

STATE OF VIRGINIA

State-Specific Boating Safety Requirements

1. Law Enforcement Authority

Every game warden employed by the Virginia Department of Game and Inland Fisheries, Marine Resources Commission inspectors, and every other law-enforcement officer of the Commonwealth of Virginia and its subdivisions have authority to enforce the state boating laws. Enforcement personnel have the authority to stop and board vessels to check for compliance with state and federal laws. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

2. Age Restrictions

It is unlawful for anyone under the age of 16 to operate a personal watercraft (PWC) in Virginia. It is also unlawful for a person who owns or has charge of a PWC to knowingly permit a person under the age of 16 years to operate the PWC, unless the person 14 or 15 years of age has successfully completed a boating safety education course and has the certificate of completion in his or her possession when operating the PWC.

3. Boater Safety Education Requirements

With the exception of PWC operation (above), the Commonwealth of Virginia has no mandatory boating education requirements at this time.

4. Vessel Registration

Boats propelled by machinery, such as gasoline, diesel and electric motors, and principally operated on Virginia waters must be registered and issued a Virginia Certificate of Number (Registration) by the Department of Game and Inland Fisheries (contact information below).

Vessel owners must have at least a temporary Certificate of Number before they can operate on state waters. Upon receipt, the permanent Certificate of Number must be signed and carried onboard when the vessel is in operation. If a boat has been previously registered in Virginia, the new owner may operate the vessel for 30 days from the date of purchase if the following condition is met: he or she is in possession of a dated bill of sale and the valid Certificate of Number of the former owner. The Certificate of Number must be renewed every 3 years.

The number issued to a boat is printed on the certificate and must be displayed on each side of the bow of the vessel. Decals are furnished with each Certificate of Number and display the month and year of expiration and the registration number assigned to the vessel. The decal must be affixed within 6 inches of the registration number on the vessel. Only the current decal may be visible.

In addition, all watercraft 15 feet or more in length and powered by a motor in excess of 25 horsepower, as well as any sail-powered vessel in excess of 18 feet in length must be issued a **Certificate of Title** by the Virginia Department of Game and Inland Fisheries. USCG--documented vessels are exempt from Virginia's titling and registration requirements. Vessels currently registered in another state and not kept in Virginia for more than 90 consecutive days are also exempt from the registration requirements of Virginia.

Registration & Titling fees

Registration of watercraft less than 16 feet length	\$27
Registration of watercraft 16 to less than 20 feet length	\$31
Registration of watercraft 20 to less than 40 feet length	\$37
Registration of watercraft 40 feet length and longer	\$45
Livery of up to 10 watercraft	\$27
Livery of more than 10 watercraft	\$21

*** There are additional fees not listed in table**

More than 1 registration card per boat may be issued (\$9.00 fee for 3 years). Local restrictions as to type and size of watercraft or motor horsepower, restricted use areas, boat speed, and times for use may apply in certain waterbodies in Virginia. Local authorities should be consulted for information on these additional restrictions.

Virginia Department of Game and Inland Fisheries

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5. Maximum Loading and Horsepower

The Commonwealth of Virginia does not have any maximum loading and horsepower requirements that are in addition to federal regulations. To review federal regulations, refer to the section on Capacity Plates included in Chapter 1 of this course.

The following information was approved by NASBLA and is included in Chapter 1 of the Boater101 Course:

Capacity Plates

It is required for all mono-hull boats under 20 feet built on or after November 1, 1972 to have a capacity plate approved by the U.S. Coast Guard (USCG). In addition some manufacturers voluntarily install capacity plates on boats larger than 20 feet. This plate must be visible from the operator's station. The capacity plate lists a safe motor size; the maximum number of persons to be carried onboard and the total weight the boat can carry including persons, motor and gear. When operating your boat be sure to adhere to the restrictions listed on the capacity plate. Not only is it dangerous to overpower or overload a small boat since they can swamp or capsize more easily but also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.

