

Obsolete, Sept. 14, 1965

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2/3/65

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Department of Natural Resources

Chapter 20-1

GENERAL OUTLINE

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Section 1. General.

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- Section 1. General.

SERIES VII. Reclamation Rules and Regulations - Duties of the Operator.

- Section 1. Surface Mining of Coal.
- Section 2. Surface Mining Other Than Coal.

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FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Department of Natural Resources

Chapter 20-1

THIS DATE *September 4, 1965*

GENERAL OUTLINE

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Section 1. General

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(d) Since the letters "I", "O", and "Q" may be mistaken for arabic numerals, all letter sequences using "I", "O", and "Q" shall be omitted. Objectionable words formed by the use of letters will not be used.

8.02. Display of number on vessel.

(a) The number awarded, exactly as shown on the certificate of number, shall be painted on, or attached to, each side of the bow of the vessel for which it was issued.

(b) The number shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than three inches in height. The numbers shall be of a color which will contrast with the background, and so maintained as to be clearly visible and legible; i. e., dark numbers on a light background or light numbers on a dark background.

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

8.03. The Department will furnish to all applicants two decals bearing the numbers of the current year, which will establish valid registration. The decals are to be displayed on each side of the bow of the boat immediately following (within six inches) the assigned West Virginia number.

Section 9. Classification of Vessels.

9.01. Motorboats and/or vessels subject to the provisions of these

regulations shall be divided into four classes, as follows:

- Class A. Less than sixteen feet in length, regardless of horsepower of motor or machinery.
- Class 1. Sixteen feet or over and less than twenty-six feet in length, regardless of horsepower of motor or machinery.
- Class 2. Twenty-six feet or over and less than forty feet in length, regardless of horsepower of motor or machinery.
- Class 3. Forty feet or over but not over sixty-five feet, regardless of horsepower of motor or machinery.

Section 10. Required Equipment.

10.01. Lights--Every vessel 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.

(a) Every motorboat and/or vessel propelled by machinery of classes A and 1 shall carry the following lights:

First. A bright 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 of their respective sides.

(b) Every motorboat and/or vessel propelled by machinery 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 lights ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

Second. A bright light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green 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 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 inborad screens of sufficient height so set as to prevent these lights from being seen across the bow.

(c) Motorboats and/or vessels of classes A and 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.

(d) 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 "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(e) When propelled by sail and machinery every vessel shall carry the lights required by this section for a motorboat propelled by machinery only.

(f) 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, (33USA 143-147d) as amended, in lieu of the lights required by this section.

(g) Manually propelled vessels shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

10.02. Other Safety Equipment.

(a) Personal Flotation Devices.

1. Class A.--Type I, II, III and IV, in good and serviceable condition for each person on board and readily available at all times.

(b) Class 1, Class 2, and Class 3.--One type I, II, or III (wearable) personal flotation device for each person on board and one Type IV (throwable) personal flotation device in each boat, in good and serviceable condition and readily available at all times.

(c) Motorboats of Class A (less than 16 feet in length).

1. Life saving devices--Types I, II, III and IV. Fire extinguisher. See table.

2. Ventilation Systems--All motorboats with a deck or partial deck or with an enclosed engine compartments must be provided with a ventilating system as set forth in Coast Guard regulations. Technical details may be found in CG-395. Open construction boats are exempt from ventilation requirements.

3. Flame Arrestor-Carburetors on all engines on motorboats, other than outboard engines, shall be fitted with an approved device for arresting backfire.

(d) Motorboats of Class 1 (16 feet to less than 26 feet in length)

--The same equipment as required by a Class A motorboat is required on this class boat, however, Personal Flotation Device, Class I, II, and III, (wearable) personal flotation device for each person and board and one Type IV (throwable) personal flotation device in each boat. The only addition is a hand-mouth, or power operated whistle or horn capable of producing a blast of at least two seconds duration and audible for a distance of at least one-half mile.

