

**§ 174.106 State casualty reporting system optional sections.**

In addition to the requirements in §174.105, a State casualty reporting system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46 (n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

**§ 174.107 Contents of casualty or accident report form.**

Each form for reporting a vessel casualty or accident must contain the information required in §173.57 of this chapter.

**Subpart D—State Reports**

**§ 174.121 Forwarding of casualty or accident reports.**

Within 30 days of the receipt of a casualty or accident report, each State that has an approved numbering system must forward a copy of that report to the Commandant (G-OCC), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001.

[USCG-1998-3799, 63 FR 35533, June 30, 1998]

**§ 174.123 Annual report of numbered vessels.**

Before March 1 of each year, each State that has an approved numbering system must prepare and submit Coast Guard Form CGHQ-3923, Report of Certificates of Number Issued to Boats, to the Coast Guard.

**§ 174.125 Coast Guard address.**

The report required by §174.123 must be sent to the Office of Boating Safety, 2100 Second Street SW., Washington, DC 20593-0001.

[CGD 88-052, 53 FR 25122, July 1, 1988, as amended by CGD 96-026, 61 FR 33669, June 28, 1996]

**PART 175—EQUIPMENT REQUIREMENTS**

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AUTHORITY: 46 U.S.C. 4302; 49 CFR 1.46.

SOURCE: CGD 72-120R, 38 FR 8115, Mar. 28, 1973, unless otherwise noted.

**Subpart A—General**

**§ 175.1 Applicability.**

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States except:

- (a) Foreign boats temporarily using waters subject to U.S. jurisdiction;
- (b) Military or public boats of the United States, except recreational-type public vessels;
- (c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;
- (d) Ship's lifeboats.
- (e) Seaplanes on the water.

[CGD 72-120R, 38 FR 8115, Mar. 28, 1973, as amended by CGD 92-045, 58 FR 41607, Aug. 4, 1993]

**§ 175.3 Definitions.**

As used in this part:

*Boat* means any vessel manufactured or used primarily for noncommercial

use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

*Passenger* means every person carried on board a vessel other than:

- (1) The owner or his representative;
- (2) The operator;
- (3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or
- (4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

*Racing shell, rowing scull, racing canoe, and racing kayak* means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

*Recreational vessel* means any vessel being manufactured or operated primarily for pleasure; or leased, rented, or chartered to another for the latter's pleasure. It does not include a vessel engaged in the carrying of six or fewer passengers.

*Sailboard* means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays.

*Use* means operate, navigate, or employ.

*Vessel* includes every description of watercraft used or capable of being used as a means of transportation on the water.

[CGD 92-045, 58 FR 41607, Aug. 4, 1993]

#### § 175.5 Exemption from preemption.

The States are exempted from preemption by Federal regulations when establishing, continuing in effect, or enforcing State laws and regulations on the wearing or the carriage of personal flotation devices directly related to the following subject areas within the jurisdictional boundaries of the State:

- (a) Children on board any vessel;

- (b) Operating a canoe or kayak;
- (c) Operating a sailboard; and
- (d) Operating a personal watercraft.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

### Subpart B—Personal Flotation Devices

#### § 175.11 Applicability.

This subpart applies to all recreational vessels that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

#### § 175.13 Definitions.

As used in this subpart:

- (a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR Part 160.
- (b) "PFD" means "personal flotation device".

#### § 175.15 Personal flotation devices required.

Except as provided in § 175.17:

(a) No person may use a recreational vessel unless at least one PFD of the following types is on board for each person:

- (1) Type I PFD;
- (2) Type II PFD; or
- (3) Type III PFD.

(b) No person may use a recreational vessel 16 feet or more in length unless one Type IV PFD is on board in addition to the total number of PFD's required in paragraph (a) of this section.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990, as amended by CGD 92-045, 58 FR 41608, Aug. 4, 1993]

#### § 175.17 Exemptions.

(a) A Type V PFD may be carried in lieu of any PFD required under § 175.15, provided:

(1) The approval label on the Type V PFD indicates that the device is approved:

- (i) For the activity in which the vessel is being used; or
- (ii) As a substitute for a PFD of the Type required on the vessel in use;

(2) The PFD is used in accordance with any requirements on the approval label; and

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(3) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

(b) Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD required under § 175.15(b).

