

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2716

FISCAL
NOTE

BY DELEGATES HARSHBARGER, WORRELL, MCGEEHAN,

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[Introduced January 29, 2019; Referred
to the Committee on Agriculture and Natural
Resources then Government Organization.]

1 A BILL to amend and reenact §20-7-13 of the Code of West Virginia, 1931, as amended, relating
2 to motorboat lighting and equipment requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

**§20-7-13. Motorboat classification; required lights and equipment; rules and regulations;
pilot rules.**

1 ~~(a) Motorboats subject to the provisions of this article shall be divided into four classes.~~

2 ~~(1) Class A includes motorboats less than 16 feet in length;~~

3 ~~(2) Class 1 includes motorboats 16 feet or over and less than 26 feet in length;~~

4 ~~(3) Class 2 includes motorboats 26 feet or over and less than 40 feet in length;~~

5 ~~(4) Class 3 includes motorboats 40 feet or over.~~

6 ~~(b) Except as provided in §20-7-18d of this code, Class A, Class 1, Class 2, and Class 3~~
7 ~~motorboats in all weathers from sunset to sunrise shall carry and exhibit the following lights when~~
8 ~~under way, no other lights which may be mistaken for those prescribed shall be exhibited.~~

9 ~~(1) Every motorboat of Class A and Class 1 shall carry the following lights:~~

10 ~~(A) A bright white light aft to show all around the horizon;~~

11 ~~(B) A combined lantern in the fore part of the vessel and lower than the white light aft,~~
12 ~~showing green to starboard and red to port, so fixed as to throw the light from right ahead to two~~
13 ~~points abaft the beam on their respective sides.~~

14 ~~(2) Every motorboat of Class 2 and Class 3 shall carry the following lights:~~

15 ~~(A) A bright white light in the fore part of the vessel as near the stem as practicable, so~~
16 ~~constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass,~~
17 ~~so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two~~
18 ~~points abaft the beam on either side;~~

19 ~~(B) A bright white light aft to show all around the horizon and higher than the white light~~
20 ~~forward;~~

21 ~~(C) On the starboard side a green light so constructed as to show an unbroken light over~~
22 ~~an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead~~
23 ~~to two points abaft the beam on the starboard side. On the port side a red light so constructed as~~
24 ~~to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to~~
25 ~~throw the light from right ahead to two points abaft the beam on the port side. The said side lights~~
26 ~~shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being~~
27 ~~seen across the bow.~~

28 ~~(3) When propelled by sail alone, motorboats of Class A and Class 1 shall exhibit the~~
29 ~~combined lantern but not the white light aft. When propelled by sail alone, motorboats of Class 2~~
30 ~~and Class 3 shall exhibit the colored side lights, suitably screened, but not the white lights.~~
31 ~~Motorboats of all classes when propelled by sail alone, or manually propelled vessels, shall carry,~~
32 ~~ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient~~
33 ~~time to avert collision.~~

34 ~~(4) Every white light prescribed by this section shall be of such character as to be visible~~
35 ~~at a distance of at least two miles. Every colored light prescribed by this section shall be of such~~
36 ~~character as to be visible at a distance of at least one mile. The word "visible" in this subdivision,~~
37 ~~when applied to lights, shall mean visible on a dark night with clear atmosphere.~~

38 ~~(5) When propelled by sail and machinery any motorboat shall carry the lights required by~~
39 ~~this section for a motorboat propelled by machinery only.~~

40 ~~(c) Any vessel may carry and exhibit the lights as contained in the federal navigation laws~~
41 ~~and rules promulgated by the United States Coast Guard pursuant to 33 C.F.R. Chapter I. as~~
42 ~~authorized by 46 U.S.C. §4302, in lieu of the lights required by §20-7-13(b) of this code.~~

43 ~~(d) Every motorboat of Class A, Class 1, Class 2, or Class 3 shall be provided with an~~
44 ~~efficient whistle or other sound-producing mechanical appliance.~~

