

2010 SESSION

HOUSE SUBSTITUTE

10105865D

SENATE BILL NO. 93

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Pollard
on March 9, 2010)

(Patron Prior to Substitute—Senator Quayle)

A BILL to amend the Code of Virginia by adding a section numbered 29.1-736.1, relating to personal flotation devices; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-736.1 as follows:

§ 29.1-736.1. Personal flotation devices for children required during small craft advisory; civil penalty.

A. No person shall operate a vessel less than 33 feet in length on those waters of the Commonwealth where a small craft advisory has been issued by the National Weather Service if there is a child 16 years of age or younger on board who is not wearing a Type I, II, III, or V United States Coast Guard-approved personal flotation device that is in good and serviceable condition and of the proper size for the child. This section does not apply to a vessel that is moored or anchored during such advisory.

B. Any person who violates this section shall be subject to a civil penalty of \$100. The penalty may be waived for any person who completes an approved boating safety education course subsequent to, but no later than six months from, the date of the violation. All penalties collected pursuant to this section shall be paid into the Motorboat and Water Safety Fund of the Game Protection Fund and used for the purposes provided in § 29.1-701.

2. That the provisions of this act shall become effective on January 1, 2011.

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