

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5331

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

[Originating in the Committee on Technology and
Infrastructure; Reported on February 26, 2024]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-12b. Requirements for boat operation; 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:

4 (1) a valid driver's license as defined in §17B-2-1 of this code,

5 (2) a valid driver's license from another jurisdiction of the United States; or

6 (3) a certificate of boating safety education from this or any other state, which certificate
7 was obtained by satisfactorily completing a course of instruction in boating safety education
8 administered by the United States coast guard auxiliary; the United States power squadron; the
9 West Virginia Division of Natural Resources; any person certified to teach the course administered
10 by West Virginia natural resources boating safety education section personnel; or any person
11 authorized to teach the course prescribed by the national association of state boating law
12 administrators in this or any other state.

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

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

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

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

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

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

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

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

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

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

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

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

43 (f) The provisions of subsection (a) of this section may only be enforced as a secondary
44 action when the officer detains an operator of a motorboat or personal watercraft upon probable
45 cause of a violation of another provision of this code or rules adopted in accordance with the code.

46 A person may not be taken immediately to a court or detention facility solely for a violation of
47 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.