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HOUSE BILL NO. 1295

House Amendments in [] — February 14, 1998

A BILL to amend and reenact § 29.1-700 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 29.1-749.1, and to repeal § 29.1-747 of the Code of Virginia, relating to the reckless operation of personal watercraft; penalty.

Patrons—Dudley, Tata, Cranwell, Ingram, Putney, Thomas and Woodrum; Senators: Hawkins and Reynolds

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-700 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 29.1-749.1 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.

§ 29.1-749.1. Reckless operation of a personal watercraft; public nuisance.

A. It shall be unlawful to operate any personal watercraft in such a manner as to create a public nuisance. For the purposes of this section public nuisance shall include [, but not be limited to,] the following acts: weaving at high speed through congested vessels which are underway, stopped, moored or at anchor; following unnecessarily close within the wake of a vessel towing a person on water skis or other device; crossing between the towing vessel and person on water skis or other device; following or crossing [at high speed] the path of another vessel unnecessarily close to the stern or bow of the other vessel; jumping the wake of another vessel unnecessarily close to that vessel; approaching at high speed unnecessarily close to another vessel or [~~person in the water~~ swimmer] ; or steering a personal watercraft toward an object or person and turning sharply in close proximity to such object or person in order to spray or attempt to spray the object or person.

B. Any person violating any provision of this section shall be guilty of a Class 1 misdemeanor. In addition, for a second or subsequent offense, the court shall suspend the person's privilege to operate a [~~motorboat~~ personal watercraft] for a period of twelve months.

2. That § 29.1-747 of the Code of Virginia is repealed.

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

ENGROSSED

HB1295E