WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 182

(By Mr. [Signature])

PASSED. March 10, 1967

In Effect. July 1, 1967

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67
AN ACT to repeal sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five of article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article seven, chapter twenty of said code, by adding thereto thirteen new sections, designated sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three, all relating to motorboating.
Be it enacted by the Legislature of West Virginia:

That sections thirteen through twenty-five, all of article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that article seven of said code be amended by adding thereto thirteen new sections, designated sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three all to read as follows:

ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES.

§20-7-11. Motorboats and other terms defined.

As used in this section and subsequent sections of this article, unless the context clearly requires a different meaning:

1. "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

2. "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a
valid marine document issued by the bureau of customs
of the United States government or any federal agency
successor thereto, nor to a vessel powered by a motor of
five horsepower or less; and

(3) "Owner" means a person, other than a lienholder,
having the property in or title to a motorboat. The term
includes a person entitled to the use or possession of a
motorboat subject to an interest in another person, re-
served or created by agreement and securing payment or
performance of an obligation, but the term excludes a
lessee under a lease not intended as security.

§20-7-12. Motorboat identification numbers required; applica-
tion for numbers; fee; displaying; reciprocity; change
of ownership; conformity with U. S. regulations; issu-
ing agents; records; renewal of certificate; transfer of
interest, abandonment, etc.; change of address; un-
authorized numbers; information to be furnished
assessors.

Every motorboat, as herein defined, operating upon
public waters within the territorial limits of this state,
shall be numbered as herein provided:
4 (a) The owner of each motorboat requiring numbering by this state shall file an application for a number with the director on forms approved by him. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of five dollars. All such fees shall be deposited in the state treasury to the credit of the state general fund. Upon receipt of the application in approved form, the director shall enter the same upon the records of his office and issue to the applicant a number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules and regulations of the director in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever such such motorboat is in operation.

23 (b) The owner of any motorboat already covered by a number in full force and effect which has been awarded
to it pursuant to then operative federal law or a federally-approved numbering system of another state shall record the number prior to operating the motorboat on the waters of this state in excess of the ninety-day reciprocity period provided for in section fourteen of this article. Such recordation shall be in the manner and pursuant to procedure required for the award of a number under subsection (a) of this section, except that no additional or substitute number shall be issued.

(c) Should the ownership of a motorboat change, a new application form with fee shall be filed with the director and a new certificate of number shall be awarded in the same manner as provided for in an original award of number.

(d) In the event that an agency of the United States government shall have in force an over-all system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this article by the commission shall be in conformity there-with.

(e) The director may designate as issuing agent the
clerk of any county court and such other persons in each
county as he deems advantageous to provide for the
issuance of certificates of number in accordance with the
provisions of this article. For services rendered in issuing
such certificates, and collecting and paying over such
numbering fees, each issuing agent, other than a state
or county official, shall charge and retain an additional
fee of twenty-five cents from the person obtaining the
certificate of number. Every such issuing agent, unless
already under bond with the director as an agent for the
collection of its moneys, shall file a bond with the director,
payable to the state of West Virginia, in an amount to be
fixed by the director at not more than one thousand dol-
lars, before the supply of certificates of number is deliv-
ered to him, conditioned upon the faithful performance
of his obligation to issue certificates only in conformance
with the provisions of this article and the regulations
of the director. Each issuing agent, on the first day of
each month, shall remit to the director all moneys col-
lected for the director during the preceding month, and
shall accompany his remittance with a report showing
the name of the county, the names and addresses of the persons paying the same, and the date of receipt thereof.

(f) All records of the director made or kept pursuant to this section shall be public records.

(g) Such license shall be valid only until the last day of the fiscal year in which the same is issued. If at the end of such year ownership has remained unchanged, such owner shall, upon application and payment of a fee of two dollars, be granted a renewal of such certificate of number for an additional one-year period.

(h) The owner shall furnish the director notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a motorboat numbered in this state pursuant to subsections (a) and (b) of this section, or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction or abandonment shall terminate the certificate of number for such motorboat, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number.
(i) Any holder of a certificate of number shall notify the director within fifteen days if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the director with his new address. The director may provide in his rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

(j) No number other than the number awarded to a motorboat or granted reciprocity pursuant to this article shall be painted, attached or otherwise displayed on either side of the bow of such motorboat.

