

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Department of Commerce, Labor
and Environmental Resources,

AGENCY: Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY W.Va. Code §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 25D

TITLE OF RULE BEING PROPOSED: Special Requirements Concerning Boating

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


O. Edward Hamrick III, Director

2.60

SUMMARY OF COMMENT PERIOD
ON A PROPOSED RULE
CONCERNING BOATING

AGENCY: Department of Commerce, Labor, and Environmental Resources, Division of Natural Resources.

REGULATION: Title 47, Series 25D, "Special Requirements Concerning Boating."

SUMMARY: The written comment period on this proposed rule ended on Monday, March 16, 1992 at 4:30 p.m. No comments were received and no amendments were made.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Special Requirements Concerning Boating, 47CSR25D

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL			FISCAL YEAR	
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expenses					
Repairs & Alterations		NO CHANGE			
Equipment					
Other					

2. Explanation of above estimates: These regulations establish safe boating practices while underway on specified waters of this State. No new administrative expenditures are anticipated.

3. Objectives of this rule: The objective of this rule is to provide for reduction of injury or fatality while boating on specified waters within this State.

4. Explanation of Overall Economic Impact of Proposed Rule.

- A. Economic Impact on State Government. No impact.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact.
- C. Economic Impact on Citizens/ Public at Large. No impact.

Date: 2-14-92

Signature of Agency Head or Authorized Representative

Director, Division of Natural Resources

DATE: September 18, 1992

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Department of Commerce, Labor, and Environmental Resources,
Division of Natural Resources.

LEGISLATIVE RULE TITLE: "Special Requirements Concerning Boating"

1. Authorizing statute(s) citation West Virginia Code §20-1-7(30).

2. a. Date filed in State Register with Notice of Hearing:

2/14/92 (Written Comment Only)

b. What other notice, including advertising, did you give of the hearing?

None

c. Date of hearing(s): Comment period ended 3/16/92.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

September 18, 1992

f. Name and phone number of agency person to contact for additional information:

Major W. B. Daniel 558-2784

WV Division of Natural Resources

Law Enforcement Section

Building 3, Capitol Complex

Charleston, WV 25305-0668

PREAMBLE TO A PROPOSED RULE
CONCERNING BOATING

AGENCY: Department of Commerce, Labor, and Environmental Resources, Division of Natural Resources.

REGULATION: Title 47, Series 25D, "Special Requirements Concerning Boating."

ACTION: Filing of a Proposed Rule and Notice of a thirty-day public comment period.

SUMMARY: The proposed rule being filed today provides for safe boating practices while underway on specified waters of this State. Written comments can be sent to:

Law Enforcement Section
WV Div. of Natural Resources
Capitol Complex
Building 3, Room 840
Charleston, West Virginia 25305

Comments will be accepted until 4:30 p.m. March
16, 1992.

FILED
FEB 14 1992
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TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 25D
SPECIAL REQUIREMENTS CONCERNING BOATING

§47-25D-1. General.

1.1. Scope and Purpose. -- These regulations establish specific requirements that must be complied with when on specified waters of this State.

1.2. Authority. -- West Virginia Code §§20-1-7(30), 20-7-13, and 20-7-22.

1.3. Filing Date. --

1.4. Effective Date. --

§47-25D-2. Definitions.

2.1. All terms shall have the meaning prescribed under Title 47, Series 25, "Boating Regulations" under the Code of State Regulations.

§47-25D-3. Special Requirements.

3.1. A person aboard a vessel, raft, or tube shall wear a U.S. Coast Guard Approved Type I, II, III, or V personal flotation device (PFD) at all times while underway on the Shenandoah River within the boundaries of the State of West Virginia during the period beginning at 12:01 a.m. each November 15 and ending at 12 midnight each succeeding May 15.