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**HOUSE BILL NO. 629**

Offered January 19, 1996

A *BILL to amend the Code of Virginia by adding in Title 56 a chapter numbered 14.2, consisting of sections numbered 56-457.11 through 56-457.21, and to repeal Chapter 26 (§ 46.2-2600 et seq.) of Title 46.2 of the Code of Virginia, relating to regulation of sight-seeing carriers by boat; penalty.*

Patrons—Robinson and Moss

Referred to Committee on Corporations, Insurance and Banking

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

**1. That the Code of Virginia is amended by adding in Title 56 a chapter numbered 14.2, consisting of sections numbered 56-457.11 through 56-457.21, as follows:**

**CHAPTER 14.2.****REGULATION OF SIGHT-SEEING CARRIERS BY BOAT.****§ 56-457.11 . Definitions.**

*When used in this chapter, unless expressly stated otherwise:*

*"Certificate" means a certificate of public convenience and necessity issued by the Commission to a sight-seeing carrier by boat.*

*"Commission" means the State Corporation Commission.*

*"Person" means any person, firm or corporation.*

*"Sight-seeing carrier by boat" means a restricted common carrier authorized to transport sightseers under the provisions of this chapter, which restricted common carrier uses a boat or boats operating on waters within the Commonwealth. The provisions of this chapter shall apply to special or charter parties by boat as hereinafter defined. Sight-seeing carriers by boat and special or charter parties by boat as defined in this chapter shall not be regarded as steamship companies.*

*"Special or charter party by boat" for purposes of this chapter shall mean a group movement of persons transported under a single contract made with one person for an agreed charge for such movement regardless of the number of persons transported and in connection with which the fare or tariff is set or determined with regard to the number of such persons to be transported and not on an individual basis. Persons engaged in operating boats for fishing or having an approved passenger capacity of twenty-five or less persons shall not be regarded as special or charter parties under this chapter. Such persons may otherwise be subject to the provisions of this chapter if within the definition of sight-seeing carrier by boat.*

**§ 56-457.12. Contents of certificate.**

*A certificate issued under this chapter shall authorize the holder named in the certificate to transport sightseers and special or charter parties from the point of origin named in the certificate over regular routes to the point or points of interest named in the certificate and back to the point of origin. Only one point of origin shall be named in a certificate.*

**§ 56-457.13. Purpose of chapter; when certificate granted.**

*The public convenience and necessity to be served by this chapter is to encourage sightseers to visit and view points of interest in Virginia by providing economical, comfortable and convenient transportation, and in the issuance of certificates the Commission shall consider all facts bearing on that purpose, including existing means of transportation and the character of the applicant and the kind of equipment he proposes to use. The Commission shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing sight-seeing carrier by boat or special or charter parties by boat operating over the same or substantially the same route or routes under a certificate issued by the Commission, but shall not deny a certificate solely on the ground that the applicant will operate over the same route or substantially the same route or part of the route of an existing sight-seeing carrier by boat or special or charter parties by boat.*

**§ 56-457.14. Revocation of certificate.**

*In addition to the grounds on which a certificate issued to a common carrier other than a sight-seeing carrier by boat and special and charter parties by boat may be revoked, a certificate may be revoked, after notice and hearing, for failure to furnish economical, comfortable and convenient transportation. A certificate shall be revoked whenever the holder requests in writing that it be revoked.*

**§ 56-457.15. Transfer or lease of certificate; operation by individual or partnership.**

*No certificates shall be transferred or leased, but a certificate issued to an individual shall be construed to authorize the individual to operate with one or more partners and a certificate issued to a*

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60 partnership shall be construed to authorize the firm to operate with more or fewer partners so long as  
61 at least one of the partners named in the certificate continues to be active in the business. The names  
62 and addresses of all partners engaged in the business shall be filed with the Commission whenever there  
63 is a change in the partnership.

64 § 56-457.16. Fares.

65 The fares charged by sight-seeing carriers by boat but not special or charter parties by boat shall be  
66 fixed by the Commission at such rates as will promote the purposes mentioned in § 56-457.13.

67 § 56-457.17. Schedules.

68 The schedules operated by sight-seeing carriers by boat shall be filed with and subject to the  
69 approval or disapproval of the Commission, which may consider the seasonal nature of the business and  
70 may authorize the discontinuance of schedules during times when the demand for service does not justify  
71 service. The area of operation of special or charter parties by boat shall also be subject to the approval  
72 or disapproval of the Commission.

73 § 56-457.18. Certificate required as condition to operation; penalty.

74 No person shall engage in business as a sight-seeing carrier by boat or as a special or charter party  
75 by boat as defined in this chapter unless such person first has obtained a certificate from the  
76 Commission pursuant to the provisions of this chapter. The Commission may issue a certificate upon  
77 verification that the person has proper insurance coverage, in an amount determined by the  
78 Commission, and has a valid permit issued by the United States Coast Guard. Operation as a  
79 sight-seeing carrier by boat or as a special or charter party by boat as defined in this chapter, without  
80 having been issued a certificate shall be a Class 1 misdemeanor.

81 § 56-457.19. Filing fee.

82 Every applicant for a certificate under § 56-457.18 shall, upon the filing of an application, deposit  
83 with the Commission as a filing fee the sum of fifty dollars for the purpose of defraying the expense of  
84 administering the provisions of law with respect to the issuance of such certificate.

85 § 56-457.20. Insurance to be kept in force.

86 Each holder of a certificate issued by the Commission or person operating by virtue of § 56-457.18  
87 shall also keep in force at all times marine protection and indemnity insurance in an amount not less  
88 than \$100,000 for bodily injury and property damage. The Commission shall have the authority to  
89 require higher minimum insurance limits, not in excess of \$500,000, related to the passenger-carrying  
90 capacity of vessels covered by this section.

91 § 56-457.21. Exceptions to application of chapter.

92 The provisions of this chapter shall not be applicable to any municipal corporation acting as a  
93 sight-seeing carrier by boat or special or charter party by boat, if the municipal corporation has a  
94 population greater than 89,000 but less than 91,000.

95 **2. That Chapter 26 (§ 46.2-2600 et seq.) of Title 46.2 of the Code of Virginia is repealed.**