(e) Motorboats of Class 2 (26 feet to less than 40 feet in length)--

1. Life Saving Devices. Same as Class 1.

2. Bell. One which, when struck, produces a clear, bell-like tone of full round characteristics.

3. Horn or Whistle. One hand or power operated whistle or horn capable of producing a blast of at least two seconds duration and audible for a distance of one mile.

4. Fire Extinguisher. See Table.

5. Ventilation. Same as for a Class A motorboat.

6. Flame Arrestor. Same as for a Class A motorboat.

(g) Fire Extinguishers.

FIRE EXTINGUISHER CLASSIFICATION

Each fire extinguisher is classified, by letter and number, according to the type of fire it may be expected to extinguish, and the size of the extinguisher. The letter indicates the type of fire:

("A" for fires in ordinary combustible materials; "B" for gasoline, oil, and grease fires; "C" for fires in electrical equipment.) Extinguishers approved for motorboats are hand-portable, or either B-1 or B-11 classification.

FIRE EXTINGUISHERS

CLASSIFICATION (Type-size)	FOAM (Minimum gallons)	CARBON DIOXIDE (Minimum pounds)	DRY CHEMICAL (Minimum pounds)	FREON (Minimum pounds)
B-1	1 $\frac{1}{4}$	4	2	2 $\frac{1}{2}$
B-11	2 $\frac{1}{2}$	15	10	--

NOTE: Carbon tetrachloride extinguishers and others of the toxic vaporizing-liquid type such as chlorobromomethane are not approved and are not accepted as required fire extinguishers.

(h) Motorboats Which Carry Passengers For Hire--Motorboats which carry passengers for hire shall be provided with an approved life preserver (paragraph 10.02 (j), Section 10), (buoyant vests, ring buoys, or buoyant cushions will not suffice) for each person carried, and with additional number of approved life preservers suitable for children, equal to at least 10 per cent of the total number of persons carried. Motorboats

while carrying passengers for hire shall be operated and navigated by a person duly licensed by the Coast Guard. Motorboats carrying more than 6 passengers are required to be inspected and certified by the Coast Guard.

NOTE: The "Rules of the Road" place upon the owners, masters, or operators of all motorboats, responsibility for giving and answering passing signals on whistle, fog horn, or bell as prescribed, although the Federal Motorboat Act of April 25, 1940, does not require such signaling equipment aboard certain classes of motorboats. In case of accident or casualty, the courts would undoubtedly give great consideration to any lack of such equipment in fixing responsibility.

(i) Coast Guard Approved Equipment.

1. Definition. "Coast Guard Approved Equipment" is equipment which has been approved by the Commandant, U. S. Coast Guard, after it has been determined to be in compliance with the various Coast Guard specifications and regulations relating to the construction and performance of such equipment. Names or manufacturers of approved equipment and approval numbers assigned to them for various types of equipment are contained in Coast Guard Booklet CG-190, Equipment Lists, which is published approximately once each year. This publication may be obtained upon application to any Coast Guard District Office or any Officer in Charge, Marine Inspection.

(j) Lifesaving Devices.

1. Life Preservers--Performance Type I Personal Floation Device.
a. Construction. Approved life preservers are of jacket

designed, constructed with pads of kapok, fibrous glass, cork or balsa wood, in a cloth covering which is fitted with the necessary straps and ties. Adult and child sizes are available and are so marked. Since 1949, all approved life preservers have been required to be Indian Orange in color.

b. Markings. Approved life preservers must bear two markings, the manufacturer's stamp indicating the approved number, and the inspector's stamp indicating that the preserver has been inspected and passed. Current stamps follow:

Adult (or Child)
Model No. _____
Manufacturer's Name and Address
U.S.C.G. Approved No. _____

INSPECTED AND PASSED
Date
Place
U.S.C.G. Inspector's Initials

2. Buoyant Cushions--Performance Type IV Personal Floation Device.

a. Construction. Currently approved buoyant cushions may have as buoyant material, kapok, fibrous glass, or plastic foam covered with various fabric or plastic covering materials and fitted with grab straps. They come in a variety of sizes and shapes and may be of any color.

b. Markings. Approved buoyant cushions currently being manufactured are all marked with a cloth tag attached to the boxing or border of the cushion on which is printed the following information:

BUOYANT CUSHION

Size (width, length, thickness)

Contains _____ oz. (kapok or fibrous glass)

or _____ cu. in Foam.