(k) It shall be the duty of the director on or before August thirty-first of each year, commencing with the year one thousand nine hundred sixty-seven, to forward to the assessor of each county a list of the names and addresses of all persons, firms and corporations owning vessels and operating the same or other boats registered with the director under the provisions of this article. In
furnishing this information to each county assessor, the director shall include in his report such information as is made available to him in the reports and registrations he receives as to make, model, value and cost price of such vessels and other equipment required to be registered for use by said owner or operator thereof under the provisions of this article: Provided, That the director need not furnish such information to the assessor if the cost price of such vessel does not exceed two hundred dollars or the cost of the motor does not exceed one hundred seventy-five dollars. In order to deal equitably with overlapping license periods, the director may issue a six months' license from the period January, one thousand nine hundred sixty-eight through June, one thousand nine hundred sixty-eight. This six months' license is to be issued to avoid the necessity of motorboat owners who have purchased their licenses from January thirtieth, one thousand nine hundred sixty-eight, losing a six months period of license entitlement.

(l) No person shall operate an unlicensed motorboat upon any waters of this state without first acquiring such certificate of number or license as required by law.
§20-7-13. Motorboat classification; required lights and equipment; rules and regulations; pilot rules.

(a) Motorboats subject to the provisions of this article shall be divided into four classes as follows:

Class A. Less than sixteen feet in length;

Class 1. Sixteen feet or over and less than twenty-six feet in length;

Class 2. Twenty-six feet over and less than forty feet in length;

Class 3. Forty feet or over.

(b) Classes 1, 2 and 3 motorboats in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

(1) Every motorboat of Class 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon;

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

(2) Every motorboat of Classes 2 and 3 shall carry
the following lights:
First. A bright white light in the fore part of the
vessel as near the stem as practicable, so constructed as to
show an unbroken light over an arc of the horizon of
twenty points of the compass, so fixed as to throw the
light ten points on each side of the vessel; namely, from
right ahead to two points abaft the beam on either side;
Second. A bright white light aft to show all around the
horizon and higher than the white light forward;
Third. On the starboard side a green light so con-
structed as to show an unbroken light over an arc of the
horizon of ten points of the compass, so fixed as to throw
the light from right ahead to two points abaft the beam
on the starboard side. On the port side a red light so
constructed as to show an unbroken light over an arc of
the horizon of ten points of the compass, so fixed as to
throw the light from right ahead to two points abaft the
beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Motorboats of Class 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by this section. Motorboats of Classes 2 and 3 when so propelled, shall carry the colored side lights, suitably screened, but not the white lights, prescribed by this section. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

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

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.
(c) Any vessel may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, one thousand nine hundred forty-eight, federal act of October eleven, one thousand nine hundred fifty-one, as amended, in lieu of the lights required by subsection (b) of this section.

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

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

(f) Every motorboat shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by regulations of the commission for each person on board, so placed as to be readily accessible: Provided, That every motorboat carrying passengers for hire shall carry so placed to be readily accessible at least one life preserver of the sort prescribed by the regulations of the director for each person on board.

(g) Every motorboat shall be provided with such number, size and type of fire extinguishers, capable of
promptly and effectually extinguishing burning gasoline,
as may be prescribed by the regulations of the director,
which fire extinguishers shall be at all times kept in con-
dition for immediate and effective use and shall be so
placed as to be readily accessible.

(h) The provisions of subsections (d), (e) and (g)
of this section shall not apply to motorboats while com-
peting in any race conducted pursuant to section twenty
of this article, or, if such boats be designed and intended
solely for racing while engaged in such navigation as is
incidental to the tuning up of the boats and engines for
the race.

(i) Every motorboat shall have the carburetor or
carburetors of every engine therein (except outboard
motors) using gasoline as fuel, equipped with such effi-
cient flame arrestor, backfire trap, or other similar device
as may be prescribed by regulations of the director.

(j) Every such motorboat and every such vessel, ex-
cept open boats using as fuel any liquid of a volatile
nature, shall be provided with such means as may be pre-
scribed by the regulations of the director for properly
and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The director is hereby authorized to make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States coast guard.

(1) The director is hereby authorized to establish and maintain, for the operation of vessels on the waters of this state, pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States coast guard.

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

§20-7-14. Motorboats exempt from numbering.

A motorboat shall not be required to be numbered under this article if it is:

(1) Already covered by a number in full force and
effect which has been awarded to it pursuant to federal law or a federally-approved numbering system of another state: Provided, That such boat shall not have been within this state for a period in excess of ninety consecutive days;

(2) A motorboat from a country other than the United States temporarily using the waters of this state;

(3) Motorboats used exclusively for racing while participating in races, and the preparation therefor, which have been authorized pursuant to the provisions of section twenty of this article.

