



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE MAY 26 1976

IRA S. LATIMER, Jr.  
Director

May 25, 1976

Honorable James R. McCartney  
Secretary of State  
State Capitol Building  
Charleston, West Virginia 25305

Dear Secretary McCartney:

Enclosed are the revised West Virginia Administrative Regulations relative to Motorboat Regulations, designated as Series V of Chapter Twenty.

I hereby certify that the enclosed regulations are true and accurate copies of official regulations adopted by the Department of Natural Resources.

Sincerely,

Ira S. Latimer, Jr.  
Director

ISL/elb

cc: Charles W. Lewis  
Colonel R. V. Eye

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Department of Natural Resources

Chapter 20 - I  
Series V  
1976

Subject: Boating Regulations

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Section 1. Authority

1.01. By virtue of the authority granted the director of the Department of Natural Resources by Article 7, Chapter 20 of the Official Code of West Virginia, one thousand nine hundred thirty-one, as amended, the following regulations are hereby promulgated and these regulations shall become effective July 1, 1976.

All previous boating regulations issued by the Department of Natural Resources of the State of West Virginia are hereby rescinded.

Section 2. Definitions

2.01. "Vessel"--Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

2.02. "Motorboat"--Any vessel propelled by an electrical, steam, gas, diesel or other fuel propelled or drive motor, whether or not such motor 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.

2.03. "Owner"--A person, other than a lien holder, 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, reserved 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.

2.04. "Waters of this State"--Any public waters within the territorial limits of this state to include that portion of the Ohio River which flows along the boundary of this state.

2.05. "Person"--An individual, partnership, firm, corporation, association, or other entity.

2.06. "Operate"--To navigate or otherwise use a motorboat or vessel.

2.07. "Department"--Means the Department of Natural Resources.

2.08. "Director"--The director of the Department of Natural Resources.

### Section 3. Persons Subject to these Regulations.

3.01. All persons operating a vessel or vessels on the waters of this state and all persons classified as owners within the meaning of subsection 2.03, Section 2 of these regulations.

### Section 4. Motorboats Requiring Numbering by the State of West Virginia.

4.01. All motorboats, as defined in subsection 2.02, Section 2 of these regulations, and operating on the waters of this state must be numbered in accordance with the provisions of Chapter 20 of the Code of West Virginia, as amended, and the applicable sections of these regulations.

### Section 5. Exceptions from Numbering Provisions.

5.01. Public vessels of the United States, state and municipal vessels and ships' lifeboats shall be exempt from the numbering provisions of these regulations.

5.02. Motorboats covered by a number in full force and effect awarded pursuant to a federally approved numbering system of another state, provided that such motorboats shall not have been within this state for a period in excess of 60 consecutive days, shall be exempt from the numbering provisions of these regulations.

5.03. A motorboat from a country other than the United States, temporarily using the waters of this state, shall be exempt from the numbering provisions of these regulations.

5.04. Motorboats used exclusively for racing while participating in races, and the preparation therefor, which have been authorized pursuant to the provisions of Chapter 20 of the Official Code of West Virginia, as amended, shall be exempt from the numbering provisions of these regulations.

Section 6. Application for Number.

6.01. The owner of each motorboat requiring numbering by this state shall file an application for a number with the director. Applications may be secured from the various county clerks, designated hunting and fishing license agents, and designated marine supply stores, or by writing to the Department of Natural Resources, State Office Building No. 3, Washington Street, East, Charleston, West Virginia 25305, Attention Motorboat License Section. The application shall be signed by the owner of the motorboat, and shall be accompanied by a fee of \$5.00. There shall be no fee for motorboats propelled by motors of less than three horsepower. Upon receipt of the application in approved form, the applicant shall be issued a West Virginia certificate of number stating the number awarded to the motorboat.

6.02. 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. The application for number by a new owner of a vessel shall, for purposes of fee, be regarded as an original application for number. The new number shall be identical with the previous one, except where a lienholder acquires title and lawful possession by virtue of his lien, in which case a new number shall be issued.

Section 7. Certificate of Number.

7.01. The certificates of number shall be pocket-size and water resistant.

7.02. 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.

7.03. Such certificate of number shall be valid only until the last day of December of each year. If, at the end of such year, ownership has remained unchanged, such owner shall, upon application and payment of fee of \$5.00, be granted a renewal of such certificate of number for an additional one year period. In order to deal equitably with overlapping periods, the director may issue a six months' license from the period July, one thousand nine hundred seventy-six through December, one thousand nine hundred seventy-six. The fee shall be one half of the annual fee.

7.04. The owner shall furnish the Department 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, or of the destruction or abandonment of such motorboat, within 15 days thereof.

7.05. Any holder of a certificate of number shall notify the Department within 15 days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Department with his new address.

7.06. The certificate of number shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.

#### Section 8. Vessel Identification.

8.01. The number issued pursuant to these regulations shall be in accordance with the pattern described in this subsection.

(a) The number shall be divided in three parts. The first part shall consist of the symbols WV, identifying the state of West Virginia, followed by a combination of numerals which furnish individual vessel identification. The group of digits appearing after the letters WV shall be separated by an equivalent space. As example: WV 100 AA.

(b) The first part of the number shall be an abbreviation in capital letters of the state of West Virginia. The abbreviation of the state of West Virginia shall be WV.

(c) The remainder of the boat number shall consist of not more than four arabic numerals and two capital letters, in sequence, separated by an equivalent space, in accordance with the serials numerically and alphabetically. As example;

(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 inboard 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 I 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 combustibile materials; "B" for gasoline, oil, and grease fires; "C" for fires in electrical equipment.) Extinguishers approved for motorboats are hand-portable, or either B-I or B-II classification.

#### FIRE EXTINGUISHERS

CLASSIFICATION (Type-size)	FOAM (Minimum gallons)	CARBON DIOXIDE (Minimum pounds)	DRY CHEMICAL (Minimum pounds)	FREON (Minimum pounds)
B-I	$1\frac{1}{4}$	4	2	$2\frac{1}{2}$
B-II	$2\frac{1}{2}$	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 (7/1/75). 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 (7/1/75) 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 motorboat 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. Skin or Scuba Diving.

19.01. No person shall skin or scuba dive in any waters of the State that is used by powerboats unless the diving area is marked by a minimum of two (2) flags. Diver down flag shall be a red field of not less than 10 inches X 10 inches dimension with a white diagonal stripe not less than 1½ inches wide running upper left to lower right. Flags shall be displayed at all times while diver is in the water. Diving flags must be anchored, affixed to separate flotation devices, be within sight and not more than 100 feet apart. All powerboats will remain a minimum distance of 100 feet away from the marker flags. The top of the flag shall be at least 3 feet above the surface of the water. Divers must come up within 50 feet of the flag.

Divers shall not dive in heavily traveled boat lanes, marked swimming areas or areas set aside for waterskiing. Diving in government-owned reservoirs is covered by special regulations.

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 at the reservoir offices.

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.