

CHAPTER 123—NUMBERING UNDOCUMENTED VESSELS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2101, 2102, 12501, 13102, 13103, 30101 of this title; section 1903 of Appendix to this title; title 16 sections 1802, 2432; title 33 section 2602.

§ 12301. Numbering vessels

(a) An undocumented vessel equipped with propulsion machinery of any kind shall have a number issued by the proper issuing authority in the State in which the vessel principally is operated.

(b) The Secretary shall require an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered.

(As amended Pub. L. 102-587, title V, § 5305, Nov. 4, 1992, 106 Stat. 5083.)

AMENDMENTS

1992—Pub. L. 102-587 designated existing provisions as subsec. (a) and added subsec. (b).

§ 12309. Penalties

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 125—VESSEL IDENTIFICATION SYSTEM

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 31321, 31322 of this title; title 33 sections 1321, 2602.

§ 12501. Establishment of a vessel identification system

[See main edition for text of (a)]

(b) The vessel identification system shall include information prescribed by the Secretary including—

[See main edition for text of (1)]

(2) identifying the owner of the vessel, including—

(A) the owner's social security number or, if that number is not available, other means of identification acceptable to the Secretary; or

(B) for an owner other than an individual—

(i) the owner's taxpayer identification number; or

(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;

[See main edition for text of (3) to (6); (c)]

(As amended Pub. L. 101-225, title III, § 302(1), Dec. 12, 1989, 103 Stat. 1922; Pub. L. 101-595, title VI, § 603(10), Nov. 16, 1990, 104 Stat. 2993.)

AMENDMENTS

1990—Subsec. (b)(2)(A). Pub. L. 101-595 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "the owner's social security number; or".

1989—Subsec. (b)(2). Pub. L. 101-225 amended par. (2) generally, adding subpars. (A) and (B).

§ 12503. Information available to the system

(a) Except as provided in subsections (b) and (c) of this section, a State or a State's delegee approved by the Secretary of Transportation may make information available to the Secretary if, in a manner and form prescribed by the Secretary, the State—

[See main edition for text of (1)]

(2) identifies the owner of the vessel, including by—

(A) the owner's social security number or, if that number is not available, other means of identification acceptable to the Secretary; or

(B) for an owner other than an individual—

(i) the owner's taxpayer identification number; or

(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;

[See main edition for text of (3) to (7); (b) and (c)]

(As amended Pub. L. 101-225, title III, § 302(2), Dec. 12, 1989, 103 Stat. 1922; Pub. L. 101-595, title VI, § 603(10), Nov. 16, 1990, 104 Stat. 2993.)

AMENDMENTS

1990—Subsec. (a)(2)(A). Pub. L. 101-595 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "the owner's social security number; or".

1989—Subsec. (a)(2). Pub. L. 101-225 amended par. (2) generally, adding subpars. (A) and (B).

§ 12504. Information available from the system

For law enforcement or other purposes and under conditions prescribed by the Secretary of Transportation, the Secretary—

[See main edition for text of (1) and (2)]

(As amended Pub. L. 101-225, title III, § 302(3), Dec. 12, 1989, 103 Stat. 1923.)

AMENDMENTS

1989—Pub. L. 101-225 substituted "Secretary of Transportation, the Secretary" for "Secretary, the Secretary of Transportation".

§ 12505. Fees

(a) The Secretary of Transportation may charge a fee under section 9701 of title 31 for providing information to or requesting information from the vessel identification system, except to—

- (1) an agency; or
- (2) a State making information available to the Secretary under section 12503(a) of this title.

(b) The Secretary shall deposit amounts transferred or collected under this section in the general fund of the Treasury as proprietary receipts of the Secretary and ascribed to the vessel identification system.