6. Equipment and Lighting Requirements

At least one USCG-approved Type IV (ring buoy OR seat cushion), per boat, is required on all recreational boats (EXCEPT personal watercraft, canoes, kayaks and inflatable rafts) regardless of size, in **ADDITION** to the wearable PFD required for each person aboard the vessel.

Each required Type I, II, or III *wearable* PFD must be *readily accessible*. "Readily Accessible" means the PFDs are stowed where they can be easily reached, or are out in the open ready for wear. A readily accessible PFD cannot be in a protective covering or under lock and key.

Each Type IV *throwable* PFD must be *immediately available*. "Immediately available" means the PFD shall be quickly reachable in an emergency situation. An immediately available PFD cannot be in a protective covering, in a closed compartment or under other equipment.

No person may operate a recreational vessel on federal waters with any child under age 13 on the vessel unless each child is either wearing an appropriate PFD approved by the USCG; or is below deck in an enclosed cabin.

A PFD is considered to be in serviceable condition only if the following conditions are met:

- 1. No PFD may exhibit deterioration that could diminish the performance of the PFD, including:**
 - a. Metal or plastic hardware used to secure the PFD on the wearer that is broken, deformed, or weakened by corrosion;
 - b. Webbing or straps used to secure the PFD on the wearer that are ripped, torn, or which have become separated from an attachment point on the PFD; or
 - c. Any other rotted or deteriorated structural component that fails when tugged.
- 2. In addition to meeting the requirements of subparagraph 1 listed above, no PFD, including the components of a hybrid inflatable PFD, may exhibit:**
 - a. Rips, tears, or open seams in fabric or coatings, that are large enough to allow the loss of buoyant material;
 - b. Buoyant material that has become hardened, non-resilient, permanently compressed, waterlogged, oil-soaked, or which shows evidence of fungus or mildew; or
 - c. Loss of buoyant material or buoyant material that is not securely held in position.
- 3. In addition to meeting the requirements of subparagraph 1 listed above, an inflatable PFD, including the inflatable components of a hybrid inflatable PFD, must be equipped with:**
 - a. Except as provided in subparagraph 4 below, a properly armed inflation mechanism, complete with a full inflation CO₂ cartridge and all status indicators showing that the inflation mechanism is properly armed;
 - b. Inflatable chambers that are all capable of holding air;
 - c. Oral inflation tubes that are not blocked, detached, or broken;
 - d. A manual inflation lanyard or lever that is not inaccessible, broken, or missing; and
 - e. Inflator status indicators that are not broken or otherwise non-functional.
- 4. The inflation system of an inflatable PFD need not be armed when the PFD is worn inflated and otherwise meets the requirements of subparagraphs 1 and 3 above.**

All boaters should comply with the USCG specifications and regulations according to boat class. These include, but may not be limited to, personal flotation devices, navigation lights, visual distress signals, sound producing devices, fire extinguishers, ventilation systems, backfire flame arrestors, and muffling devices.

7. Marine Sanitation Devices (MSDs)

Virginia law prohibits the discharge of any sewage, treated or untreated, into the state's freshwaters. Recreational vessels with installed toilet facilities must have onboard an operable marine sanitation device (MSD). All installed devices must be USCG certified.

8. Muffling Devices

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system. The muffling device must exhaust at or below the water line or it shall be equipped with mechanical baffles. The use of cutouts is prohibited.

9. Boating Accidents

Boating accidents must be reported to the Department of Game and Inland Fisheries in Richmond, Virginia, or the most immediately available member of the Department's law enforcement (game warden) force. If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, or the vessel. The following boating accidents must be reported (in writing with full details) to the Department of Game and Inland Fisheries:

- Any boating accident involving death, injury requiring medical treatment beyond first aid, or the disappearance of a person should be reported within 48 hours.
- All accidents involving property damage greater than \$2,000.00 should be reported within 10 days.

