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42°26′10″ N., 124°27′05″ W. thence southward to 42°24′15″ N., 124°27′05″ W. thence eastward to a point on the shoreline at 42°24′15″ N., 124°25′30″ W. thence northward along the shoreline and eastward along the south shoreline of the entrance channel to the highway bridge thence northward across the inner harbor jetty to a point on the north shoreline of the entrance channel at the highway bridge thence northward along the seaward shoreline to the beginning.

(p) Chetco River Bar, Oreg. From a point on the shoreline at 42°02′35″ N., 124°17′20″ W. thence southeastward to 42°01′45″ N., 124°16′30″ W. thence northwestward to a point on the shoreline at 42°02′10″ N., 124°15′35″ W. thence northwestward along the shoreline thence northward along the east shoreline of the channel entrance to 42°02′47″ N., 124°16′03″ W. thence northward along the west face of the inner jetty and east shoreline of the channel entrance to the highway bridge thence westward to the west shoreline of the channel at the highway bridge thence southward along the west shoreline of the channel westward along the seaward shoreline to the beginning.


PART 179—DEFECT NOTIFICATION

§ 179.01 Purpose.

This part prescribes rules to implement 46 U.S.C. 4310, governing the notification of defects in boats and associated equipment.

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

§ 179.03 Definitions.

Associated equipment as used in this part, means the following equipment as shipped, transferred, or sold from the place of manufacture and includes all attached parts and accessories:

(1) An inboard engine.
(2) An outboard engine.
(3) A stern drive unit.
(4) An inflatable personal flotation device approved under 46 CFR 160.076.

Boat means any vessel—

(1) Manufactured or used primarily for noncommercial use;
(2) Leased, rented, or chartered to another for the latter’s noncommercial use; or
(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

Manufacturer means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment;

(2) The repair or alteration of boats or associated equipment; or

(3) The testing of boats or associated equipment.

Manufacturer also includes an importer of a boat or associated equipment.

Manufacturer does not include a person engaged in—

(1) The repair or alteration of a boat or associated equipment which is not subject to an applicable Federal safety standard;

(2) The repair or alteration of a boat or associated equipment which has been substantially altered in design or configuration to render it substantially different from the boat or associated equipment on which the manufacturer or importer was engaged; or

(3) The repair or alteration of a boat or associated equipment which is subject to a Federal safety standard only if the manufacturer engaged in the repair or alteration work prior to the promulgation of such a standard.

§ 179.05 Manufacturer discovered defects.

(a) A manufacturer or importer of a boat or associated equipment who discovers a defect in a boat or associated equipment that—

(1) Has not been subject to a Federal safety standard; or

(2) Has been subject to a Federal safety standard but the manufacturer or importer has reason to believe that the defect is not in compliance with the applicable Federal safety standard;

shall—

(1) Notify the Commandant in writing of the defect and any information the manufacturer or importer has concerning the defect and its effect on the safety and operational capability of the boat or associated equipment;

(2) Make available for inspection a sample of the boat or associated equipment exhibiting the defect to the Commandant; and

(3) Take such corrective action as the Commandant may require to prevent the defect from occurring on other boats or associated equipment manufactured or imported by the manufacturer.

[CGD 72–55R, 37 FR 15776, Aug. 4, 1972, unless otherwise noted]

§ 179.07 Notice given by “more expeditious means.”

A notice under § 179.05 may be given by any means that the manufacturer or importer reasonably believes will cause the notice to be timely received by the Commandant.

[CGD 96–052, 62 FR 16703, Apr. 8, 1997]
§ 179.05 Manufacturer discovered defects.

Each manufacturer who is required to furnish a notice of a defect or failure to comply with a standard or regulation under 46 U.S.C. 4310(b), shall furnish that notice within 30 days after the manufacturer discovers or acquires information of the defect or failure to comply.

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

§ 179.07 Notice given by “more expeditious means”.

Each manufacturer who gives notice by more expeditious means as provided for in 46 U.S.C. 4310(c), must give such notice in writing.

