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## HOUSE BILL NO. 1380

Offered January 26, 1998

A BILL to amend and reenact §§ 29.1-700 and 29.1-748 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 29.1-744.3, and to repeal § 29.1-747 of the Code of Virginia, relating to the minimum age for operation of a motorboat; penalty.

Patrons—Tata, Bryant, Purkey and Wagner

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 and that the Code of Virginia is amended by adding a section numbered 29.1-744.3 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.

§ 29.1-744.3. Minimum age of a motorboat operator; exceptions.

A. It shall be unlawful for:

1. Any person to operate a motorboat on the waters of the Commonwealth where motorboat registration is required, unless he is sixteen years of age or older.

2. The owner of or any person having control of a motorboat to authorize or knowingly permit a person under sixteen years of age to operate a motorboat on the waters of the Commonwealth where motorboat registration is required, unless the person under sixteen years of age has complied with subsection B of this section.

B. Motorboat operators under sixteen years of age and personal watercraft operators fourteen or fifteen years of age shall be exempt from the provisions of subsection A of this section if they (i) have successfully completed a boating safety education course approved by the Director and (ii) carry on their person, while operating a motorboat, 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.

C. Motorboat operators of commercial vessels who are engaging in a valid and legal commercial activity shall be exempt from the provisions of subsection A of this section.

§ 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 and has complied with the conditions established under subsection B of § 29.1-744.3;

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.

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HB1380

60 C. A violation of this section shall not constitute negligence, be considered in mitigation of damages  
61 of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for  
62 the recovery of damages arising out of the operation, ownership, or maintenance of a personal  
63 watercraft, nor shall anything in this section change any existing law, rule, or procedure pertaining to  
64 any such civil action, nor shall this section bar any claim which otherwise exists.  
65 **2. That § 29.1-747 of the Code of Virginia is repealed.**  
66 **3. That the provisions of this act shall become effective on January 1, 1999.**