

**STATE OF WEST VIRGINIA**  
***State-Specific Boating Safety Requirements***

**1. Law Enforcement Authority**

The conservation officers of the Law Enforcement Section of the West Virginia Division of Natural Resources are primarily responsible for the enforcement of the boating regulations and rules in this state. 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**

A person must be at 15 years old to be the sole operator of a personal watercraft (PWC) or motorboat equipped with more than 10 horsepower on the waters of West Virginia. Persons between the ages of 12 and 14 may operate a motorboat or PWC if a person over 18 years of age accompanies them aboard the motorboat or PWC. Persons 12 to 15 years old may operate a motorboat equipped with less than 10 horsepower without having an adult on board.

**3. Boater Safety Education Requirements**

No person born on or after December 31, 1986, may operate a motorboat or PWC on any waters of the State of West Virginia without a certificate of boating safety education. This safety course must be administered by the USCG Auxiliary, the United States Power Squadron, the West Virginia Division of Natural Resources, any person certified to teach the course administered by West Virginia Division of Natural Resources boating safety education section personnel, or any person authorized to teach the course prescribed by the National Association of State Boating Law Administrators (NASBLA) in this or any other state.

The operator must carry the certificate when operating a motorboat or PWC on the waters of this state.

Exemptions:

- A person who is a nonresident of this state and who is visiting the state for 60 days or less in a motorboat or PWC from another state if that person:
  - Is 15 years of age or older; and
  - Has been issued a boating safety education certificate by his or her state of residence in accordance with the criteria recommended by NASBLA.
- A person who is visiting the state for ninety days or less operating a motorboat or PWC from a country other than the United States.
- A person who is operating a motorboat or PWC in connection with commercial purposes.

**4. Vessel Registration**

All vessels operated on the waters of West Virginia must be registered and/or numbered through the Division of Motor Vehicles (DMV). If a vessel is equipped with a motor of 3 or more horsepower you must pay a registration fee. Vessels propelled by a motor of less than three horsepower will not be charged for registration.

Exemptions:

- Vessels used exclusively on private lakes or ponds.
- Vessels owned by the Federal Government.
- Vessels used exclusively as lifeboats.
- Non-motor powered vessels.
- Vessels with a current number from another state or country temporarily using West Virginia waters. (Less than 90 consecutive days.)
- Vessels newly purchased in West Virginia (less than 30 days).

All registrations must be renewed each year as of July 1st. You will need to know the Hull I.D. number to title and register the boat. If you have a homemade boat, contact the West Virginia Department of Motor Vehicles for a HIN.

Upon registration, you will be issued a certificate of number and a validation decal. The certificate must be on board whenever the boat is used. The boat's number must be properly displayed on both port and starboard sides. The validation decal must be displayed within six inches of the number on the port side either before or after the numbers.

## **5. Maximum Loading and Horsepower Overloading**

It is not permitted to load any vessel with passengers or cargo beyond its safe cargo carrying capacity. The maximum number of persons and the maximum weight that may be safely carried on the vessel is indicated on that vessel's capacity plate. If a vessel does not have a USCG Maximum Capacities plate provided by the manufacturer, the owner must demonstrate that his or her vessel conforms to the USCG safe loading requirements.

## **Overpowering**

No vessel may be operated beyond its safe powering capacity. The capacity plate indicates the maximum horsepower capacity for a vessel. If a vessel does not have a USCG Maximum Capacities plate provided by the manufacturer, the owner must demonstrate that his or her vessel conforms to the USCG safe powering requirements.

## **6. Equipment and Lighting Requirements**

### **PFDs**

Except for PWC, vessels less than 16 feet in length must carry a Type I, Type II, or Type III personal flotation device (PFD) for each person on board or being towed. Motorboats and other vessels 16 feet to less than 65 feet in length must carry a Type I, Type II, or Type III PFD for each person on board or being towed and at least one Type IV PFD. Canoes and kayaks 16 feet in length and over are exempted from having to carry the additional Type IV PFD. Any person operating, riding as a passenger, or being towed behind a PWC must wear a Type I, II, or III PFD. All PFDs prescribed by the West Virginia Boating Regulations must be USCG-approved and must be maintained in a good and serviceable condition. Type I, II, and III PFDs must be kept readily available for use at all times; Type IV PFDs must be kept immediately available for use at all times. Racing shells and rowing sculls are exempt from carrying PFDs.

