

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 587

*An Act to amend and reenact § 29.1-738 of the Code of Virginia, relating to DUI boating.*

[H 1282]

Approved April 9, 1994

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

**1. That § 29.1-738 of the Code of Virginia is amended and reenacted as follows:**

§ 29.1-738. Operating boat or manipulating water skis, etc., in reckless manner or while intoxicated, etc.

A. No person shall operate any motorboat or vessel, or manipulate any skis, surfboard, or similar device, or engage in any spearfishing while skin diving or scuba diving in a reckless manner so as to endanger the life, limb, or property of any person.

B. No person shall operate any watercraft, as defined in § 29.1-712, or motorboat which is underway (i) while such person has a blood alcohol concentration of ~~0.10 percent or more by weight by volume at or greater than the blood alcohol concentration at which it is unlawful to drive or operate a motor vehicle as provided in § 18.2-266~~ as indicated by a chemical test administered in accordance with ~~§ 29.1-738.1~~ § 29.1-738.2, (ii) while such person is under the influence of alcohol, (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to operate the watercraft or motorboat safely or (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to operate the watercraft or motorboat safely.

C. No person shall operate any watercraft or motorboat which is underway during any period for which such person has been ordered not to operate a watercraft or motorboat pursuant to this section or § 29.1-738.4.

D. For purposes of this article, the word "operate" shall include being in actual physical control of a watercraft or motorboat and "underway" shall mean that a vessel is not at anchor, or made fast to the shore, or aground.

Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor.