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HOUSE BILL NO. 8

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2012)

(Patron Prior to Substitute—Delegate Edmunds)

A BILL to amend and reenact § 29.1-740 of the Code of Virginia, relating to duty of certain persons in vessels to report boating accidents; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-740 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-740. Duty to stop and render assistance; penalties for violations; reporting of accident by passengers.

A. It shall be the duty of every operator of a vessel involved in a collision or accident or other casualty to stop and render assistance as required by subsection A of § 29.1-739. If any ~~person~~ operator knowingly fails to comply with the provisions of subsection A of § 29.1-739 when the collision, accident or other casualty results in serious bodily injury to, or the death of, any person, he ~~shall be~~ is guilty of a Class 6 felony. If any ~~person~~ operator knowingly fails to comply with the provisions of subsection A of § 29.1-739, when the collision, accident or other casualty results only in damage to property, he ~~shall be~~ is guilty of a Class 1 misdemeanor. However, if the vessel struck is unattended and the damage is less than fifty dollars \$50, such ~~person~~ the operator shall be punished only by a fine not exceeding fifty dollars \$50.

B. If the operator of a vessel knowingly fails to comply with the provisions of subsection A of § 29.1-739, every passenger in the vessel who is 18 years of age or older and has knowledge of the collision, accident or other casualty resulting in serious bodily injury to, or the death of, any person shall have a duty to ensure that a report of the occurrence is made to a law-enforcement officer of the Commonwealth, a conservation police officer, or an officer of the Virginia Marine Police pursuant to subsection B of § 29.1-739. Any such passenger who knows or has reason to know that no such report of the occurrence has been made by any other person in the vessel and who fails to report the occurrence to such an officer within 24 hours of the occurrence is guilty of a Class 1 misdemeanor.