Motorboats that carry passengers for hire must be provisioned with a Type I PFD for each person carried. They must also be provisioned with an additional number of Type I PFDs suitable for children equal to at least ten percent (10%) of the maximum number of persons carried, unless the service is such that children are never carried. All PFDs must be USCG-approved, must be maintained in a good and serviceable condition, and must be readily available for use at all times.

### **Fire Extinguisher Requirements**

Motorboats with no fixed system:

Motorboats less than 26 feet in length must carry at least 1 Type B-I or Type B-II fire extinguishers unless it meets the following exemptions:

- The construction of the motorboat is such that flammable or explosive vapors cannot be trapped within;
- The motorboat has no enclosed engine compartments; and
- The motorboat has no permanently installed fuel tanks.

Motorboats 26 feet to less than 40 feet in length must carry either 2 Type B-I fire extinguishers or 1 Type B-II fire extinguisher.

Motorboats 40 feet in length to less than 65 feet in length must carry either 3 Type B-I fire

extinguishers or 1 Type B-I and 1 Type B-II fire extinguishers.

Motorboats with a fixed system:

- Motorboats 26 feet to less than 40 feet must carry at least 1 Type B-I fire extinguisher.
- Motorboats 40 feet in length to less than 65 feet in length must carry either 2 Type B-I fire extinguishers or 1 Type B-II fire extinguisher.

All fire extinguishers must be USCG-approved, fully charged, maintained in a good and serviceable condition, and must be readily available for use at all times.

### **Flame Arrestors**

The carburetors of motorboats less than 65 feet in length which have a gasoline engine, except outboard motors, must be fitted with a USCG-approved device for arresting backfire flames.

### **Sound Producing Devices**

Vessels Less than 26 feet in length

- Except for PWC, all vessels less than 26 feet in length must carry a mouth whistle or a power-operated horn or whistle capable of producing a blast at least 2 seconds in duration which is audible for a distance of at least one-half mile.

Vessels 26 feet to less than 65 feet in length

- All vessels 26 feet to less than 65 feet in length must carry a hand-operated or power-operated horn capable of producing a blast of at least 2 seconds in duration that is audible for a distance of at least 1 mile.
- Additionally all vessels 26 feet to less than 65 feet in length must carry a bell which, when struck, produces a clear tone.

### **Ventilation Systems**

All motorboats, except open boats, which use gasoline or any other fuel with a flash point of one hundred ten degrees (110°) Fahrenheit or less must have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment.

At least 1 exhaust duct must be installed that extends from the lower portion of the bilge to the open atmosphere, and at least 1 intake duct must be installed that extends from the open atmosphere to a point that is either at least midway to the bilge or at least below the level of the carburetor air intake.

Cowls must be located and trimmed for maximum effectiveness in preventing displaced fumes from being recirculated.

The requirements listed above do not apply to a fuel tank compartment which:

- Contains only permanently installed fuel tanks;
- Vents to the open atmosphere; and
- Contains only electrical components that are ignition-protection in accordance with USCG requirements.

All vessels built after July 1, 1980, except open boats, which have a gasoline engine that is used for electrical generation, mechanical power, or propulsion must have a ventilation system that meets these requirements.

### **Navigational Lights**

The required lights must be displayed between the hours from sunset to sunrise when the vessel is under way and during times of low visibility. Every white light must be visible at a distance of at least 2 miles, and every colored light must be visible at a distance of at least 1 mile.

Motorboats Less than 16 feet in length:

Except for PWC, motorboats less than 16 feet in length must be equipped with the lights required for motorboats 16 feet to less than 26 feet in length, and must carry a lantern or electric torch showing a white light which must be exhibited in sufficient time to avert collision.

Motorboats 16 feet to less than 26 feet in length must be equipped with the following lights:

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

Motorboats 26 feet to less than 65 feet in length must be equipped with the following lights:

- A bright white light in the fore part of the vessel as near the stem as practicable;
- A bright white light aft to show all around the horizon and higher than the white light forward; and
- A green light on the starboard side, and a red light on the port side.

Vessels propelled by sail and machinery:

- These vessels must exhibit the lights required for a motorboat of the same length class propelled by machinery alone.

Vessels propelled by sail alone:

- These vessels must carry, ready at hand, a lantern or electric torch showing a white light that must be exhibited in sufficient time to avoid a collision. When propelled by sail alone, a vessel must exhibit the white light aft to show all around the horizon and either 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.