§20-7-15. Dealers' and manufacturers' certificate of number; applications and fees.

Dealers' and manufacturers' certificate of number, containing the word "manufacturer" or "dealer", as appropriate, may be used in connection with the operation of any motorboat in the possession of such dealer or manufacturer, when the boat is being used for demonstrative purposes. Application for a dealer's or manufacturer's certificate of number shall be made upon a form provided by the director and shall contain such informa-
tion as may be required by the director. Upon receipt of the application and upon payment of a fee of five dollars for the initial certificate of number, and five dollars for each additional certificate of number, the director shall issue to the applicant a manufacturer’s or dealer’s certificate of number which shall contain the word “manufacturer” or “dealer” in lieu of a description of the boat. The manufacturer or dealer may have the number awarded to him printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being demonstrated, so long as the display meets the requirements of the provisions of this article and regulations issued hereunder.

§20-7-16. Boat liveries.

(a) The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is designed or permitted by him to be operated as a motorboat, identification number thereof, and the departure date and time, and the expected time of return. The record shall be preserved for at least six months.
(b) Neither the owner of a boat livery, nor his agent or employee, shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to section thirteen of this article and any rules and regulations made pursuant thereto.

§20-7-17. Motorboat muffling.

The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race approved as provided in section twenty of this article, and for such motorboats while on trial runs during a period not to exceed seventy-two hours immediately preceding such regatta or race, and for such motorboats while competing in official trials for speed records during a period not to exceed seventy-two hours immediately following such regatta or race.
§ 20-7-18. Care in handling watercraft; prohibited operation; duty to render aid in collision, accident or casualty; reports.

(a) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(b) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana.

(c) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew and passengers (if any), to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any
property damaged in the collision, accident or other casualty.

(d) In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to person or damage to property in excess of one hundred dollars, shall file with the director a full description of the collision, accident or other casualty, including such information as the director may, by regulation, require.

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the director pursuant to this subsection shall be transmitted to such official or agency of the United States.


(a) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, surfboard or similar device, nor shall any person engage in water skiing, surfboarding or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.
(b) The provisions of subsection (a) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under section twenty of this article.

(c) No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, surfboard or similar device may be affected or controlled in such a way as to cause water skis, surfboard or similar device, or any person thereon to collide with or strike against any object or person.

§20-7-20. Regattas, races and exhibitions; applications and permits.

(a) The department may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any waters of this state. It shall adopt and may from time to time amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof, shall, at least fifteen
10 days prior thereto, file an application with the director
for permission to hold such regatta, motorboat or other
boat race, marine parade, tournament or exhibition. The
application shall set forth the date, time and location
where it is proposed to hold such regatta, motorboat or
other boat race, marine parade tournament or exhibition
and it shall not be conducted without authorization of
the director in writing.

(b) The provisions of this section shall not exempt
any person from compliance with the applicable federal
law or regulation, but nothing contained herein shall be
construed to require the securing of a state permit pur-
suant to this section if a permit therefor has been obtained
from an authorized agency of the United States.

§20-7-21. Responsibility of owner, etc., for incapable operators
of motorboats.

No person who is the owner of any motorboat, or has
such in his charge or control, shall act or permit the same
to be operated by any person who, by reason of any
physical or mental disability, is incapable of operating
such motorboat under all the prevailing circumstances.
§20-7-22. General rules and regulations for motorboating; special rules.

The director is hereby authorized and empowered to prescribe and to enforce;

(a) General rules and regulations to be observed in the operation or navigation of motorboats upon, over or through the waters of this state which he shall deem necessary for the public health or safety of persons or property on or in such waters, or for the preservation of all forms of useful aquatic life, particularly as to speed, running, lights, signals, courses, channels, rights of way, and the disposal of oil, gas, gasoline or other wastes from such boats;

(b) Special rules and regulations for such particular, artificial or natural areas of water, for further limiting, restricting or prohibiting the operation or navigation of motorboats thereon to protect the public health or to protect and preserve useful aquatic life.

§20-7-23. Local rules and regulations.

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

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

(c) The director is hereby authorized to make special rules and regulations with reference to the operation of
vessels on any waters within the territorial limits of any subdivision of this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Thurman Toppin
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1967.

Howard Nepee
Clerk of the Senate

Clerk of the House of Delegates

Howard E. Carson
President of the Senate

W. Delano White
Speaker House of Delegates

The within approved this the 21

day of March, 1967.

Huey P. Long
Governor