

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 28.2-110 of the Code of Virginia, relating to Ballast Water Control Reports.*

[S 726]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-110 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-110. Filing requirements; penalty.

A. The operator, or a ship agent acting on behalf of the operator, of a commercial vessel that enters into Virginia waters shall file a Ballast Water Control Report form with the ~~Hampton Roads~~ Virginia Maritime Association as the designated agent of the Commission (i) within seventy-two hours of the completion of the discharge of ballast water if the commercial vessel discharges ballast water into Virginia waters, or (ii) prior to the commercial vessel's departure from Virginia waters if the commercial vessel does not discharge ballast water into Virginia waters. The operator, or ship agent of an operator, shall not be required to file a Ballast Water Control Report form if the commercial vessel's previous port-of-call is located within the United States Exclusive Economic Zone and a ballast water control report was previously filed upon entering the first port-of-call within the United States Exclusive Economic Zone. A Ballast Water Control Report form shall be deemed to have been filed when it is hand delivered to the ~~Hampton Roads~~ Virginia Maritime Association, sent by electronic mail or facsimile transmission and received by the ~~Hampton Roads~~ Virginia Maritime Association, or sent to the ~~Hampton Roads~~ Virginia Maritime Association by registered or certified mail, return receipt requested. The services of the ~~Hampton Roads~~ Virginia Maritime Association shall be provided at no cost to the Commission. The fees assessed by the ~~Hampton Roads~~ Virginia Maritime Association shall only be that amount necessary to cover the expenses for the reporting services provided to vessel operators and any associated recordkeeping related to the ballast water reporting requirements of this article. If in the judgment of the Commission or the ~~Hampton Roads~~ Virginia Maritime Association, the ~~Hampton Roads~~ Virginia Maritime Association is unable to satisfactorily perform its responsibilities, the Commission may (i) select another agent, provided proper notice of the change in the designated agent has been given to operators, or (ii) assume responsibility for carrying out the provisions of this section.

B. For commercial vessels whose point of origin is located outside the United States Exclusive Economic Zone and whose first port of call within the United States Exclusive Economic Zone is within Virginia waters, the filing of a copy of the completed form submitted by the operator to the National Ballast Water Information Clearinghouse of the Smithsonian Environmental Research Center with the ~~Hampton Roads~~ Virginia Maritime Association shall be deemed compliance with the reporting requirements of this section.

C. Any operator of a commercial vessel who knowingly fails to file a Ballast Water Control Report form with the ~~Hampton Roads~~ Virginia Maritime Association within the applicable time period set forth in subsection A, or who knowingly makes any false statement in a Ballast Water Control Report form submitted to the ~~Hampton Roads~~ Virginia Maritime Association, shall be guilty of a Class 1 misdemeanor.

ENROLLED

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