Your Vessel’s Certificate of Number and Decals

- Requirements for vessel registration vary from state to state. In West Virginia, you must have a West Virginia Certificate of Number and validation decals to operate your vessel legally on public waters. The only exceptions are:
  - Public vessels of the United States, West Virginia, or its municipalities
  - Vessels registered in other states using West Virginia waters for 60 days or less
  - Vessels registered in another country using West Virginia waters temporarily
  - Non-motorized vessels such as canoes, rowboats, or sailboats that do not have an auxiliary motor
- The Certificate of Number and validation decals are obtained by submitting the completed, signed application and proper fee to:
  Division of Motor Vehicles
  Capitol Complex, Building 3
  1800 Kanawha Boulevard East
  Charleston, West Virginia 25317
- The Certificate of Number must be on board and available for inspection by an enforcement officer whenever the vessel is operated.
- The registration number and decals must be displayed as follows.
  - Number must be painted, applied as a decal, or otherwise affixed to both sides of the bow.
  - Number must read from left to right on both sides of the bow.
  - Number must be in at least three-inch-high BLOCK letters.
  - Number’s color must contrast sharply with its background.
  - Number is divided into three parts, with the first part indicating the state. A space must separate each part. For example: WV 3717 ZW.
  - No other numbers may be displayed on either side of the bow.
  - Decals must be affixed on both sides of the bow, within six inches of the last character in the registration number.
- If your vessel requires registration, it is illegal to operate it or allow others to operate it unless the vessel is registered and numbered.

Other Facts about Titling and Registering Your Vessel

- All motorized vessels (including sailboats that have a motor) purchased in West Virginia by the current owner after July 1, 1989, must have a title.
- A vessel’s registration is valid for three years and expires on the last day of March in the year indicated on the Certificate of Number and decals. Owners of registered vessels will be sent a renewal notice automatically.
- If a numbered vessel is destroyed or abandoned, the owner must report it to the Commissioner of the Division of Motor Vehicles (DMV) within 15 days of the event.
- If you change your address, you must notify the Commissioner of the DMV within 15 days of the change.
- Larger recreational vessels owned by U.S. citizens may (at the option of the owner) be documented by the U.S. Coast Guard (USCG). Call the USCG at 1-800-799-8362 for more information. Documented vessels also must be registered with the Division of Motor Vehicles. Call the DMV at 1-800-642-9066 for more information.
Hull Identification Number

- The Hull Identification Number (HIN) is a unique, 12-digit number assigned by the manufacturer to vessels built after 1972.
- Hull Identification Numbers:
  - Distinguish one vessel from another—the same as serial numbers distinguish one car from another.
  - Are engraved in the fiberglass or on a metal plate permanently attached to the transom.
- You should write down your HIN and put it in a place separate from your vessel in case warranty problems arise or your vessel is stolen.

Who May Operate a Vessel

- **All persons born after December 31, 1986:** These boaters must complete a boating safety education course before operating a motorboat or personal watercraft (PWC) on West Virginia waters. Persons are exempt from this requirement if:
  - They are nonresidents visiting West Virginia for 60 days or less, are at least 15 years of age, and have been issued an approved boating safety education certificate by their state of residence or …
  - They are visiting West Virginia for 90 days or less from another country or …
  - They have purchased the motorboat or PWC within the last 45 days and have not been charged with any boating violations.
- **Those 12 through 14 years of age:** In addition to the boating safety education requirement, these boaters may operate a motorboat or personal watercraft (PWC) only if:
  - A person 18 years of age or older is also on board the vessel or …
  - The vessel’s motor is 10 horsepower or less.
- Any person who is required to complete a boating safety education course must carry the course completion certificate on board the vessel.
- No person, including a parent or the owner of a vessel, may authorize or knowingly permit another person who does not meet the requirements above to operate a motorized vessel.
Unlawful Operation of a Vessel

West Virginia law designates the following dangerous operating practices as being illegal.

- **Reckless Operation** of a vessel or the reckless manipulation of water skis or similar devices is defined as the failure to exercise the care necessary to prevent the endangerment of life, limb, or property of any person. For example, it is illegal to approach or pass a dock, a ramp, a moored or anchored vessel, or a marked swimming area in an unsafe manner.