Approved for use on motorboats of Class A, not carrying passengers for hire.

U.S. Coast Guard Approval No. _____

Lot No. _____

Instruction for Care of Cushion

Name and Address of Manufacturer

3. Ring Buoys--Performance Type IV Personal Floation Device.

- a. Construction. Approved ring buoys are available in 30", 24", and 20" sizes, and may be constructed of cork or balsa wood, with a canvas cover, or plastic foam with special surface. All buoys are fitted with a grab line and they may be either white or orange in color.
- b. Markings. Cork and balsa wood ring buoys must bear two markings, the manufacturer's stamp and the inspector's stamp, which are similar to those described above for life preservers. Since ring buoys must be painted from time to time, Coast Guard boarding officers and conservation officers have been instructed to accept cork and balsa wood ring buoys in good condition even though the approval marks are not visible. Plastic foam buoys bear only one marking, a metal nameplate attached to the buoy on which appears the following:

Name and Address of Manufacturer

Size of Buoy (30", 24" or 20")

U.S. Coast Guard Approval No. _____

Date _____

U.S.C.G. Inspector's Initials

4. Buoyant Vests--Performance Type II Personal Floation Device.

- a. Construction. Approved buoyant vests are of vest design, constructed of pads of either kapok or fibrous glass, with a cloth covering, and straps and ties attached. They are made in three sizes, two child sizes and one adult size, and may be any color.
- b. Markings. Approved buoyant vests are all marked with a cloth tag attached to the cover on which is printed the following information:

BUOYANT VEST

Model No. _____

Adult (or Child) _____

Approved for use on motorboats of Class A, 1, 2,
or 3 not carrying passengers for hire.

U. S. Coast Guard Approval No. _____

Lot No. _____

Instructions for Care of Vest

Name and Address of Manufacturer

Weight ranges for child sizes.

5. Special Purpose Water Safety Buoyant Device--

- a. A device intended to be worn may be equivalent to Type II or Type III. A device that is equivalent to Type III is marked "Type III Device--may not turn unconscious wearer."

Fire Extinguishers. Approved types of fire extinguishers are identified by make and model number. Check the marking on the extinguisher nameplate against the model number listed under the company's name in the Equipment Lists Booklet, CG-190.

Caution. When purchasing approved equipment insist on a sales slip describing the article as Coast Guard approved.

10.03. No person shall operate or give permission for the operation of a vessel which is not equipped as required by these regulations.

Section 11. Boat Liveries.

11.01. 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 vessel; the identification number thereof, and the departure date and time, and the expected time of return.

11.02. Neither the owner of a boat livery, nor his agent or employee shall permit a 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 these regulations.

11.03. Numbering Livery Boats.

- (a) The numbering requirements of these regulations shall apply to livery boats.
- (b) The certificate of number of a livery boat shall be plainly marked "livery boat".
- (c) The description of the motor and type of fuel will be omitted from the certificate of number in any case where the motor is not rented with the boat.

Section 12. Prohibited Operation.

12.01. 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.

12.02. No persons 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, barbituate or marijuana.

12.03 It shall be unlawful for the owner of any motorboat or vessel, or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such watercraft under the prevailing circumstances.

12.04. No person shall operate, or knowingly permit any person to operate, any motorboat or vessel at a rate of speed greater than will permit such person, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead; provided, however, that nothing in these regulations is intended to prevent the operator of a vessel actually competing in a regatta which is sanctioned, under the provisions of Chapter 20 of the Official Code of West Virginia, as amended, from attempting to attain high speeds on a marked racing course.

12.05. No person shall make reckless approach to, or passage by, a dock, ramp, diving board, or float.

12.06. Skiers being pulled by motorboats must have on their person a life preserver, buoyant vest, or ring buoy.

Section 13. Right of Way.

13.01. When two vessels are approaching each other "head on", or nearly so (so as to involve risk of collision), each vessel shall bear to the right and pass the other vessel on its left side.

