

1998 SESSION

INTRODUCED

980368412

HOUSE BILL NO. 160

Offered January 15, 1998

A BILL to amend and reenact §§ 29.1-748 and 29.1-749 of the Code of Virginia, relating to personal watercraft; penalty.

Patrons—Purkey, Cantor, Drake, McDonnell, Rollison and Wagner

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-748 and 29.1-749 of the Code of Virginia are amended and reenacted as follows:

§ 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~~ sixteen 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.

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.

§ 29.1-749. Owner of personal watercraft permitting violation; penalty.

A. It shall be unlawful for the owner of or any person having control of a personal watercraft to authorize or knowingly permit a person under the age of ~~fourteen~~ sixteen to operate the personal watercraft.

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

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