

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2773

BY DELEGATES MAYNARD AND J. JEFFRIES

[Originating in the Committee on Government

Organization; March 23, 2021]

1 A BILL to amend and reenact §20-7-23 of the Code of West Virginia, 1931, as amended, all
2 relating to boating operations with motors greater than 10 horsepower; and permitting the
3 Division of Natural Resources to promulgate emergency legislative rules and legislative
4 rules relating to the operation of boats with motors greater than 10 horsepower.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-23. Local rules.

1 (a) The provisions of this article, and of other applicable laws of this state, shall govern
2 the operation, equipment, numbering and all other matters relating thereto whenever any vessel
3 shall be operated on the waters of this state, or when any activity regulated by this article shall
4 take place thereon, but nothing in this article shall be construed to prevent the adoption of any
5 ordinance or local law relating to operation and equipment of vessels the provisions of which are
6 identical to the provisions of this article, amendments thereto or rules promulgated thereunder:
7 *Provided*, That such ordinances or local laws shall be operative only so long as to the extent that
8 they continue to be identical to provisions of this article, amendments thereto or rules promulgated
9 thereunder.

10 (b) Any subdivision of this state may, at any time, but only after public notice, make formal
11 application to the director for special rules with reference to the operation of vessels on any waters
12 within its territorial limits and shall set forth therein the reasons which make such special rules
13 necessary or appropriate.

14 (c) The director is hereby authorized to promulgate special rules with reference to the
15 operation of vessels on any waters within the territorial limits of any subdivision of this state.

16 (d) The director ~~shall immediately promulgate an emergency rule pursuant to the~~
17 ~~provisions of section fifteen, article three, chapter twenty nine a of this code, providing for the use~~
18 ~~of electric motors on the waters of Miletree lake in Roane County.~~ shall promulgate emergency
19 legislative rules and legislative rules pursuant to §29A-3-1 et seq. of this code providing for the

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20 operation of motorboats with motors greater than 10 horsepower, only in a manner where no
21 wake is created on the Upper Mud River Lake.