Failure to report a boating accident may result in the issuance of a summons to appear in court and subsequent penalties. If any person knowingly fails to comply with the above provisions and the collision, accident or other casualty results in serious bodily injury to, or the death of, any person, he or she will be guilty of a Class 6 felony. If any person knowingly fails to comply with the above provisions and the collision, accident or other casualty results only in damage to property, he or she will be guilty of a Class 1 misdemeanor. However, if the vessel struck is unattended and the damage is less than 50 dollars, such person shall be punished only by a fine not exceeding 50 dollars.

10. Vessel Speed Restrictions

It is unlawful to operate any motorboat, except personal watercraft, at a speed greater than the slowest possible speed required to maintain steerage and headway when within 50 feet or less of people in the water, docks, piers, boathouses, and boat ramps. Nothing in this section prohibits a motorboat from towing a person with a rope less than 50 feet in length.

PWC operators within 50 feet of people in the water, docks, piers, boathouses, boat ramps, and vessels other than PWCs must not exceed the slowest possible speed needed to maintain steerage and headway. A PWC may tow a person with a rope less than 50 feet in length. Violations of these provisions are Class 4 misdemeanors.

11. Mooring to Markers or Buoys

It is unlawful to moor or attach a vessel to a beacon, light, buoy or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid.

12. Reckless and Careless Operation

Reckless operation of a vessel, water skis or similar device is a serious offense. Reckless operation of a vessel or the reckless use of water skis, a surfboard or similar device is defined as the failure to exercise care needed to prevent the endangerment of life, limb, or property of any person. Examples of unlawful reckless operation are:

- Boating in restricted areas without regard for other boaters or persons, posted speeds and wake restrictions, diver-down flags, etc.
- Boating while under the influence of alcohol or drugs.
- Disturbing, harassing or chasing wildlife with a vessel.

- Operating a vessel in swimming areas
- Riding on seatbacks, gunwales, transoms or pedestal seats while operating above idle speed
- Excessive speed in crowded areas, dangerous areas or during periods of limited visibility.
- Operating an overloaded vessel
- Towing a skier in a crowded area where a fallen skier may be hit by other vessels, or towing in areas where the skier may hit an obstacle
- Using a PWC to jump the immediate wake of another boat

Improper boating shall be punishable as a Class 3 misdemeanor. A person who is guilty of reckless operation or operating while intoxicated will be found guilty of a Class 1 misdemeanor. For a second or subsequent offense, the court will prohibit the person from operating a PWC underway on the waters of the Commonwealth for a period of 12 months.

13. Interference with Navigation

It is unlawful to:

- Anchor a vessel in the traveled portion of a waterbody that would prevent or interfere with any other passing vessel.
- Obstruct a boat ramp, pier, wharf or access to any facility.
- Obstruct or mark the waters of Virginia in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the Commonwealth of Virginia.
- Operate or otherwise position a vessel, other object or any person in a way that would obstruct or impede the normal flow of traffic on the waters of Virginia.

14. Boating Under the Influence

In Virginia, it is unlawful for anyone to operate a boat while intoxicated; i.e., operating a vessel while intoxicated due to alcohol or any combination of alcohol, controlled substance or drugs.

Virginia law provides that intoxication occurs when:

- He or she is 21 years of age or older and has a blood alcohol concentration of 0.08% or more, or
- He or she is under 21 years of age and has any measurable blood alcohol concentration (0.02% or higher), or is under the influence of alcohol and/or drugs to a degree that impairs his or her ability to operate safely.

It is unlawful for the owner of a boat or PWC to allow someone else to operate his or her vessel or PWC while that person is intoxicated.

Virginia law establishes the following penalties:

- Be fined up to \$2,500
- Be imprisoned for up to 12 months
- Lose the privilege of operating a boat for up to 3 years
- Be required to attend a Virginia Alcohol Safety Action Program.

By operating a boat or PWC on Virginia waters, operators have consented to be tested for alcohol or drugs if requested by law enforcement personnel. Any person refusing to submit to testing for the presence of alcohol, drugs or other intoxicating substances may lose his or her privilege to operate a boat for up to 24 months.

15. Mandatory Violator Education

There is currently no mandatory education for violators of safe boating laws and regulations.

