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## HOUSE BILL NO. 1027

House Amendments in [ ] — February 16, 1998

A *BILL to amend and reenact §§ 29.1-700 and 29.1-748 of the Code of Virginia and to repeal §§ 29.1-744.1 and 29.1-747 of the Code of Virginia, relating to personal watercraft; penalty.*

Patrons—Grayson and Murphy

Referred to Committee on Conservation and Natural Resources

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

**1. That §§ 29.1-700 and 29.1-748 of the Code of Virginia are amended and reenacted as follows:**

§ 29.1-700. Definitions.

As used in this chapter, unless the context clearly requires a different meaning:

"Motorboat" means any vessel propelled by machinery whether or not the machinery is the principal source of propulsion.

"Operate" means to navigate or otherwise control the movement of a motorboat or a vessel.

"Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Personal watercraft" means a motorboat less than sixteen feet in length which uses [ ~~an outboard motor, or~~ ] an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel.

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

"Waters of the Commonwealth" means any public waters within the territorial limits of the Commonwealth, the adjacent marginal sea and the high seas when navigated as a part of a journey or ride to or from the Virginia shore.

§ 29.1-748. Restrictions on operation; penalty.

A. It shall be unlawful for any person to:

1. Operate a personal watercraft unless he is at least fourteen years of age;
2. Operate a personal watercraft unless each person riding on the personal watercraft is wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard;
3. Fail to attach the lanyard to his person, clothing, or personal flotation device, if the personal watercraft is equipped with a lanyard-type engine cut-off switch;
4. Operate a personal watercraft on the waters of the Commonwealth between sunset and sunrise;
5. Operate a personal watercraft while carrying a number of passengers in excess of the number for which the craft was designed by the manufacturer.

6. Operate a personal watercraft in excess of [ ~~six knots within 200 feet of the shoreline or within 100 feet of any dock, pier or other permanent extension into public waters the slowest possible speed required to maintain steerage and headway within fifty feet of docks, swimmers and other motorboats~~ ].

B. A violation of any provision of this section shall constitute a Class 4 misdemeanor.

C. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a personal watercraft, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

**2. That §§ 29.1-744.1 and 29.1-747 of the Code of Virginia are repealed.**

[ **3. That the provisions of this act shall become effective on January 1, 1999.** ]

ENGROSSED

HB1027E