13.02. When vessels approach each other obliquely or at right angles, the vessel approaching on the right side has the right-of-way.

13.03. One vessel may overtake another on either side but shall grant right-of-way to the overtaken vessel.

13.04. When a sailboat and motorboat are operating as to involve a

risk of collision with each other, the motorboats shall yield the right-of-way to the sailboat in all cases.

13.05. All motorboats shall be operated in conformance with the Rules of the Road, Western rivers.

Section 14. Restricted Areas.

14.01. No person shall so anchor a vessel or other obstacles for fishing or pleasure purposes, on any body of water over which the state has jurisdiction, in such a position as to obstruct a passageway ordinarily used by other vessels.

14.02. No person shall operate a pleasure vessel within twenty (20) feet of the exterior boundary of a water area which is clearly marked by buoys, or some other distinguishing device, as a bathing or swimming area.

14.03. Swimming areas shall be marked with yellow and red-colored buoys by the owners of such areas.

14.04. No person shall operate or knowingly permit any person to operate a vessel within twenty (20) feet of a person engaged in fishing, without permission, or unless unavoidable.

14.05. No person shall anchor or tie to any type of navigation aid or buoy.

Section 15. Overloading and Overpowering.

15.01 No vessel shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions.

15.02. No vessel shall be equipped with any motor or other pro-

pulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.

Section 16. Collisions, Accidents and Casualties.

16.01. 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 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.

16.02. In the case of a collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars, shall file with the Department a full description of the collision, accident, or other casualty by completion in triplicate, of W. Va. Boating Accident Report - Department of Natural Resources, Form - MB-3 (2-68). Reports in death cases must be submitted within 48 hours; reports in other cases are required within 5 days. All reports shall be submitted in person, or by mail to the Department of Natural Resources, Charleston, W. Va. - Attention Motorboat Safety Section.

(a) The Department of Natural Resources Form MB-3 (2-68) shall be used for the report as required by this section.

(b) A Report is required whenever a vessel subject to these regulations is involved in a "boat accident" which results in any one or more of the following:

1. Loss of life.
2. Injury causing any person to remain incapacitated for a period in excess of 72 hours
3. Actual physical damage to property (including vessels) in excess of one hundred dollars.

Section 17. Transmittal of Information.

17.01. 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 Department of Natural Resources of the state of West Virginia pursuant to these regulations shall be transmitted to said official or agency of the United States.

Section 18. Water Skis and Surfboards.

18.01. 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.

18.02. No person shall operate a motorboat on any waters of this state for towing a person or persons on water skis, surfboard, or similar device unless there is in such motorboat a person, in addition to the

operator, in a position to observe the progress of the person or persons being towed or such motorboat is equipped with a wide-angle rear view mirror mounted in such a manner as to permit the operator of the motor-boat to observe the progress of the person or persons being towed.

18.03. The provisions of subsections 18.01 and 18.02 of this section do not apply to a performer in a professional exhibition, or a person or persons engaged in an activity authorized under the provisions of Chapter 20 of the Official Code of West Virginia, as amended.

18.04. 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 the water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person.

18.05. All right-of-way rules applying to the towing vessel shall apply.

Section 19. Incapacity of Operator.

19.01. 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.

Section 20. Penalties.

20.01. Any person violating any of the provisions of this chapter or rules and regulations promulgated under the provisions of this chapter, the punishment for which is not prescribed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall for each offense be fined not less than twenty nor more than three hundred dollars, or confined

in jail not less than ten or more than one hundred days, or be both fined and imprisoned within the limitations aforesaid; and, in the case of a violation by a corporation, every officer or agent thereof directing or engaging in such violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the same penalties and punishment as herein provided.

Section 21. Special Regulations.

21.01. Boating in government-owned reservoirs is covered by special regulations. (see Series VI, page 1). Copies may be obtained by writing Boating Section, Department of Natural Resources, Charleston, West Virginia.

NOTE: Ohio River Boaters. When entering Ohio territorial waters you will be governed by Ohio Boat Law & Regulations, i.e. Ohio requires all boats to be licensed.