16. PWC Regulations

Personal watercraft are those vessels (boats) designed for operation by a person sitting, standing, or kneeling on the craft rather than sitting or standing inside the vessel. PWCs include, but are not limited to, jet skis, wet bikes, wave runners and similar craft. PWCs are considered powered vessels and must abide by the same rules and regulations as any other boat. PWCs must be registered and be operated at a speed safe enough for the operator to avoid a collision or to stop in time to avoid an accident. All operators, passengers, and those being towed by a PWC must wear a PFD at all times while the PWC is underway.

Additionally, PWC operators should be aware of the following:

- In the state of Virginia, reckless operation includes weaving through other vessels that are underway, stopped, moored or anchored while exceeding a reasonable speed, following another vessel or skier, crossing the path of another vessel, or jumping the wake of another vessel more closely than is reasonable and prudent, crossing between the towing vessel and a skier, or steering toward an object or person and turning sharply in close proximity to such a object or person in order to spray or attempt to spray an object or person with the wash or jet spray of the PWC.
- Jumping the immediate wake of another vessel, weaving through congested vessel traffic, and riding close to ramps, docks, or the shore constitutes reckless operation in the water.
- All operators, passengers and those being towed by PWCs must wear a Type I, II, III or V personal flotation device (life jacket). Inflatable life jackets are not approved for use on PWCs.
- Operating a PWC between sunset and sunrise is prohibited.
- It is unlawful for anyone under the age of 16 to operate a PWC in Virginia. However, an operator between the ages of 14 and 16 possessing proof of successful completion of a National Association of State Boating Law Administrators approved Boating Safety Course is allowed to operate a PWC.
- Any one who allows an under-aged operator to use a PWC may be prosecuted in addition to, or in place of, the operator.
- PWCs must be equipped with a lanyard-type cut-off switch attached to the operator's clothing or PFD during vessel operation.

PWC operators within 50 feet of people in the water, docks, piers, boathouses, boat ramps, and vessels other than PWCs must not exceed the slowest possible speed needed to maintain steerage and headway. A PWC may tow a person with a rope less than 50 feet in length.

17. Water Ski Regulations

Vessels used to tow a person on water skis, surfboard, or similar device must comply with the following regulations:

- Skiing is allowed only between one-half hour before sunrise to one-half hour after sunset.
- Each person engaged in water skiing (or anyone towed through or on the water behind a boat) must wear a USCG-approved Type I, II, III or V PFD **if there is no dedicated observer, in addition to the operator, who is in a position to observe the progress of the skier.**
- Penalties may be imposed on the vessel operator and/or the skier if the vessel or ski is manipulated so that it endangers life, limb, or property.

18. Divers-down Flag

Federal navigation rules require vessels restricted in the ability to maneuver to display appropriate day shapes or lights. To meet this requirement, recreational vessels engaged in diving activities may exhibit a rigid replica of the international code flag "A" or a "Divers-Down" flag not less than one meter in height, or at night, display navigation lights 360

degrees red on top, white in middle and red on the bottom. Scuba divers, skin divers and snorkelers must mark their diving area by means of a diver's down flag. Vessel operators must keep a distance of at least 25 yards between the flag and their boats when on waters of Virginia.

19. Liveries (Rental Agencies)

Virginia does not license livery operators, but there are a few laws that affect livery operations:

- It is unlawful for any person, without first successfully completing a basic boating safety education course approved by the Director of the Department of Game and Inland Fisheries, to rent a PWC to another person.
- Any person in the business of renting PWCs to the public must give anyone who rents a PWC instruction on: (1) the laws of the Commonwealth of Virginia governing motorboat operation, (2) specific operating requirements of the PWC being rented, (3) motorboat safety equipment requirements, (4) reporting requirements in the case of an accident, and (5) such other information as the Director of the Department of Game and Inland Fisheries may require.

20. Other State-Specific Regulations

Any city with a population in excess of 390,000 may by ordinance regulate personal watercraft.