- **Improper Speed or Distance** is not maintaining a proper speed or distance while operating a motorboat or PWC or while towing a person on water skis or similar devices. Specifically, it is illegal to:
  - Operate at any speed, or knowingly permit another person to operate at any speed, that does not allow the operator to bring the vessel to a stop within the clear distance ahead using reasonable care.
  - Operate at any speed greater than the limits established and properly marked on the waters of a government-owned reservoir or any other waters of West Virginia.
  - Operate at greater than “no wake speed” in a posted “no wake speed” zone.
  - Operate within 20 feet of a person fishing without first obtaining permission from that person.
  - Operate within 20 feet of the outer boundary of a swimming area that is clearly marked by red-and-yellow buoys.
  - Operate within 20 feet of the outer boundary of an area that is clearly marked by signs or buoys as a restricted area.

- **Overloading and Overpowering** is exceeding the safe loading and horsepower shown on the capacity plate installed by the vessel manufacturer.
  - Do not exceed either the maximum number of persons or the maximum weight of passengers and cargo.
  - Do not exceed the maximum horsepower.
  - If a vessel does not have a capacity plate, the owner must demonstrate that the vessel conforms to the U. S. Coast Guard’s safe loading and powering requirements.

- **Hazardous Condition** is operating a vessel, or knowingly permitting another person to operate a vessel, in a condition that causes a hazard to those on board. Conditions that cause a hazard include the following.
  - The operator has a physical or mental disability that prevents him or her from operating the vessel in a safe manner under all normal circumstances.
  - There are insufficient personal flotation devices, fire extinguishers, backfire flame arrestors, or navigation lights.
  - Any other unsafe condition exists.

*Remember ...*

As an owner of a vessel, you are responsible for any injury or damage caused by the negligent operation of your vessel by others you knowingly allow to operate it.

---

**“no wake speed”**

A speed that does not produce a wake or noticeably disturb other vessels, docks, piers, or any shoreline facility.
Alcohol and Drugs

West Virginia law prohibits anyone from operating under the influence (OUI)—that is, operating any motorized vessel while under the influence of alcohol or any combination of alcohol, controlled substances, or drugs. Alcohol and drugs cause impaired balance, blurred vision, poor coordination, impaired judgment, and slower reaction time. Alcohol contributes to about one-third of all fatal boating accidents nationwide. Read more about the effects and risks of consuming alcohol in Chapter 5.

- West Virginia law states that a person is considered to be “operating under the influence” (OUI) if he or she has an alcohol concentration in his or her blood of 0.08% or more by weight.
- West Virginia law establishes these penalties for operating under the influence.
  - Upon a first conviction, the operator may be imprisoned for up to 6 months and fined up to $500.
  - If the operator is less than 21 years of age and has an alcohol concentration in his or her blood of 0.02% or more but less than 0.08% by weight, the operator is guilty of a misdemeanor.
  - If the operator has a person less than the age of 16 years old on board, the operator is guilty of a misdemeanor.
  - If the operator recklessly causes the death of someone, upon conviction the operator will be imprisoned for 1-10 years and fined $1,000-$3,000.
- It is illegal to knowingly permit your motorized vessel to be operated by someone who is under the influence.
- By operating a vessel on West Virginia waters, you have consented to be tested for alcohol or drugs if requested by a law enforcement official. If you refuse, you will be subject to arrest and punishment consistent with state law.

Obstructing Navigation

Vessel operators should always be considerate of other vessel operators even when stopping to anchor or moor. Keep in mind that it is illegal to:

- Operate any vessel in such a way that it will interfere unnecessarily with the safe navigation of other vessels on the waterway.
- Anchor a vessel in the traveled portion of a river or channel in a way that will prevent or interfere with any other vessel passing through the same area.
- Moor or attach a vessel to a buoy (other than a mooring buoy), beacon, light, or any other navigational aid placed on public waters by proper authorities.
- Move, displace, tamper with, damage, or destroy any navigational aid.
- Obstruct a pier, wharf, boat ramp, or access to any facility.

Homeland Security Restrictions

Recreational boaters have a role in keeping our waterways safe and secure.

- Violators of the restrictions below can expect a quick and severe response.
  - Do not approach within 100 yards and slow to minimum speed within 500 yards of any U.S. Naval vessel. If you need to pass within 100 yards of a U.S. Naval vessel for safe passage, you must contact the U.S. Naval vessel or the U.S. Coast Guard escort vessel on VHF-FM channel 16.
  - Observe and avoid all security zones. Avoid commercial port operation areas, especially those that involve military, cruise-line, or petroleum facilities.
  - Observe and avoid other restricted areas near dams, power plants, etc.
  - Do not stop or anchor beneath bridges or in the channel.
- Keep a sharp eye out for anything that looks peculiar or out of the ordinary. Report all activities that seem suspicious to the local authorities, the U.S. Coast Guard, or the port or marina security.
Personal Flotation Devices (Life Jackets)

All vessels must be equipped with U.S. Coast Guard–approved life jackets called personal flotation devices (PFDs). The quantity and type depend on the length of your vessel and the number of people on board and/or being towed. Each PFD must be in good condition, be the proper size for the intended wearer, and very importantly, be readily accessible! Readily accessible means you must be able to put the PFD on in a reasonable amount of time in an emergency (vessel sinking, on fire, etc.). PFDs should not be stowed in plastic bags or in locked or closed compartments, and they should not have other gear stowed on top of them.

Vessel operators should ask everyone on their vessel to wear a PFD whenever on the water. PFDs can save lives, but only if they are worn!

PFD Requirements

- All vessels must carry at least one USCG–approved Type I, II, or III PFD for each person on board or being towed.

- In addition to the requirement above, all vessels 16 feet in length or longer (except canoes and kayaks) must carry at least one throwable Type IV PFD.

- All PFDs must be in good and serviceable condition and readily accessible. The PFDs must be of the proper size for the intended wearer. Sizing for PFDs is based on body weight and chest size.

- Children 12 years old and younger must wear a PFD while on deck of any motorboat that is underway.

- From November 15 – May 15, additional requirements apply to the Shenandoah River within the boundaries of West Virginia. Each person on board a vessel, raft, or tube in that area must wear a Type I, II, III, or V PFD at all times while underway. Simply carrying PFDs does not satisfy this requirement; they must be worn.

- Each person riding on a PWC must wear a USCG–approved Type I, II, III, or V PFD.

- All persons being towed (except persons engaged in barefoot waterskiing) must wear a U.S. Coast Guard–approved Type I, II, or III PFD.

PFD Descriptions

**TYPE I: Offshore Life Jackets**

These vests are geared for rough or remote waters where rescue may take awhile. They provide the most buoyancy, are excellent for flotation, and will turn most unconscious persons face up in the water.

**TYPE II: Near-Shore Vests**

These vests are good for calm waters when quick assistance or rescue is likely. Type II vests will turn some unconscious wearers face up in the water, but the turning is not as pronounced as with a Type I.

**TYPE III: Flotation Aids**

These vests or full-sleeved jackets are good for calm waters when quick assistance or rescue is likely. They are not for rough waters since they will not turn most unconscious persons face up. Type III PFDs are used for water sports such as water-skiing. Some Type III PFDs are designed to inflate when you enter the water.

**TYPE IV: Throwable Devices/Not Wearable**

These cushions and ring buoys are designed to be thrown to someone in trouble. Since a Type IV PFD is not designed to be worn, it is neither for rough waters nor for persons who are unable to hold onto it.

**TYPE V: Special-Use Devices**

These vests, deck suits, hybrid PFDs, and others are designed for specific activities such as windsurfing, kayaking, or waterskiing. Some Type V PFDs are designed to inflate when you enter the water. To be acceptable, Type V PFDs must be used in accordance with their label.
Fire Extinguishers

Extinguishers are classified by a letter and number symbol. The number indicates the relative size of the extinguisher, and the letter indicates the type of fire it will extinguish.

- **Type A** fires are of combustible solids like wood.
- **Type B** fires are of flammable liquids like gasoline or oil.
- **Type C** fires are electrical fires.

Approved types of fire extinguishers are identified by the following marking on the label—“Marine Type USCG Approved”—followed by the type and size symbols and the approval number.

Use this chart to determine the type and quantity of fire extinguishers required for your vessel.

<table>
<thead>
<tr>
<th>Length of Vessel</th>
<th>Without Fixed System</th>
<th>With Fixed System*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 26 feet</td>
<td>one B-I or one B-II</td>
<td>None</td>
</tr>
<tr>
<td>26 feet to less than 40 feet</td>
<td>two B-I or one B-II</td>
<td>one B-I</td>
</tr>
<tr>
<td>40 feet or more</td>
<td>three B-I or one B-II and one B-I</td>
<td>two B-I or one B-II</td>
</tr>
</tbody>
</table>

* refers to a permanently installed fire extinguisher system

- Vessels less than 26 feet without a fixed system are exempt from the above requirement and do not need to carry a fire extinguisher if the following conditions are met.
  - The vessel is constructed such that flammable or explosive vapors cannot be trapped within it and ...
  - The engine compartments are not enclosed and ...
  - The fuel tanks are not installed permanently.
- Extinguishers should be placed in an accessible area—not near the engine or in a compartment, but where they can be reached immediately. Be sure you know how to operate them.
- Fire extinguishers must be maintained in usable condition. Inspect extinguishers regularly to ensure the following.
  - Seals and tamper indicators are not broken or missing.
  - Pressure gauges or indicators read in the operable range.
  - There is no physical damage, corrosion, leakage, or clogged nozzles.

Keep bilges clean and free of trash in order to reduce the risk of fire.
**State Law**

**Backfire Flame Arrestors**

Because boat engines may **backfire**, all powerboats (except outboards) that are fueled with gasoline must have an approved backfire flame arrestor on each carburetor. Backfire flame arrestors are designed to prevent the ignition of gasoline vapors in case the engine backfires.

- Backfire flame arrestors must be:
  - In good and serviceable condition
  - U.S. Coast Guard–approved (must comply with SAE J-1928 or UL 1111 standards)
- Periodically clean the flame arrestor(s) and check for any damage.

**Ventilation Systems**

Ventilation systems are crucial. Their purpose is to avoid explosions by removing flammable gases. Properly installed ventilation systems greatly reduce the chance of a life-threatening explosion.

- All gasoline-powered vessels, constructed in a way that would entrap fumes, must have at least two ventilation ducts fitted with cowls to remove the fumes. At least one exhaust duct must extend from the open atmosphere to the lower bilge. At least one intake duct must extend from a point at least midway to the bilge or below the level of the carburetor air intake.
- If your vessel is equipped with a power ventilation system, turn it on for at least four minutes in either of these situations:
  - After fueling
  - Before starting the engine
- If your vessel is not equipped with a power ventilation system (for example, a personal watercraft), open the engine compartment and sniff for gasoline fumes before starting the engine.

**Mufflers**

Vessel operators may not hear sound signals or voices if the engine is not adequately muffled.

- All vessel engines must be equipped with an effective muffling device.
- Muffler cutouts are prohibited.

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**WARNING:**

Gasoline vapors can explode. Before starting engine, operate blower for four minutes and check (using your nose) engine compartment for gasoline vapors.

Vessels built after July 31, 1980, which contain power exhaust blowers in gasoline engine compartments, must have the above warning sticker placed near the instrument panel.

**backfire**

Explosion of prematurely ignited fuel or of unburned exhaust gases in an internal combustion engine

**cowl**

Hooded opening designed to scoop in air

Powerboats are built to ventilate the engine when underway. As the boat moves along, an air intake scoops up fresh air and forces it down the air duct into the engine compartment. The exhaust sucks out the explosive fumes from the lowest part of the engine and fuel compartments.
Navigation Lights
- Vessel operators must make sure that their vessels are equipped with the proper navigation lights and use the lights during these conditions:
  - When away from the dock between sunset and sunrise
  - During periods of restricted visibility such as fog or heavy rain
- The different types of navigation lights are described in “Navigation Lights” in Chapter 3. No other lights that may be mistaken for required navigation lights may be exhibited. Note: Blue or red flashing lights are restricted to use by law enforcement vessels only.
- The required navigation lights differ depending on the type and size of your vessel. The common lighting configurations for recreational vessels are discussed below. For other configurations and requirements for larger vessels, see the U.S. Coast Guard’s Navigation Rules.

