

**§ 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;
- (b) Operating a canoe or kayak;
- (c) Operating a sailboard; and
- (d) Operating a personal watercraft.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

### Subpart B—Personal Flotation Devices

**§ 175.11 Applicability.**

This subpart applies to all recreational vessels that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

**§ 175.13 Definitions.**

As used in this subpart:

- (a) “Personal flotation device” means a device that is approved by the Commandant under 46 CFR Part 160.
- (b) “PFD” means “personal flotation device”.

**§ 175.15 Personal flotation devices required.**

Except as provided in §175.17 and 175.25:

(a) No person may use a recreational vessel unless at least one PFD of the following types is on board for each person:

- (1) Type I PFD;
- (2) Type II PFD; or
- (3) Type III PFD.

(b) No person may use a recreational vessel 16 feet or more in length unless one Type IV PFD is on board in addition to the total number of PFDs required in paragraph (a) of this section.

(c) No person may operate a recreational vessel under way with any child under 13 years old aboard unless each such child is either—

(1) Wearing an appropriate PFD approved by the Coast Guard; or

(2) Below decks or in an enclosed cabin.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990, as amended by CGD 92-045, 58 FR 41608, Aug. 4, 1993; USCG-2000-8589, 67 FR 42493, June 24, 2002]

**§ 175.17 Exemptions.**

(a) A Type V PFD may be carried in lieu of any PFD required under §175.15, provided:

(1) The approval label on the Type V PFD indicates that the device is approved:

- (i) For the activity in which the vessel is being used; or
- (ii) As a substitute for a PFD of the Type required on the vessel in use;

(2) The PFD is used in accordance with any requirements on the approval label; and

(3) The PFD is used in accordance with requirements in its owner’s manual, if the approval label makes reference to such a manual.

(b) Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD required under §175.15(b).

(c) Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD required under §175.15.

(d) Sailboards are exempted from the requirements for carriage of any Type PFD required under §175.15.

(e) Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from the carriage of any PFD required under §175.15, provided the vessel carries one of the sponsoring foreign country’s acceptable flotation devices for each foreign competitor on board.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993; 58 FR 51576, Oct. 4, 1993, as amended by CGD 97-023, 62 FR 33365, June 19, 1997; USCG-1998-3799, 63 FR 35533, June 30, 1998]

**§ 175.19 Stowage.**

(a) No person may use a recreational boat unless each Type I, II, or III PFD required by §175.15 of this part, or equivalent type allowed by §175.17 of this part, is readily accessible.

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(b) No person may use a recreational boat unless each Type IV PFD required by §175.15 of this part, or equivalent type allowed by §175.17 of this part, is immediately available.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990]

### § 175.21 Condition; size and fit; approval marking.

No person may use a recreational boat unless each PFD required by §175.15 of this part or allowed by §175.17 of this part is:

- (a) In serviceable condition as provided in §175.23;
- (b) Of an appropriate size and fit for the intended wearer, as marked on the approval label; and
- (c) Legibly marked with its approval number, as specified in 46 CFR part 160.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990, as amended by CGD93-055, 61 FR 13926, Mar. 28, 1996]

### § 175.23 Serviceable condition.

A PFD is considered to be in serviceable condition for purposes of §175.21(a) only if the following conditions are met:

- (a) No PFD may exhibit deterioration that could diminish the performance of the PFD, including—
  - (1) Metal or plastic hardware used to secure the PFD on the wearer that is broken, deformed, or weakened by corrosion;
  - (2) Webbing or straps used to secure the PFD on the wearer that are ripped, torn, or which have become separated from an attachment point on the PFD; or
  - (3) Any other rotted or deteriorated structural component that fails when tugged.
- (b) In addition to meeting the requirements of paragraph (a) of this section, no inherently buoyant PFD, including the inherently buoyant components of a hybrid inflatable PFD, may exhibit—
  - (1) Rips, tears, or open seams in fabric or coatings, that are large enough to allow the loss of buoyant material;
  - (2) Buoyant material that has become hardened, non-resilient, permanently compressed, waterlogged, oil-soaked, or which shows evidence of fungus or mildew; or

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(3) Loss of buoyant material or buoyant material that is not securely held in position.

(c) In addition to meeting the requirements of paragraph (a) of this section, an inflatable PFD, including the inflatable components of a hybrid inflatable PFD, must be equipped with—

- (1) Except as provided in paragraph (d) of this section, a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed;
  - (2) Inflatable chambers that are all capable of holding air;
  - (3) Oral inflation tubes that are not blocked, detached, or broken;
  - (4) A manual inflation lanyard or lever that is not inaccessible, broken, or missing; and
  - (5) Inflator status indicators that are not broken or otherwise non-functional.
- (d) The inflation system of an inflatable PFD need not be armed when the PFD is worn inflated and otherwise meets the requirements of paragraphs (a) and (c) of this section.

[CGD 93-055, 61 FR 13926, Mar. 28, 1996]

### § 175.25 Enforcement of State requirements for children to wear personal flotation devices.

- (a) This section applies to operators of recreational vessels on waters subject to the jurisdiction of any State that has established by statute a requirement for children of a certain age to wear an appropriate PFD approved by the Coast Guard, while aboard a recreational vessel.
- (b) If the applicable State statute establishes any requirement for children of a certain age to wear an appropriate PFD approved by the Coast Guard, then that requirement applies on the waters subject to the State's jurisdiction instead of the requirement provided in §175.15(c) of this part.

[USCG-2000-8589, 69 FR 45591, July 30, 2004]

## Subpart C—Visual Distress Signals

SOURCE: CGD 76-183, 44 FR 73024, Dec. 17, 1979, unless otherwise noted.