

Seaplane Exemption from On-Water “Vessel” Required Equipment 33 Code of Federal Regulations 175.1 (e)

Following is an excerpt from the Code of Federal Regulations pertaining to the *exemption of seaplanes* from the Required Equipment list of “vessels” on the water.

Please note that this exemption applies to *equipment requirements* only – not “Rules of the Road”. As a “vessel” on the water, seaplanes are required to comply with all rules of the road governing all watercraft. In essence, it requires seaplanes to give way to all other water craft and to refrain from “impeding their navigation”.

State, county, and local municipalities may enact laws pertaining to the use of their waterways. They cannot, however, enact laws governing the on-board equipment requirements for aircraft which are more stringent (or different) from the Federal Regs requirements.

This information may not be fully understood by local enforcement officials, and possibly even by all Coast Guard officers. To resolve confusions, SPA advises members to carry a copy of the Code of Federal Regulations that pertains to seaplane exemption in your airplane, along with other important documents.



(d) Determines the cause of casualties and accidents reported based on information available and indicates the apparent cause on the casualty report or on an attached page;

(e) Notifies the Coast Guard, in writing, when a problem area in boating safety peculiar to the State is determined, together, with corrective measures instituted or recommended; and

(f) Reports on vessel numbering and vessel casualties and accidents as required in Subpart D of this part.

(46 U.S.C. 1486; 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 76-155, 44 FR 5309, Mar. 25, 1979]

§ 174.105 Owner or operator casualty reporting requirements.

A State casualty reporting system must contain the following requirements of Part 173 applicable to an owner or a person operating a vessel:

(a) Section 173.55 *Report of casualty or accident.*

(b) Section 173.57 *Casualty or accident report.*

(c) Section 173.59 *Where to report.*

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

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

§ 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 vessel 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, as amended by USCG-1999-5832, 64 FR 34715, June 29, 1999]

§ 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-OPB), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001.

[USCG-1998-3799, 63 FR 35533, June 30, 1998, as amended by USCG-2004-18057, 69 FR 34926, June 23, 2004]

§ 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; Department of Homeland Security Delegation No. 0170.1.

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—

- (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.

Passenger means an individual carried on a vessel except—

- (1) The owner or an individual representative of the owner or, in the case of a vessel chartered without a crew, an individual charterer, or an individual representative of the charterer;

- (2) The master or operator of a recreational vessel; or

- (3) A member of the crew engaged in the business of the vessel, who has not contributed consideration for carriage, and who is paid for onboard services.

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 carriage of passengers-for-hire as defined in 46 CFR chapter I, subchapter C, or in other subchapters of this title.

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.

State means a State or Territory of the United States of America, whether a State of the United States, American Samoa, the Commonwealth of the Northern Marianas Islands, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands.

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, as amended by USCG-1999-5040, 67 FR 34759, May 15, 2002; USCG-2000-8589, 67 FR 42493, June 24, 2002]

§ 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;