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HOUSE BILL NO. 12

Offered January 11, 2012

Prefiled December 2, 2011

A *BILL to amend and reenact § 29.1-739 of the Code of Virginia, relating to reporting of vessel accident; penalty.*

Patron—Edmunds

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 29.1-739 of the Code of Virginia is amended and reenacted as follows:**

§ 29.1-739. Duty of operator involved in collision, accident or other casualty; immunity from liability; report of collision, etc.; summons in lieu of arrest; penalty.

A. It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to minimize any danger caused by the collision, accident, or other casualty, and also give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. Any person who complies with this subsection or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment or other assistance where the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

B. In case of collision, accident, or other casualty involving a vessel, the operator of the vessel, if the collision, accident, or other casualty is of such a nature as to be reportable pursuant to regulations adopted by the Board, shall notify ~~within a reasonable time~~ *as soon as practicable* a law-enforcement officer of the Commonwealth, conservation police officer, or ~~officer of the Virginia Marine Resources Commission inspector~~ *Police, and the Department. The law-enforcement officer, conservation police officer, or officer of the Virginia Marine Police who receives notice from the operator shall immediately report the collision, accident, or other casualty to the Department along with any information describing the nature of the collision, accident, or other casualty. If the operator fails to report the incident as required by this subsection, he is guilty of a Class 3 misdemeanor.*

The operator shall file with the Department a full report of the collision, accident, or other casualty, as the regulations of the Board may require. The report shall be without prejudice, shall be for the information of the Department only, and shall not be open to public inspection. The fact that such a report has been made shall be admissible in evidence solely to show compliance with this section and applicable regulations, but no such report nor any statement contained in the report shall be admissible as evidence for any other purpose in any trial.

C. Any officer investigating any collision, accident or other casualty shall have authority, in lieu of arresting any person charged with violating any of the provisions of this chapter, to issue a written summons to the person (stating name, address, boat number, offense charged, etc.) to appear in court as in § 46.2-936.

INTRODUCED

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