupancy
5 and Teaching Safety Act” or the “BOATS Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) FLYING BRIDGE.—The term “flying bridge”
4 means an open deck above the main navigating
5 bridge of a recreational vessel.

6 (2) PASSENGER.—The term “passenger” in-
7 cludes any individual aboard a vessel.

8 (3) RECREATIONAL VESSEL.—

9 (A) IN GENERAL.—The term “recreational
10 vessel” means any vessel of greater than 20 feet
11 and less than 45 feet overall in length, that is—

12 (i) manufactured or used primarily for
13 pleasure; or

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

16 (B) EXCLUSION.—The term “recreational
17 vessel” does not include a vessel that—

18 (i) is subject to Coast Guard inspec-
19 tion;

20 (ii) is constructed before January 1,
21 2016; and

22 (iii)(I) is engaged in commercial use;
23 or

24 (II) carries paying passengers.

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

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

5 (1) establish standards for determining the
6 maximum passenger capacity in whole number of
7 passengers and in pounds for recreational vessels;

8 (2) require each manufacturer of a passenger
9 vessel to post such maximum passenger capacity on
10 the passenger vessel as described in subsection (b);
11 and

12 (3) require each operator of a passenger vessel
13 to ensure that—

14 (A) such maximum passenger capacity is
15 posted as described in subsection (b) and legible
16 to passengers; and

17 (B) notice of the need to balance the
18 weight carried by the vessel to avoid capsizing
19 is posted as described in subsection (b) and leg-
20 ible to passengers.

21 (b) ELEMENTS AND LOCATIONS OF DISPLAYS.—The
22 maximum passenger capacity, maximum carrying capacity
23 in pounds, and notice of the need to balance the carried
24 weight for a passenger vessel shall each be permanently
25 displayed in a legible matter—

1 (1) in a location that is clearly visible to a pas-
2 senger boarding the passenger vessel; and

3 (2) on each flying bridge of the vessel, in a lo-
4 cation that is clearly visible to a passenger on the
5 flying bridge.

6 (c) PENALTIES.—Not later than 180 days after the
7 date of the enactment of this Act, the Commandant of
8 the Coast Guard shall publish regulations that establish
9 appropriate penalties for a manufacturer of a recreational
10 vessel that does not comply with the requirements of this
11 section.

12 (d) APPLICATION.—The requirements of this section
13 shall apply to any recreational vessel manufactured after
14 the date that is 180 days after the date of the enactment
15 of this Act.

16 **SEC. 4. STATE RECREATIONAL BOATING SAFETY PRO-**
17 **GRAMS.**

18 (a) PROGRAM ACCEPTANCE.—Section 13103 of title
19 46, United States Code, is amended—

20 (1) in subsection (c)—

21 (A) in paragraph (4) by striking “and” at
22 the end;

23 (B) in paragraph (5) by striking the period
24 at the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(6) contracting practices in accordance with
2 subsection (e).”; and

3 (2) by adding at the end the following:

4 “(e) CONTRACTING.—

5 “(1) IN GENERAL.—A State carrying out a
6 State recreational boating safety program may enter
7 into a contract with a local government or private
8 entity to have the government or entity provide boat-
9 ing safety education services under the program.

10 “(2) EXPENDITURE REQUIREMENT.—Each fis-
11 cal year, a State carrying out a State recreational
12 boating safety program shall expend on contracts de-
13 scribed in paragraph (1) not less than 5 percent of
14 the Federal amounts received by that State in that
15 fiscal year under this chapter.

16 “(3) CONSIDERATIONS.—In entering into con-
17 tracts under paragraph (1), a State shall consider—

18 “(A) the need for geographic diversity
19 among the local governments and private enti-
20 ties providing education services under the con-
21 tracts;

22 “(B) the need to have education services
23 that address the various vessels utilized in the
24 State;

1 “(C) the need to have education services
2 that address the various waterways in the
3 State; and

4 “(D) all the costs related to providing edu-
5 cation services under the contracts that may af-
6 fect the local governments and private entities
7 providing the services.

8 “(4) ELIGIBILITY.—

9 “(A) IN GENERAL.—To be eligible to enter
10 into a contract under paragraph (1), a local
11 government or private entity shall—

12 “(i) submit to the appropriate State
13 lead authority or agency designated under
14 subsection (a)(4) a detailed proposal for
15 the provision of boating safety education
16 services; and

17 “(ii) certify that the government or
18 entity will not profit financially from pro-
19 viding the services.

20 “(B) EXCEPTIONS.—

21 “(i) EXISTING PROVIDERS.—Subpara-
22 graph (A)(i) does not apply to a local gov-
23 ernment or private entity that provided
24 boating safety education services before the
25 date of enactment of this subsection under

1 standards established by the relevant
2 State.

3 “(ii) 501(c)(3) ORGANIZATIONS.—
4 Subparagraph (A)(ii) does not apply to an
5 organization described in section 501(c)(3)
6 of the Internal Revenue Code of 1986 and
7 exempt from taxation under section 501(a)
8 of such Code if the organization certifies to
9 the relevant State that all relevant profits
10 will be used to advance boating safety.

11 “(5) EDUCATION SERVICES CRITERIA.—The
12 Secretary, in consultation with States and relevant
13 stakeholders, shall establish criteria for the boating
14 safety education services provided by local govern-
15 ments and private entities under this subsection.
16 Using the criteria, a State shall establish outlines
17 specifying the requirements for education services in
18 that State and education services in that State shall
19 be provided in accordance with the outlines.

20 “(6) ADDITIONAL CONTRACTING.—A local gov-
21 ernment that enters into a contract under paragraph
22 (1) to provide boating safety education services may
23 contract with a private entity to receive assistance
24 with the provision of those services.

1 “(7) ADVERTISING.—A local government or pri-
2 vate entity that enters into a contract under para-
3 graph (1) to provide boating safety education serv-
4 ices may utilize funds provided under that contract
5 to advertise such services.

6 “(8) REPORT.—Each fiscal year, a State that
7 entered into contracts under this subsection shall
8 submit to the Secretary a report specifying the gov-
9 ernments and entities contracted with in that fiscal
10 year.”.

11 (b) SPORT FISH RESTORATION AND BOATING TRUST
12 FUND.—Section 9504(b)(2)(A) of the Internal Revenue
13 Code of 1986 is amended by striking “the MAP–21” and
14 inserting “Boating Occupancy and Teaching Safety Act”.

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