45 ~~(e) Every motorboat of Class 2 or Class 3 shall be provided with an efficient bell.~~

46 ~~(f) Every vessel shall have on board the following personal flotation devices as defined~~

47 ~~and approved by the United States Coast Guard pursuant to 33 C.F.R. §175.13 2014 et seq. as~~
48 ~~authorized by 46 U.S.C. §4302: (1) At least one immediately accessible throwable personal~~
49 ~~flotation device, except motorboats or vessels less than 16 feet and except as provided in 33~~
50 ~~C.F.R. §175.17 2017 as authorized by 46 U.S.C. §4302; (2) At least one readily accessible~~
51 ~~wearable personal flotation device per person on board; and (3) Except, that every motorboat~~
52 ~~carrying passengers for hire shall have on board readily accessible wearable personal flotation~~
53 ~~devices according to rules that may be promulgated by the director in accordance with the~~
54 ~~provisions of §29A-3-1 et. seq. of this code.~~

55 ~~(g) Every motorboat shall be equipped with the number, size, and type of fire extinguishers~~
56 ~~capable of promptly and effectually extinguishing burning gasoline, according to rules that may~~
57 ~~be promulgated by the director in accordance with the provisions of §29A-3-1 et seq. of this code.~~
58 ~~The fire extinguishers shall be readily accessible and in condition for immediate and effective use.~~

59 ~~(h) The provisions of §20-7-13(d), §20-7-13(e), §20-7-13(g) and §20-7-13(f)(1) of this code~~
60 ~~shall not apply to motorboats while competing in any race conducted pursuant to §20-7-20 of this~~
61 ~~code or, if such boats be designed and intended solely for racing while engaged in such navigation~~
62 ~~as is incidental to the tuning up of the boats and engines for the race.~~

63 ~~(i) Every motorboat shall have the carburetor or carburetors of every engine therein~~
64 ~~(except outboard motors) using gasoline as fuel, equipped with such efficient flame arrester,~~
65 ~~backfire trap, or other similar device according to rules that may be promulgated by the director~~
66 ~~in accordance with the provisions of §29A-3-1 et seq. of this code.~~

67 ~~(j) Every motorboat and every vessel shall be equipped with the means to properly and~~
68 ~~efficiently ventilate the bilges of the engine and fuel tank compartments, except open boats,~~
69 ~~according to rules that may be promulgated by the director in accordance with the provisions of~~
70 ~~§29A-3-1 et seq. of this code~~

71 (a) Motorboats on the waters of this state are subject to lighting requirements, equipment
72 requirements, and pilot and navigation rules, as contained in the federal navigation laws and rules

73 promulgated by the United States Coast Guard pursuant to 33 C.F.R. Subchapter E *et seq.* Inland
74 Navigation Rules, as authorized by 46 U.S.C. §4302.

75 (b) Motorboats on the waters of this state are subject to ventilation requirements as
76 contained in federal navigation laws and rules promulgated by the United States Coast Guard
77 pursuant to 46 C.F.R. §25.40 *et seq.*, as authorized by 6 U.S.C. §4302.

78 ~~(c)~~(c) The director may promulgate rules in accordance with the provisions of §29A-3-1 *et*
79 *seq.* of this code modifying the equipment requirements contained in this section to the extent
80 necessary to keep these requirements in conformity with the provisions of the federal navigation
81 laws or with the navigation rules promulgated by the United States Coast Guard.

82 ~~(d)~~(d) The director may promulgate rules in accordance with the provisions of §29A-3-1 *et*
83 *seq.* of this code, pilot rules in conformity with the pilot rules contained in the federal navigation
84 laws, or the navigation rules promulgated by the United States Coast Guard for the operation of
85 vessels on the waters of this state.

86 ~~(e)~~(e) No person shall operate or give permission for the operation of a vessel which is
87 not equipped as required by this section or modification thereof.

NOTE: The purpose of this bill is to clarify lighting and ventilation requirements for motorboats operating on waters of the state.

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