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

§ 179.09 Contents of notification.

Each notice required under 46 U.S.C. 4310(b) must include the following additional information:

(a) The name and address of the manufacturer.

(b) Identifying classifications including the make, model, year, if appropriate, the inclusive dates (month and year) of the manufacture, or serial numbers and any other data necessary to describe the boats or associated equipment that may be affected.


§ 179.11 Defects determined by the Commandant.

A manufacturer who is informed by the Commandant under 46 U.S.C. 4310(f) that a boat or associated equipment contains a defect relating to safety or failure to comply with a standard or regulation issued under the authority of 46 U.S.C. 4302, shall within 30 days of receipt of the information—

(a) Furnish the notification described in 46 U.S.C. 4310(d) to the persons designated in 46 U.S.C. 4310(c), or

(b) Provide information to the Commandant by certified mail stating why the manufacturer believes there is no defect relating to safety or failure of compliance.

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

§ 179.13 Initial report to the Commandant.

(a) When a manufacturer gives a notification required under 46 U.S.C. 4310, the manufacturer shall concurrently send to the Commandant by certified mail—

(1) A true or representative copy of each notice, bulletin, and other communication given to persons required to be notified under 46 U.S.C. 4310(c);

(2) The manufacturer’s best estimate of the total number of boats or items of associated equipment potentially affected by the defect or failure to comply with a standard or regulation prescribed under 46 U.S.C. 4302; and

(3) If discovered or determined by the manufacturer, a chronology of all principal events upon which the determination is based.

(b) A manufacturer may submit an item required by paragraph (a) of this section that is not available at the time of submission to the Commandant when it becomes available if the manufacturer explains why it was not submitted within the time required and estimates when it will become available.


§ 179.15 Follow-up report.

(a) Each manufacturer who makes an initial report required by §179.13 shall submit a follow-up report to the Commandant by certified mail within 60 days after the initial report. The follow-up report must contain at least the following information:

(1) A positive identification of the initial report;

(2) The number of units in which the defect was discovered as of the date of the follow-up report;
(3) The number of units in which corrective action has been completed as of the date of the follow-up report;
(4) The number of first purchasers not notified because of an out-of-date name or address, or both; and
(5) An updating of the information required by §179.13.
(b) Each manufacturer shall submit any additional follow-up reports requested by the Commandant.

§ 179.17 Penalties.
Each manufacturer who fails to comply with a provision of 46 U.S.C. 4310 or the regulations in this part, is subject to the penalties as prescribed in 46 U.S.C. 4311.

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

§ 179.19 Address of the Commandant.
(a) Each report and communication sent to the Coast Guard and required by this part concerning boats and associated equipment other than inflatable personal flotation devices, must be submitted to Commandant (CG–54223), 2100 2nd St., SW., Stop 7581, Washington, DC 20593–7581.
(b) Each report and communication sent to the Coast Guard and required by this part concerning inflatable personal flotation devices, must be submitted to Commandant (CG–5214), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126.


PART 181—MANUFACTURER REQUIREMENTS

Subpart A—General

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181.7 Compliance certification label required.
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181.21 Purpose, applicability and effective dates.
181.23 Hull identification numbers required.
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181.29 Hull identification number display.
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Subpart G—Instruction Pamphlet for Personal flotation Devices

181.701 Applicability.
181.702 Information pamphlet: requirement to furnish.
181.703 Information pamphlet: Contents.
181.704 Contents of information pamphlet: Recreational hybrid PFD.
181.705 Contents of information pamphlet: Recreational inflatable PFD.

SOURCE: CGD 72–60, 37 FR 15779, Aug. 4, 1972, unless otherwise noted.

Subpart A—General

§ 181.1 Purpose and applicability.

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which 46 U.S.C. Chapter 43 applies.


§ 181.3 Definitions.

As used in this part:
Associated equipment means:
(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;
(2) Any accessory or equipment for, or appurtenance to, a boat; and
(3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but
(4) Excluding radio equipment.
Boat means any vessel—