Vessels propelled manually:

- These types of vessels must carry, ready at hand, a lantern or electric torch showing a white light which must be exhibited in sufficient time to avoid a collision. Racing shells and rowing sculls are exempt from the requirement to carry a lantern or electric torch.

## **7. Marine Sanitation Devices**

The Clean Water Act requires that if a toilet is installed onboard a vessel, it must be equipped with an operable Type I, II or III Marine Sanitation Device (MSD) that is certified by the USCG. Installed toilets that are not equipped with an MSD and discharge raw sewage directly overboard are illegal. Vessels equipped with a Type III MSD must utilize a pump-out station to discharge the holding tank. It is illegal to discharge untreated sewage in the navigable waters of this state or within 3 miles of the coastline.

## **8. Muffling Devices**

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system.

## **9. Boating Accidents**

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 operator involved in an accident must provide his or her name, address, and vessel registration to any person who was injured during the incident and to the owner of any property damaged by the incident. Boating accidents must be reported to the Division of Natural Resources, Motorboat Safety Section. as follows:

- A West Virginia Boating Accident Report (Form MB-3) in a case involving a loss of life must be submitted to the Division within 48 hours of the incident.
- Any boating accident involving death, injury requiring medical treatment beyond first aid, or property damage greater than \$500 should be reported immediately with complete details given. An accident report in a case involving a reportable injury or property damage must be submitted to the Division within 5 days of the incident.

When the death of any person ensues within one year as a result of injury received by operating any motorboat, jet ski or other motorized vessel anywhere in this state in reckless disregard of the safety of others, the person so operating the motorboat, jet ski or other motorized vessel is guilty of negligent homicide.

Any person convicted of negligent homicide shall be punished by imprisonment in the county or regional jail for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both fine and imprisonment.

The Division Director must suspend the privilege of operating a motorboat or other motorized vessel in West Virginia for a period of five years from the date of conviction.

### **10. Vessel Speed Restrictions**

All vessels must be operated at a speed no greater than is reasonable or proper according to the conditions prevailing at the time of operation and at controlled speeds necessary to avoid swamping or collision with any watercraft or person.

No person may operate a motorboat at a speed greater than idle speed on established and marked no-wake zones on government-owned reservoirs or other waters of this state. Idle speed is defined as the minimum speed that is necessary to maintain steerage.

### **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.

### **13. Interference with Navigation**

It is unlawful to:

- Anchor a vessel in the traveled portion of a river or channel that will 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 West Virginia in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of West Virginia.

#### **14. Boating Under the Influence**

It is unlawful to operate any motorboat or vessel while under the influence of alcohol or a controlled substance or drug. A person is considered to be under the influence of alcohol when his or her blood alcohol concentration is 0.08 % or more, by weight.

Boating under the influence is a criminal offense punishable by fines up to \$1,000 and/or imprisonment of up to one year. Causing a death while boating under the influence is a felony punishable by a \$1,000 to \$3,000 fine and one-year imprisonment.

#### **15. Mandatory Violator Education**

West Virginia has no regulations that require mandatory education for boating law violators at this time.

#### **16. PWC Regulations**

To be the sole operator of a PWC in West Virginia, you must be at least 15 years of age. Persons 12 to 14 years of age may operate a PWC only if accompanied by an adult over the age of 18. Under no circumstances can persons less than 12 years of age operate a PWC. The following regulations apply to PWC usage in the state of West Virginia:

- Each person on a PWC must wear a USCG-approved PFD.
- PWC operators must wear a lanyard type cut off switch provided by the manufacturer that will automatically turn off the PWC should the operator fall off.
- The operator of a PWC should operate in a reasonable and prudent manner. This includes being aware of other boats in the operating area, awareness of environmental concerns and respecting the rights of shoreline property owners. The PWC operator should not follow other boats closely and should not jump the wake of other boats.
- It is not permitted to operate a PWC at any time between the hours of one-half hour after sunset to one-half hour before sunrise.

#### **17. Water Ski Regulations**

The following regulations apply to vessels being operated for the purpose of towing a person on water skis, aquaplane or other similar device in the state of West Virginia:

It is not permitted to operate a vessel towing a person on water skis at any time between the hours from one hour after sunset to one hour before sunrise.

