

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act 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 instruction for personal watercraft operators; civil penalty.*

[H 905]

Approved

**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 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. *Personal watercraft instruction; rental agents.*

A. Any person who is in the business of renting personal watercraft to the public shall provide to any person who rents a personal watercraft instruction on the laws of the Commonwealth governing motorboat operation, specific operating requirements of the personal watercraft being rented, motorboat safety equipment requirements, requirements in the case of a reportable accident, and such other information as the Director may require. The content and methods of instruction shall be approved by the Director.

Any attorney for the county, city or town in which an alleged violation of this section occurred may enforce this section by a civil action to recover a civil penalty not to exceed \$250. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city or town which instituted the action.

The fact of a violation of this section shall not constitute negligence per se, 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. This section shall not 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 § 29.1-747 of the Code of Virginia is repealed.**

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

ENROLLED

HB905ER