Any city with a population greater than 425,000 may, by ordinance, regulate in any portion of a waterway located solely within its territorial limits, the minimum distance that PWCs may be operated from the shoreline in excess of the slowest possible speed required to maintain steerage and headway. These ordinances must provide for distances of 100 feet from the shoreline and 200 feet from swimmers in ocean waters. These local ordinances will also provide for local enforcement and penalties. Violations of this provision are Class 4 misdemeanors.

21. Environmental Awareness

While on Virginia waters, boat and PWC operators need to take care to preserve and protect the water environment.

PWCs should not be operated in shallow water (less than 24 inches deep). Bottom sediments or aquatic vegetation can be sucked into the water pump and damage both the PWC and the environment

Wakes can cause erosion when a PWC is being operated near shore or in narrow streams or rivers.

PWCs should not be docked in reeds and grasses. This could damage fragile environments. Oil and gasoline spills are very detrimental to the aquatic environment. Fuel a PWC on land if possible.

PWCs should not disturb or be used to chase wildlife.

Migratory birds are present near water-bodies in Virginia year-round. They are feeding and resting from migration in winter and breeding, nesting and feeding in summer.

- Persistent noise, movement of vessels and wakes can disturb birds.
- Adult birds disturbed from the nest may not return immediately. Chicks and eggs left unattended in nests can overheat or be taken by predators. Many birds nest in vegetation at the shoreline. They are easily scared off of nests by the noise, movement and wakes of boats.

- Migrating birds must stop to rest and feed during migration. Constant interruption by boats uses much needed energy and may reduce a bird's ability to successfully complete its journey.

Sea turtles are large marine turtles that only come ashore to nest. In Virginia, sea turtles are found throughout the Chesapeake Bay, in the ocean and river mouths. Nesting occurs on the beaches of southeastern Virginia. Sea turtles are vulnerable to strikes by boats when they come to the surface to breathe. Turtle shells can be damaged by the propellers of boats. If hit by the hull of a boat, turtles can sustain impact injuries.

Bottlenose dolphins are found in coastal ocean and Chesapeake Bay waters. They may be seen occasionally in river mouths as well. Other types of dolphins and porpoises are seen primarily in ocean waters.

- While vessels rarely hit bottlenose dolphins, strikes can occur, especially in shallow water
- Boats easily disturb dolphins. Mothers and calves are especially vulnerable to separation by boats that chase, circle and/or separate groups. Stay at least 50 ft. away from dolphin groups.
- Constant presence of boats interrupts feeding, mating and nursing activities.

Whales, manatees and seals also occur in Virginia waters. While these animals are not common in Virginia, boat operators should be aware of their presence and avoid disturbing them.

Stop the Spread of Nuisance Species

Aquatic nuisance species such as zebra mussels and hydrilla spread between waterways by hitching a ride on boats and trailers. When moved into new waters, they multiply, displacing native species and damaging the water resource. Before leaving a water body, inspect your boat and trailer and remove any plants and animals you see. Drain your motor, live well, and bilge on land. Never release live bait into a water body or release aquatic animals from one water body into another. Rinse and completely air-dry your boat's hull, propeller, trailer and equipment before transferring it from one water body to another.

Preserve Submersed Aquatic Vegetation (SAV)

Submersed aquatic vegetation (or SAV) is underwater grass often found in shallow (less than 6 ft.) areas. These areas are habitats for fish and shellfish and a food source for several waterfowl species. SAV add oxygen to the water and reduce wave energy, protecting shoreline and bottoms. Scientific studies have shown that SAV beds can be scarred by propellers or by boats that run aground. Recovery from this scarring can take years. When operating your boat in shallow areas, be careful to avoid damaging SAV.

Additional Information

For more information on Virginia boating laws refer to the Virginia Department of Game and Inland Fisheries at: <http://www.dgif.state.va.us/boating/>, Code of Virginia, Title 29.1 – Game, Inland Fisheries and Boating, Chapter 7 – Boating Laws at <http://legis.state.va.us/Laws/CodeofVa.htm> and <http://www.boatsafe.com/Virginia/>.