No person may manipulate any water skis in a reckless or negligent manner or under the influence of the alcohol so as to endanger the life, limb, or property of another person.

It is against the law to operate a vessel towing a person on water skis unless either a person at least 12 years of age or older other than the operator is on board the vessel in a position to observe the progress of the person being towed; or the vessel is equipped with a wide-angle rear view mirror mounted in a manner that permits the operator to observe the progress of the person being towed.

A person towed by a vessel must wear a USCG-approved Type I, Type II, or Type III PFD.

The prohibition on engaging in these activities between the hours of from 1 hour after sunset to 1 hour before sunrise and the requirement to have an observer or wide-angle rear view mirror do not apply to a performer in a professional exhibition or to a person engaged in an activity authorized by permit under the provisions of the West Virginia Code.

#### **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. All divers must display a free flying Divers-Down flag that is a minimum of 12 by 12 inches in size, in the area in which the diving occurs. Divers must stay within 100 feet of the displayed Divers-Down flag on rivers. Boaters must also stay at least 100 feet away from a displayed Divers-Down flag.

### **19. Liveries (Rental Agencies)**

Liveries should provide renters with information on rules, laws, basic navigation, and boating safety. Motorboats for hire must have at least one PFD for every passenger on onboard. Motorboats carrying more than 6 passengers must be inspected and certified by the USCG.

### **20. Other State-Specific Regulations**

The Division Director and local governments are authorized to make additional rules and regulations and adopt ordinances as needed with respect to motorboating in the State of West Virginia.

### **21. Environmental Awareness Aquatic Nuisance Species (ANS)**

Aquatic nuisance species are non-native species that have been introduced into local waterways. When transplanted into new waters, these organisms proliferate, displacing native species and damaging the water resource. An example of an aquatic nuisance species is the zebra mussel. Zebra mussels are well established in the Great Lakes and throughout the Mississippi and Hudson River drainage areas. They also are established in the lower region of the Kanawha River in West Virginia. Zebra mussels can build up populations of 100,000 per square mile, wreak havoc on native fish populations, and cause damage to the boat's motor as well as marinas and docks. There is also a large threat of damage to drinking water supplies and power plants as a zebra mussel colony can grow as thick as 18 inches in diameter, blocking intake tubes necessary for the operation of these plants.

Boaters can help slow the spread of zebra mussels by following these recommendations:

Remove any visible vegetation from items that were in the water;

Flush the engine cooling system, live wells, and bilge with hot water, rinse any other areas on the boat or associated equipment that get wet including trailer frames and other gear;

Air dry other equipment for at least five days before using in uninfested waters;

Do not immediately reuse the boat if it has been exposed to infested waters; and

Examine the boats exterior for mussels if it has been docked in infested waters.

### **Hypothermia**

Hypothermia is the lowering of the body's core temperature as a result of exposure to a cold environment. Cold water robs the body of heat 25-30 times faster than air. If someone falls overboard, his or her core temperature begins to drop within 10-15 minutes depending on a person's physical health, the temperature of the water and what the person is wearing. Most boaters do not realize that the water doesn't have to be extremely cold to cause hypothermia. Any water that is colder than a person's normal body temperature of 98.6 degrees F has the potential to cause hypothermia.

With the onset of hypothermia, a person will start to shiver in an attempt to re-warm itself. As a person's core temperature decreases, manual dexterity and coordination is lost. As a result, a person may suffer mental impairment and can potentially die from cardiac arrest if the body's core temperature remains low. In many cases, the person may lose consciousness and drown before the body's core temperature drops low enough to cause death.

**Survival Tips to Help Prevent Hypothermia**

When immersed in cold water, don't take off your clothes. Instead, button, buckle, zip and tighten collars, cuffs, shoes and hoods. If possible, cover your head

Devote all your efforts to getting out of the water. Act quickly before you lose full use of your hands. Board a boat, raft, or anything floating. Turn a capsized boat over and climb in.

Don't try to swim, unless it is to reach a nearby boat, another person or a floating object you can climb or lean on.

If you're with other people, huddle together to keep you warm. Otherwise, hold your knees to your chest to protect your trunk from heat loss, and clasp your arms around your calves.

**Additional Information**

For more information on West Virginia boating law refer to the West Virginia Division of Natural Resources at <http://www.wvdnr.gov/enforce/boating.shtm>.