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Title 33 — Navigation and Navigable Waters

Chapter I — Coast Guard, Department of Homeland Security

Subchapter S — Boating Safety

Part 179 Defect Notification

- § 179.01 Purpose.
- § 179.03 Definitions.
- § 179.05 Manufacturer discovered defects.
- § 179.07 Notice given by “more expeditious means”.
- § 179.09 Contents of notification.
- § 179.11 Defects determined by the Commandant.
- § 179.13 Initial report to the Commandant.
- § 179.15 Follow-up report.
- § 179.17 Penalties.
- § 179.19 Address of the Commandant.

PART 179—DEFECT NOTIFICATION

Authority: 43 U.S.C. 1333; 46 U.S.C. 4302, 4307, 4310, and 4311; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.46.

Source: CGD 72-55R, 37 FR 15776, Aug. 4, 1972, unless otherwise noted.

§ 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 manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or
- (3) The importation into the United States for sale of boats, associated equipment, or components thereof.

[CGD 93-055, 61 FR 13926, Mar. 28, 1996, as amended by USCG-1999-5832, 64 FR 34716, June 29, 1999; USCG-1999-5040, 67 FR 34760, May 15, 2002]

§ 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)(1)(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.

[CGD 72-55R, 37 FR 15776, Aug. 4, 1972, as amended by CGD 93-055, 61 FR 13926, Mar. 28, 1996]

§ 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.

[CGD 72-55R, 37 FR 15776, Aug. 4, 1972, as amended by CGD 93-055, 61 FR 13926, Mar. 28, 1996]

§ 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-BSX-23), Attn: Recreational Boating Product Assurance Branch, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501.
- (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-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509.

[CGD 93-055, 61 FR 13927, Mar. 28, 1996; CGD 96-026, 61 FR 36629, July 12, 1996; USCG-2008-0179, 73 FR 35024, June 19, 2008; USCG-2010-0351, 75 FR 36287, June 25, 2010; USCG-2014-0410, 79 FR 38448, July 7, 2014]