

#### 46 U.S.C. §4312. Engine cut-off switches

(a) Installation Requirement.—A manufacturer, distributor, or dealer that installs propulsion machinery and associated starting controls on a covered recreational vessel shall equip such vessel with an engine cut-off switch and engine cut-off switch link that meet American Boat and Yacht Council Standard A-33, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2017.

(b) Education on Cut-off Switches.—The Commandant of the Coast Guard, through the National Boating Safety Advisory Committee established under section 15105, may initiate a boating safety program on the use and benefits of cut-off switches for recreational vessels.

(c) Availability of Standard for Inspection.—

(1) In general.—Not later than 90 days after the date of the enactment of this section, the Commandant shall transmit American Boat and Yacht Council Standard A-33, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017, to—

- (A) the Committee on Transportation and Infrastructure of the House of Representatives;
- (B) the Committee on Commerce, Science, and Transportation of the Senate; and
- (C) the Coast Guard Office of Design and Engineering Standards; and
- (D) the National Archives and Records Administration.

(2) Availability.—The standard submitted under paragraph (1) shall be kept on file and available for public inspection at such Coast Guard office and the National Archives and Records Administration.

(d) Definitions.—In this section:

(1) Covered recreational vessel.—The term "covered recreational vessel" means a recreational vessel that is—

- (A) less than 26 feet overall in length; and
- (B) capable of developing 115 pounds or more of static thrust.

(2) Dealer.—The term "dealer" means any person who is engaged in the sale and distribution of recreational vessels or associated equipment to purchasers whom the seller in good faith believes to be purchasing any such vessel or associated equipment for purposes other than resale.

(3) Distributor.—The term "distributor" means any person engaged in the sale and distribution of recreational vessels and associated equipment for the purposes of resale.

(4) Manufacturer.—The term "equipment manufacturer" means any person engaged in the manufacture, construction, or assembly of recreational vessels or associated equipment, or the importation of recreational vessels into the United States for subsequent sale.

(5) Propulsion machinery.—The term "propulsion machinery" means a self-contained propulsion system, and includes, but is not limited to, inboard engines, outboard motors, and sterndrive engines.

(6) Static thrust.—The term "static thrust" means the forward or backwards thrust developed by propulsion machinery while stationary.

(Added Pub. L. 115-282, title V, §503(a), Dec. 4, 2018, 132 Stat. 4270.)

## EDITORIAL NOTES

### REFERENCES IN TEXT

The date of enactment of the Coast Guard Authorization Act of 2017, referred to in subsecs. (a) and (c)(1), probably means the date of enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018, Pub. L. 115–282, which enacted this section and was approved Dec. 4, 2018. No act with the title "Coast Guard Authorization Act of 2017" has been enacted.

The date of the enactment of this section, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 115–282, which was approved Dec. 4, 2018.

### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE

Pub. L. 115–282, title V, §503(c), Dec. 4, 2018, 132 Stat. 4271, provided that: "Section 4312 of title 46, United States Code, as amended [probably should be "enacted"] by this section, shall take effect one year after the date of the enactment of this Act [Dec. 4, 2018]."

**SEC. 312. ENGINE CUT-OFF SWITCHES; USE REQUIREMENT.**

(a) **IN GENERAL.**—Section 4312 of title 46, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

“(b) **USE REQUIREMENT.**—

“(1) **IN GENERAL.**—An individual operating a covered recreational vessel shall use an engine cut-off switch link while operating on plane or above displacement speed.

“(2) **EXCEPTIONS.**—The requirement under paragraph (1) shall not apply if—

“(A) the main helm of the covered vessel is installed within an enclosed cabin; or

“(B) the vessel does not have an engine cut-off switch and is not required to have one under subsection (a).”.

(b) **CIVIL PENALTY.**—Section 4311 of title 46, United States Code, is amended by—

(1) redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) inserting after subsection (b) the following:

“(c) A person violating section 4312(b) of this title is liable to the United States Government for a civil penalty of not more than—

“(1) \$100 for the first offense;

“(2) \$250 for the second offense; and

“(3) \$500 for any subsequent offense.”.

(c) **EFFECTIVE DATE.**—The amendments made in subsections (a) and (b) shall take effect 90 days after the date of the enactment of this section, unless the Commandant of the Coast Guard, prior to the date that is 90 days after the date of the enactment of this section, determines that the use requirement enacted in subsection (a) would not promote recreational boating safety.