(c) Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD required under § 175.15.

(d) Sailboards are exempted from the requirements for carriage of any Type PFD required under § 175.15.

(e) Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from the carriage of any PFD required under § 175.15, provided the vessel carries one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor on board.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993; 58 FR 51576, Oct. 4, 1993, as amended by CGD 97-023, 62 FR 33365, June 19, 1997; USCG-1998-3799, 63 FR 35533, June 30, 1998]

**§ 175.19 Stowage.**

(a) No person may use a recreational boat unless each Type I, II, or III PFD required by § 175.15 of this part, or equivalent type allowed by § 175.17 of this part, is readily accessible.

(b) No person may use a recreational boat unless each Type IV PFD required by § 175.15 of this part, or equivalent type allowed by § 175.17 of this part, is immediately available.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990]

**§ 175.21 Condition; size and fit; approval marking.**

No person may use a recreational boat unless each PFD required by § 175.15 of this part or allowed by § 175.17 of this part is:

(a) In serviceable condition as provided in § 175.23;

(b) Of an appropriate size and fit for the intended wearer, as marked on the approval label; and

(c) Legibly marked with its approval number, as specified in 46 CFR part 160.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990, as amended by CGD93-055, 61 FR 13926, Mar. 28, 1996]

**§ 175.23 Serviceable condition.**

A PFD is considered to be in serviceable condition for purposes of § 175.21(a) only if the following conditions are met:

(a) No PFD may exhibit deterioration that could diminish the performance of the PFD, including—

(1) Metal or plastic hardware used to secure the PFD on the wearer that is broken, deformed, or weakened by corrosion;

(2) Webbing or straps used to secure the PFD on the wearer that are ripped, torn, or which have become separated from an attachment point on the PFD; or

(3) Any other rotted or deteriorated structural component that fails when tugged.

(b) In addition to meeting the requirements of paragraph (a) of this section, no inherently buoyant PFD, including the inherently buoyant components of a hybrid inflatable PFD, may exhibit—

(1) Rips, tears, or open seams in fabric or coatings, that are large enough to allow the loss of buoyant material;

(2) Buoyant material that has become hardened, non-resilient, permanently compressed, waterlogged, oil-soaked, or which shows evidence of fungus or mildew; or

(3) Loss of buoyant material or buoyant material that is not securely held in position.

(c) In addition to meeting the requirements of paragraph (a) of this section, an inflatable PFD, including the inflatable components of a hybrid inflatable PFD, must be equipped with—

(1) Except as provided in paragraph (d) of this section, a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed;

(2) Inflatable chambers that are all capable of holding air;

(3) Oral inflation tubes that are not blocked, detached, or broken;

(4) A manual inflation lanyard or lever that is not inaccessible, broken, or missing; and

(5) Inflator status indicators that are not broken or otherwise non-functional.

(d) The inflation system of an inflatable PFD need not be armed when the PFD is worn inflated and otherwise meets the requirements of paragraphs (a) and (c) of this section.

[CGD 93-055, 61 FR 13926, Mar. 28, 1996]

### Subpart C—Visual Distress Signals

SOURCE: CGD 76-183, 44 FR 73024, Dec. 17, 1979, unless otherwise noted.

#### § 175.101 Applicability.

This subpart applies to boats on the coastal waters of the United States and on the high seas beyond the territorial seas for boats owned in the United States.

[CGD 76-183, 44 FR 73024, Dec. 17, 1979, as amended by USCG-1998-3799, 63 FR 35534, June 30, 1998]

#### § 175.105 Definitions.

(a) *Visual distress signal* means a device that is approved by the Commandant under 46 CFR Part 160 or certified by the manufacturer under 46 CFR Parts 160 and 161.

(b) *Coastal waters* means:

(1) The U.S. waters of the Great Lakes (Lake Erie, Huron, Michigan, Ontario, and Superior);

(2) The territorial seas of the United States; and

(3) Those waters directly connected to the Great Lakes and territorial seas (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds 2 nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to 2 miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

[CGD 76-183, 44 FR 73024, Dec. 17, 1979, as amended by CGD 82-073, 49 FR 7119, Feb. 27, 1984; 49 FR 20815, May 17, 1984]

#### § 175.110 Visual distress signals required.

(a) No person may use a boat 16 feet or more in length or any boat carrying six or less passengers unless visual distress signals selected from the list in § 175.130 or the alternatives in § 175.135, in the number required, are on board. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, must be carried.

