

# 2018 SESSION

INTRODUCED

18101920D

## HOUSE BILL NO. 346

Offered January 10, 2018

Prefiled January 4, 2018

A *BILL to amend and reenact § 29.1-748 of the Code of Virginia, relating to personal watercraft; lakes smaller than 50 acres.*

Patron—Stolle

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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

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

##### § 29.1-748. Restrictions on operation; penalty.

A. It is unlawful for any person to:

1. Operate a personal watercraft unless he is at least sixteen years of age, except any person fourteen or fifteen years of age shall be allowed to operate a personal watercraft if he (i) has successfully completed a boating safety education course approved by the Director and (ii) carries on his person, while operating a personal watercraft, proof of successful completion of such course. Upon the request of a law-enforcement officer, such person shall provide proof of having successfully completed an approved course;

2. Operate a personal watercraft unless he has complied with the provisions of § 29.1-735.2, regarding board regulations for boating safety education;

3. 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;

4. 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;

5. Operate a personal watercraft on the waters of the Commonwealth between sunset and sunrise;

6. Operate a personal watercraft while carrying a number of passengers in excess of the number for which the craft was designed by the manufacturer; or

7. Operate a personal watercraft in excess of the slowest possible speed required to maintain steerage and headway within fifty feet of docks, piers, boathouses, boat ramps, people in the water, and vessels other than personal watercraft. Nothing in this section shall prohibit a personal watercraft from towing a person with a rope less than fifty feet in length; or

8. *Operate a personal watercraft on a lake measuring less than 50 acres in extent.*

B. A violation of any provision of this section shall constitute a Class 4 misdemeanor, except that any person who violates subdivision A 2 shall be subject to the penalty provided in § 29.1-735.2.

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.

INTRODUCED

HB346