of the United States is measured'' for ''operating on the high seas''.

1996—Subsec. (f). Pub. L. 104–324 added subsec. (f).

1988—Subsec. (e). Pub. L. 100–540 amended subsec. (e) generally without regard to the prior repeal of subsec. (e) by Pub. L. 100–424.

Pub. L. 100–424 struck out subsec. (e) which read as follows: ''Each uninspected fishing, fish processing, or fish tender vessel operating on the high seas shall be equipped with the number and type of emergency position indicating radio beacons prescribed by regulation.'' See section 4502(a)(7) of this title.

1986—Subsec. (e). Pub. L. 99–640 added subsec. (e).

REGULATIONS

Pub. L. 104–324, title IX, § 902(b), Oct. 19, 1996, 110 Stat. 3947, provided that: ''The Secretary of the department in which the Coast Guard is operating shall issue regulations establishing the requirement described in subsection (f)(2) of section 4102 of title 46, United States Code, as added by this section, by not later than October 1, 1997.''

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

### § 4103. Exemptions

(a) The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

(1) good cause exists for granting an exemption; and

(2) the safety of the vessel and individuals on board will not be adversely affected.

(b) Section 4102(a) of this title does not apply to a vessel propelled by outboard motors when competing in a race previously arranged and announced or, if the vessel is designed and intended only for racing, when operated incidental to tuning up the vessel and its engines for the race.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 529; Pub. L. 100–540, § 2, Oct. 28, 1988, 102 Stat. 2719.)

HISTORICAL AND REVISION NOTES

| *Revised section* | *Source section (U.S. Code)* |
|---|---|
| 4103 | 46:525h |

Section 4103 contains an exemption from carrying fire extinguishers, for on a vessel competing in an organized race or a vessel designed and intended for racing only.

AMENDMENTS

1988—Pub. L. 100–540 added subsec. (a) and designated existing provisions as subsec. (b).

### [§ 4104. Repealed. Pub. L. 101–595, title VI, § 603(3)(A), Nov. 16, 1990, 104 Stat. 2993]

Section, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 529, required Secretary to prescribe regulations to carry out provisions of this chapter.

### § 4105. Uninspected passenger vessels

(a) Chapter 43 of this title applies to an uninspected passenger vessel.

(b) Within twenty-four months of the date of enactment of this subsection, the Secretary shall, by regulation, require certain additional equipment which may include liferafts or other lifesaving equipment, construction standards, or specify additional operating standards for those uninspected passenger vessels defined in section 2101(42)(A) of this title.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 529; Pub. L. 103–206, title V, § 511(b), Dec. 20, 1993, 107 Stat. 2442.)

HISTORICAL AND REVISION NOTES

| *Revised section* | *Source section (U.S. Code)* |
|---|---|
| 4105 | 46:1452<br>46:1453 |

Section 4105 provides that an uninspected passenger vessel is subject to Chapter 43, as a recreational vessel even when it is carrying not more than six passengers.

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (b), is the date of enactment of Pub. L. 103–206, which was approved Dec. 20, 1993.

AMENDMENTS

1993—Pub. L. 103–206 designated existing provisions as subsec. (a) and added subsec. (b).

### § 4106. Penalties

If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 529; Pub. L. 100–540, § 3, Oct. 28, 1988, 102 Stat. 2719.)

HISTORICAL AND REVISION NOTES

| *Revised section* | *Source section (U.S. Code)* |
|---|---|
| 4106 | 46:526*o* |

Section 4106 provides a civil penalty of $100 for a violation of this chapter or a regulation under this chapter. The vessel also is liable in rem.

AMENDMENTS

1988—Pub. L. 100–540 substituted ''not more than $5,000'' for ''$100''.

## CHAPTER 43—RECREATIONAL VESSELS

Sec.
4301. Application.
4302. Regulations.
4303. Inspection and testing.
4304. Importation of nonconforming vessels and equipment.
4305. Exemptions.
4306. Federal preemption.
4307. Prohibited acts.
4308. Termination of unsafe operation.
4309. Investigation and reporting.
4310. Repair and replacement of defects.
4311. Penalties and injunctions.

HISTORICAL AND REVISION NOTES

Chapter 43 contains the laws applicable to recreational vessels, which originated primarily with the enactment of the Federal Boat Safety Act of 1971 (Public Law 92–75, 85 Stat. 213). That Act embraced a num-