

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5331

By Delegates Foster, Summers, Dillon, Brooks,
Cannon, Barnhart, E. Pritt, Longanacre, Ridenour,
Kimble, and Mazzocchi

[Introduced January 29, 2024; Referred to the
Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §20-7-12b of the Code of West Virginia, 1931, as amended, relating
 2 to boat safety; and requirement of valid driver's license instead of certificate of boating
 3 safety education.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-12b. Boating safety education ~~certificate~~; valid driver's license.

1 (a) Except as otherwise provided in subsection (c) of this section, beginning on January 1,
 2 2001, no person born on or after December 31, 1986, may operate a motorboat ~~or personal~~
 3 ~~watercraft~~ on any waters of this state without first having obtained a valid driver's license as
 4 defined in §17A-1-1 of this code. ~~certificate of boating safety education from this or any other state,~~
 5 ~~which certificate was obtained by satisfactorily completing a course of instruction in boating safety~~
 6 ~~education administered by the United States coast guard auxiliary; the United States power~~
 7 ~~squadron; the West Virginia Division of Natural Resources; any person certified to teach the~~
 8 ~~course administered by West Virginia natural resources boating safety education section~~
 9 ~~personnel; or any person authorized to teach the course prescribed by the national association of~~
 10 ~~state boating law administrators in this or any other state~~

11 (b) Any person who is subject to subdivision (a) of this section shall possess the driver's
 12 license ~~certificate of boating safety education~~ when operating a motorboat or personal watercraft
 13 on the waters of this state and shall show the ~~certificate~~ valid license on demand of any West
 14 Virginia natural resources police officers or other law-enforcement officer authorized to enforce the
 15 provisions of this chapter.

16 (c) The following persons are exempt from the requirements of subsection (a) of this
 17 section:

18 (1) A person who is a nonresident of this state and who is visiting the state for 60 days or
 19 less in a motorboat ~~or personal watercraft~~ from another state if that person:

20 (A) Is 15 years of age or older; and

21 (B) Has been issued a boating safety education certificate by his or her state of residence
22 in accordance with the criteria recommended by the national association of state boating law
23 administration.

24 (2) A person who is visiting the state for 90 days or less in a motorboat or personal
25 watercraft from a country other than the United States;

26 (3) A person who is operating a motorboat or personal watercraft in connection with
27 commercial purposes; and

28 (4) A person who is operating a motorboat or personal watercraft which was purchased by
29 the person within the previous 45-day period and who has not been previously charged with a
30 violation of any provision of this chapter involving the use or registration of a motorboat or personal
31 watercraft.

32 ~~(d) The division shall issue a certificate of boating safety education to a person who:~~

33 ~~(1) Passes any course prescribed in subsection (a) of this section; or~~

34 ~~(2) Passes a boating safety equivalency examination administered by persons authorized~~
35 ~~to administer a boating safety education course as outlined in subsection (a) of this section. Upon~~
36 ~~request, the division shall provide, without charge, boating safety education materials to persons~~
37 ~~who plan to take the boating safety equivalency examination~~

38 ~~(e) (d)~~ No person who owns a motorboat or personal watercraft or who has charge over a
39 motorboat or personal watercraft may authorize or knowingly permit it to be operated in violation of
40 subsection (a) of this section.

41 ~~(f) (e)~~ The provisions of subsection (a) of this section may only be enforced as a secondary
42 action when the officer detains an operator of a motorboat or personal watercraft upon probable
43 cause of a violation of another provision of this code or rules adopted in accordance with the code.
44 A person may not be taken immediately to a court or detention facility solely for a violation of
45 subsection (a) of this section.

NOTE: The purpose of this bill is to require a valid driver's license instead of certificate of boating safety education when operating a boat.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.