(As amended Pub. L. 101-595, title VI, § 603(11), Nov. 16, 1990, 104 Stat. 2993.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-595 redesignated subsec. (e) as (b) and struck out former subsec. (b) which read as follows: "In addition to any fee under subsection (a) of this section, the Secretary may collect an annual fee of not more than \$1.00 from the owner of each vessel of the United States under section 9701 of title 31 for maintaining the vessel identification system. However, the collection of that fee may be delayed under conditions prescribed by the Secretary."

Subsecs. (c), (d). Pub. L. 101-595 struck out subsecs. (c) and (d) which read as follows:

"(c) The Secretary may employ any agency, State, or person to collect the fee established under subsection (b) of this section.

"(d) If a State is employed to collect a fee under subsection (c) of this section, the State may retain one-half of the amounts collected. A State shall transfer one-half of the amounts collected under subsection (b) of this section to the Secretary."

Subsec. (e). Pub. L. 101-595 redesignated subsec. (e) as (b).

Subsec. (f). Pub. L. 101-595 struck out subsec. (f) which read as follows: "The amounts retained by a State under this section may be used to make information available to the Secretary and to pay incremental administrative costs."

PART I—STATE BOATING SAFETY PROGRAMS

CHAPTER 131—RECREATIONAL BOATING SAFETY

§ 13101. State recreational boating safety programs

[See main edition for text of (a)]

(b) The Secretary shall establish guidelines and standards for the program. In doing so, the Secretary—

[See main edition for text of (1)]

(2) shall consult with the Secretary of the Interior to minimize duplication with the purposes and expenditures of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4—4601-11) the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777-777k), and with the guidelines developed under those Acts; and

[See main edition for text of (3); (c)]

(As amended Pub. L. 101-595, title III, § 312(a), Nov. 16, 1990, 104 Stat. 2987.)

REFERENCES IN TEXT

The Federal Aid in Sport Fish Restoration Act of 1950, referred to in subsec. (b)(2), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, also popularly known as the Federal Aid in Fish Restoration Act and as the Fish Restoration and Management Projects

Act, which is classified generally to chapter 10B (§ 777 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 777 of Title 16 and Tables.

AMENDMENTS

1990—Subsec. (b)(2). Pub. L. 101-595 substituted "the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777-777k), and with the guidelines developed under those Acts; and" for "and with the guidelines developed under that Act; and".

§ 13102. Program acceptance

(a) The Secretary shall make a contract with, and allocate and distribute amounts from the Boat Safety Account established by section 9504 of the Internal Revenue Code of 1986 to, a State that has an approved State recreational boating safety program, if the State demonstrates to the Secretary's satisfaction that—

[See main edition for text of (1) and (2)]

(3) sufficient State matching amounts are available from general State revenue, undocumented vessel numbering and license fees, State marine fuels taxes, or from a fund constituted from the proceeds of those taxes and established to finance a State recreational boating safety program; and

[See main edition for text of (4); (b)]

(c) The Secretary shall approve a State recreational boating safety program, and the program is eligible to receive amounts authorized to be expended under section 13106 of this title, if the program includes—

[See main edition for text of (1) to (3)]

(4) an adequate State boating safety education program, that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol or drugs; and

[See main edition for text of (5)]

(d) The Secretary's approval under this section is a contractual obligation of the Government for the payment of a proportionate share of the cost of carrying out the program.

(As amended Pub. L. 101-595, title III, § 312(b), Nov. 16, 1990, 104 Stat. 2987.)

AMENDMENTS

1990—Subsec. (a)(3). Pub. L. 101-595, § 312(b)(1), inserted "State" after "general".

Subsec. (c)(4). Pub. L. 101-595, § 312(b)(2), inserted "or drugs" after "alcohol".

Subsec. (d). Pub. L. 101-595, § 312(b)(3), substituted "a proportionate share" for "the proportional share".

§ 13103. Allocations

(a) The Secretary shall allocate amounts available for allocation and distribution under this chapter for State recreational boating safety programs as follows:

[See main edition for text of (1) and (2)]

(3) One-third shall be allocated so that the amount allocated each fiscal year to each ell-