

2003 SESSION

INTRODUCED

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SENATE BILL NO. 760

Offered January 8, 2003

Prefiled December 30, 2002

A BILL to amend and reenact §§ 29.1-748 and 29.1-749 of the Code of Virginia, relating to personal watercraft education course; penalty.

Patron—Wampler

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-748 and 29.1-749 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-748. Restrictions on ownership and operation; penalty.

A. It shall be unlawful for any person to:

1. ~~Operate~~ *Own or operate* a personal watercraft unless he is at least ~~sixteen~~ years of age, ~~except any person fourteen or fifteen~~ 14 years of age shall be allowed to operate a personal watercraft if and unless he (i) has successfully completed a boating safety education course approved by the Director *or an equivalent course in another state or country*, and (ii) carries on his person, while operating a personal watercraft, proof of successful completion of such course. Upon the request of a law-enforcement officer, such person shall provide proof of having successfully completed an approved course;

2. Operate a personal watercraft unless each person riding on the personal watercraft is wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard;

3. Fail to attach the lanyard to his person, clothing, or personal flotation device, if the personal watercraft is equipped with a lanyard-type engine cut-off switch;

4. Operate a personal watercraft on the waters of the Commonwealth between sunset and sunrise;

5. Operate a personal watercraft while carrying a number of passengers in excess of the number for which the craft was designed by the manufacturer; or

6. Operate a personal watercraft in excess of the slowest possible speed required to maintain steerage and headway within ~~fifty~~ 50 feet of docks, piers, boathouses, boat ramps, people in the water, and vessels other than personal watercraft. Nothing in this section shall prohibit a personal watercraft from towing a person with a rope less than ~~fifty~~ 50 feet in length.

B. A violation of any provision of this section shall constitute a Class 4 misdemeanor.

C. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a personal watercraft, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

§ 29.1-749. Owner of personal watercraft permitting violation; penalty.

A. It shall be unlawful for the owner of or any person having control of a personal watercraft to authorize or knowingly permit a person ~~under the age of sixteen~~ to operate the personal watercraft, unless the person ~~fourteen or fifteen~~ is at least 14 years of age and has successfully completed a boating safety education course as required under subdivision A 1 of § 29.1-748.

B. A violation of any provision of this section shall constitute a Class 4 misdemeanor.

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