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HOUSE JOINT RESOLUTION NO. 627

Offered January 14, 2009

Prefiled October 14, 2008

Requesting the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries to consult and coordinate with the boating community and recreational boating safety professional organizations regarding the need for a uniform and consistent statewide children's life jacket wear requirement. Report.

Patron—Poisson

Referred to Committee on Agriculture, Chesapeake and Natural Resources

WHEREAS, in June 2002, the United States Coast Guard adopted its first regulations requiring children under 13 years of age when not below decks or in an enclosed cabin to wear life jackets; and

WHEREAS, the Coast Guard federal regulation is only applicable on those Virginia waters that are subject to federal jurisdiction, which does not include a number of major inland Virginia lakes that are considered waters of the Commonwealth and receive substantial recreational boating use; and

WHEREAS, the Coast Guard federal regulation is not enforced by any state or local law-enforcement officers when on patrol on those Virginia waters subject to federal jurisdiction due to the absence of enabling authority by state statute or regulation; and

WHEREAS, any state law enacted would supersede the federal rule and the application of a state law would provide uniformity and consistency for the recreational boating public on all public waters of the Commonwealth and would be enforceable by state and local law-enforcement officers; and

WHEREAS, the boating safety program of the Department of Game and Inland Fisheries has fostered a productive and beneficial relationship with Virginia's boating community through consultation and coordination for the development of regulations for boating safety education; and

WHEREAS, pursuant to § 29.1-735 of the Code of Virginia, the Board of Game and Inland Fisheries has the authority to adopt such regulations as it deems appropriate (i) to provide rules for the safe and reasonable operation of vessels so as to reduce the risks of collision, personal injury, and property damage as a result of such operation and (ii) to govern the number, type, condition, performance capabilities, use, and stowage on board of lifesaving (personal flotation) devices and other safety equipment to be carried on vessels or classes of vessels operated on waters within the territorial limits of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries be requested to consult and coordinate with Virginia's boating community and recreational boating safety professional organizations regarding the need for a uniform and consistent statewide children's life jacket wear requirement; and, be it

RESOLVED FURTHER, That if the Board of Game and Inland Fisheries finds that the federal requirement for children to wear life jackets should apply statewide on the public waters of Virginia, the Board be requested to adopt regulations pursuant to its authority in § 29.1-735 of the Code of Virginia. Adoption of any regulations under this provision shall be as prescribed in Article 1 (§ 29.1-700 et seq.) of Chapter 7 of Title 29.1 of the Code of Virginia.

The Board of Game and Inland Fisheries shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the requests of this resolution no later than the first day of the 2010 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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