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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 155

(By Mr. Jensen)



PASSED March 9 1984

In Effect sixty days from Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 155**  
(MR. TUCKER, *original sponsor*)

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[Passed March 9, 1984; in effect ninety days from passage.]

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AN ACT to amend chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article four-a, relating to skin and scuba diving; permitting such diving in all waters within the state, including natural and artificial lakes, except in certain designated areas; requiring display of the international code flag "A" as a "diver down" flag at all times when a diver is in the water; providing "diver down" flag specifications; requiring a diver to surface within one hundred feet of a "diver down" flag; and specifying criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

That chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article four-a, to read as follows:

**ARTICLE 4A. SKIN AND SCUBA DIVING.**

**§20-4A-1. Waters where diving is permitted; exceptions.**

1 (a) Skin and scuba (self-contained underwater  
2 breathing apparatus) diving is permitted in all waters in  
3 this state, including natural and artificial lakes, except in  
4 the following areas:

5 (1) Within one hundred feet of boat ramps, controlled  
6 swimming areas, marina areas and fishing piers marked for  
7 use by physically disabled persons;

8 (2) Designated hazards areas;

9 (3) Areas near dams and outlet structures in artificial  
10 lakes;

11 (4) Heavily traveled boat lanes;

12 (5) Narrow channels; and

13 (6) Areas where visibility is obscured.

14 (b) The provisions of this section shall not apply to  
15 professional skin or scuba divers engaged in demolition,  
16 salvage, construction, rescue or repair work in the regular  
17 course of their business.

**§20-4A-2. "Diver down" flag required; flag specifications.**

1 (1) No person may skin or scuba dive in any waters of  
2 the state that are used by motorboats unless the diving area  
3 is marked by one "diver down" flag displayed at all times  
4 while a diver is in the water.

5 (2) The "diver down" flag shall be a red field with a  
6 white diagonal stripe not less than one and one half inches  
7 wide running upper left to lower right. The dimensions of  
8 the flag shall be not less than ten inches by ten inches and  
9 the top of the flag shall be at least three feet above the  
10 surface of the water.

11 (3) The "diver down" flag shall be anchored and affixed  
12 to a separate flotation device. No such flag may be attached  
13 to any navigational device or placed so as to obstruct boat  
14 traffic.

15 (4) A diver must surface within one hundred feet of the  
16 "diver down" flag marking his diving area.

**§20-4A-3. Penalties.**

1 Any person violating any of the provisions of this article  
2 is guilty of a misdemeanor, and, upon conviction thereof,

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3 shall be fined not less than twenty nor more than three  
4 hundred dollars, or confined in jail not less than ten nor  
5 more than one hundred days, or both fined and imprisoned.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James L. Davis*  
.....  
Chairman Senate Committee

*Donald Anello*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Todd C. Smith*  
.....  
Clerk of the Senate

*Donald L. Kopp*  
.....  
Clerk of the House of Delegates

*Warren R. McAnaw*  
.....  
President of the Senate

*W. M. Lee, Jr.*  
.....  
Speaker House of Delegates

The within... *is approved* ..... this the *30* .....  
day of ... *March* ..... 1984.

*John A. Ryznar*  
.....  
Governor

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SECR. OF STATE