(b) Between sunset and sunrise, no person may use a boat less than 16 feet in length unless visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135, in the number required, are on board.

#### § 175.113 Launchers.

(a) When a visual distress signal carried to meet the requirements of § 175.110 requires a launcher to activate, then a launcher approved under 46 CFR 160.028 must also be carried.

#### § 175.115 Exceptions.

The following persons need not comply with § 175.110; however, each must carry on board visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135, in the number required, between sunset and sunrise:

(a) A person competing in any organized marine parade, regatta, race, or similar event;

(b) A person using a manually propelled boat; or

(c) A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26' in length.

#### § 175.120 Stowage.

(a) No person may use a boat unless the visual distress signals required by § 175.110 are readily accessible.

#### § 175.125 Serviceability.

(a) No person may use a boat unless each signal required by § 175.110 is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

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§ 175.128 **Marking.**

(a) No person may use a boat unless each signal required by §175.110 is legibly marked with the approval number or certification statement as specified in 46 CFR Parts 160 and 161.

§ 175.130 **Visual distress signals accepted.**

(a) Any of the following signals, when carried in the number required, can be used to meet the requirements of § 175.110:

(1) An electric distress light meeting the standards of 46 CFR 161.013. One is required to meet the night only requirement.

(2) An orange flag meeting the standards of 46 CFR 160.072. One is required to meet the day only requirement.

(3) Pyrotechnics meeting the standards noted in Table 175.130.

(b) Any combination of signal devices selected from the types noted in paragraphs (a) (1), (2) and (3) of this section, when carried in the number required, may be used to meet both day and night requirements. *Examples*—the combination of two hand held red flares (160.021), and one parachute red flare (160.024 or 160.036) meets both day and night requirements. Three hand held orange smoke (160.037) with one electric distress light (161.013) meet both day and night requirements.

TABLE 175.130—PYROTECHNIC SIGNAL DEVICES

Approval number under 46 CFR	Device description	Meets requirement for	Number required
160.021	Hand Held Red Flare Distress Signals <sup>3</sup> .	Day and Night .....	3
160.022	Floating Orange Smoke Distress Signals.	Day Only .....	3
160.024	Parachute Red Flare Distress Signals.	Day and Night <sup>1</sup> ....	3
160.036	Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals.	Day and Night .....	3
160.037	Hand-Held Orange Smoke Distress Signals.	Day Only .....	3
160.057	Floating Orange Smoke Distress Signals.	Day Only .....	3

TABLE 175.130—PYROTECHNIC SIGNAL DEVICES—Continued

Approval number under 46 CFR	Device description	Meets requirement for	Number required
160.066	Distress Signal for Boats, Red Aerial Pyrotechnic Flare.	Day and Night <sup>2</sup> ....	3

<sup>1</sup> These signals require use in combination with a suitable launching device approved under 46 CFR 160.028.

<sup>2</sup> These devices may be either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028.

<sup>3</sup> Must have manufacture date of 1 Oct. 1980 or later.

[CGD 81-038-A, 47 FR 24548, June 7, 1982]

§ 175.135 **Existing equipment.**

Launchers manufactured before 1 January, 1981, which do not have approval numbers are acceptable for use with meteor or parachute signals listed in Table 175.130 under § 175.130 as long as they remain in serviceable condition.

[CGD 76-183, 44 FR 73024, Dec. 17, 1979, as amended by CGD 81-038-A, 47 FR 24548, June 7, 1982; USCG-1998-3799, 63 FR 35534, June 30, 1998]

§ 175.140 **Prohibited use.**

No person in a boat shall display a visual distress signal on waters to which this subpart applies under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

Subpart D—Ventilation

§ 175.201 **Ventilation.**

No person may operate a boat built after July 31, 1980, that has a gasoline engine for electrical generation, mechanical power, or propulsion unless it is equipped with an operable ventilation system that meets the requirements of 33 CFR 183.610 (a), (b), (d), (e), and (f) and 183.620(a).

[CGD 76-082, 44 FR 73027, Dec. 17, 1979]