



1 beautiful and abundant waterways, lakes and rivers which provide a  
2 draw for tourism and a boost for our economy. Our waterways,  
3 lakes and rivers should be a safe place for children and families  
4 to enjoy. There have been cases recently where children have died  
5 because the water where they were swimming was electrified by the  
6 ungrounded and improper connection of electricity to boat docks and  
7 marinas. Electricity and water create a deadly combination that  
8 can paralyze a swimmer which can result in the swimmer drowning.  
9 Children who are swimming are particularly vulnerable to  
10 electrocution and shock in the water. Bringing boat docks and  
11 marinas up to the National Fire Protection Association and National  
12 Electric Code Standards for Marinas and Boatyards is necessary for  
13 the protection and safety of all of those who enjoy our waterways,  
14 lakes and rivers for recreation and to protect our tourism  
15 industry.

16 This Part III is enacted to provide a comprehensive program of  
17 boat, boat dock and marina safety and prevention of electrocution  
18 injury and may be cited as the "Michael Cunningham Law."

19 **§20-7-25. Definitions.**

20 As used in Part III of this article:

21 (a) "ABYC" means the American Boat and Yacht Council;

22 (b) "Boat dock" means a man-made structure that protrudes into  
23 a body of water for the purpose of mooring a boat or for other  
24 water-related recreation, including boat liveries, and that is

1 connected to an electrical power source in any manner;

2 (c) "Boat dock or marina owner or operator" means any person  
3 who:

4 (1) Has an ownership interest in a boat dock or marina, other  
5 than a lienholder; or

6 (2) Operates a boat dock or marina;

7 (d) "Ground fault circuit interrupter" means a device that  
8 functions to de-energize a circuit, or a portion thereof, within an  
9 established period of time when current to ground exceeds a  
10 predetermined value that is less than required to operate the over  
11 current protective device of the supply circuit;

12 (e) "Marina" means a dock including a boat dock or basin  
13 providing moorings for motorboats and offering supply, repair or  
14 other services, including electrical power supply, for  
15 remuneration;

16 (f) "Motorboat" means any vessel propelled by an electrical,  
17 steam, gas, diesel or other propelled or driven motor, whether the  
18 motor is the principal source of propulsion, but does not include  
19 a vessel with a valid marine document issued by the United States  
20 Bureau of Customs or any federal agency that is the successor to  
21 the Bureau of Customs;

22 (g) "Operate" means to navigate or otherwise use a vessel;

23 (h) "Owner" means a person, other than a lienholder, having  
24 the property in or title to a motorboat. The term includes a

1 person entitled to the use or possession of a motorboat subject to  
2 an interest in another person, reserved or created by agreement and  
3 securing payment or performance of an obligation, but the term  
4 excludes a lessee under a lease not intended as security;

5 (i) "Person" means an individual, partnership, firm,  
6 corporation, association or other entity; and

7 (j) "Vessel" means every description of watercraft, other than  
8 a seaplane on the water, used or capable of being used as a means  
9 of transportation on the water.

10 **§20-7-26. Boat Dock and Marina Safety Requirements**

11 **Swimming and Signage.**

12 All boat dock or marina owners or operators shall install  
13 permanent safety signage with print legible at eighty feet of  
14 distance and placed to give adequate notice, to persons using the  
15 boat dock or marina or swimming near the boat dock or marina, of  
16 the electric shock hazard risks of the waters around the boat dock  
17 or marina. The signage shall state: "ELECTRIC SHOCK HAZARD RISK: NO  
18 SWIMMING WITHIN 100 YARDS OF THE BOAT DOCK".

19 **§20-7-27. Boat Dock and Marina Safety Requirements-Electrical**

20 **Shock and Electrocution.**

21 (a) All boat dock or marina owners or operators shall comply  
22 with the following requirements to prevent electrical shock,  
23 electrocution or injury to users of their facilities and the

1 surrounding areas:

2 (1) All electrical wiring shall be installed by and maintained  
3 by a holder of a valid West Virginia electrician license or master  
4 electrician license in accordance with the most recently adopted  
5 versions of the National Fire Protection Association's Standards  
6 for Marinas and Boatyards (NFPA) 303 and the National Electric Code  
7 (NFPA 70);

8 (2) Install ground fault circuit interrupters on all boat dock  
9 and marina electrical wiring circuits; and

10 (3) Cause annual inspection by a West Virginia certified  
11 electrical inspector or master electrician of all sources of  
12 electrical supply, including ship-to-shore power pedestals,  
13 submergible pumps, and sewage pump-out facilities, that could  
14 result in unsafe electrical current in the water.

15 (c) All work performed on rental motor boats or vessels shall  
16 be performed by electricians licensed in West Virginia who are  
17 familiar with ABYC standards or by an ABYC certified electrical  
18 technician.

19 **§20-7-28. Compliance date.**

20 Each boat dock and marina shall be in full compliance with  
21 this section by August 1, 2014.

22 **§20-7-29. Penalties.**

23 (a) On or after August 1, 2014, a boat dock or marina owner or  
24 operator who violates section twenty-six or twenty-seven of this

1 article, and the violation does not result in the injury or death  
2 of a person, for the first offense, shall be issued a warning  
3 citation with no court appearance or penalty and, for a second or  
4 subsequent offense, be fined \$100;

5 (b) A boat dock or marina owner or operator who violates  
6 section twenty-six or twenty-seven of this article, and the  
7 violation results in the injury of a person, is guilty of a  
8 misdemeanor and, upon conviction thereof, shall be confined in jail  
9 for not more than six months, or fined not more than \$500, or both  
10 fined and confined; and

11 (c) A boat dock or marina owner who violates section  
12 twenty-six or twenty-seven of this article and the violation  
13 results in the death of a person, is guilty of a misdemeanor and  
14 upon conviction thereof, shall be confined in jail for not more  
15 than one year, or fined not more than \$1,000, or both fined and  
16 confined.

NOTE: The purpose of this bill is to improve boat dock and marina safety, prevent electrocution injury, require compliance with national standards, require work by certified electricians, and impose criminal penalties for violations.

§20-7-24, §20-7-25, §20-7-26, §20-7-27, §20-7-28 and §20-7-29 are new; therefore, they have been completely underscored.