

## § 177.09

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[CGD 73-41R, 39 FR 2583, Jan. 23, 1974, as amended by CGD 86-082, 52 FR 33812, Sept. 8, 1987]

### § 177.09 Penalties.

An operator of a vessel who does not follow the directions of a Coast Guard Boarding Officer prescribed in § 177.05 is, in addition to any other penalty prescribed by law, subject to—

(a) The criminal penalties of 46 U.S.C. 4311, which provides that a person willfully operating a recreational vessel in violation of 46 U.S.C., Chapter 43 or regulations issued thereunder, shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

(b)(1) The civil penalties for violating 46 U.S.C. 4307(a)(1).

(2) The civil penalties of 46 U.S.C. 4311, which provides that a person violating any other provision of 43 U.S.C., Chapter 43 or regulation issued thereunder is liable to the United States Government for a civil penalty, and, if the violation involves the operation of a vessel, the vessel is liable in rem for the penalty.

[CGD 96-052, 62 FR 16703, Apr. 8, 1997]

## PART 179—DEFECT NOTIFICATION

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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 noti-

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fication 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