Power-Driven Vessels Less Than 65.6 Feet Long When Underway
If less than 65.6 feet (20 meters) long, these vessels must exhibit the lights as shown in illustration 1. Remember, power-driven vessels include sailboats operating under engine power. The required lights are:
- Red and green sidelights visible from a distance of at least two miles away—or if less than 39.4 feet (12 meters) long, at least one mile away—on a dark, clear night.
- An all-round white light (if less than 39.4 feet long) or both a masthead light and a sternlight. These lights must be visible from a distance of at least two miles away on a dark, clear night. The all-round white light (or the masthead light) must be at least 3.3 feet (one meter) higher than the sidelights.

Unpowered Vessels When Underway
Unpowered vessels are sailing vessels or vessels that are paddled, poled, or rowed.
- If less than 65.6 feet long, these vessels must exhibit the lights as shown in illustration 2. The required lights are:
  - Red and green sidelights visible from a distance of at least two miles away—or if less than 39.4 feet long, at least one mile away—on a dark, clear night.
  - A sternlight visible from a distance of at least two miles away.
- If less than 23.0 feet (7 meters) long, these vessels should:
  - If practical, exhibit the same lights as required for unpowered vessels less than 65.6 feet in length.
  - If not practical, have on hand at least one lantern or flashlight shining a white light as shown in illustration 3.

All Vessels When Not Underway
All vessels are required to display a white light visible in all directions whenever they are moored or anchored outside a designated mooring area between sunset and sunrise.

3. Unpowered Vessels Less Than 23 Feet
To prevent a collision, vessel operators should never leave shore without a flashlight. Even if you plan to return before dark, unforeseen developments might delay your return past nightfall.
**Visual Distress Signals**

Visual Distress Signals (VDSs) allow vessel operators to signal for help in the event of an emergency. VDSs are classified as day signals (visible in bright sunlight), night signals (visible at night), or both day and night signals. VDSs are either pyrotechnic (smoke and flames) or non-pyrotechnic (non-combustible).

- Vessels on **federally controlled waters** must be equipped with U.S. Coast Guard–approved visual distress signals. All vessels, regardless of length or type, are required to carry night signals when operating between sunset and sunrise. Most vessels must carry day signals also; exceptions to the requirement for day signals are:
  - Recreational vessels that are less than 16 feet in length
  - Non-motorized open sailboats that are less than 26 feet in length
  - Manually propelled vessels
- VDSs must be U.S. Coast Guard–approved, in serviceable condition, and readily accessible.

**U.S. Coast Guard–Approved Visual Distress Signals**

- **Pyrotechnic Visual Distress Signals**
  - Orange Smoke
    - *Day Signal*
  - Red Meteor
    - *Day and Night Signal*
  - Red Flare
    - *Day and Night Signal*

- **Non-Pyrotechnic Visual Distress Signals**
  - Electric Light
    - *Night Signal*
  - Orange Flag
    - *Day Signal*

- If pyrotechnic VDSs are used, a minimum of three must be carried in the vessel. Also, pyrotechnic VDSs must be dated and may not be carried past their expiration date.
- The following combinations of signals are examples of VDSs that could be carried on board to satisfy U.S. Coast Guard requirements:
  - Three handheld red flares (day and night)
  - One handheld red flare and two red meteors (day and night)
  - One handheld orange smoke signal (day), two floating orange smoke signals (day), and one electric light (night only)
- It is prohibited to display visual distress signals while on the water unless assistance is required to prevent immediate or potential danger to persons on board a vessel.

**Pyrotechnic Devices**

- Pyrotechnics are excellent distress signals. However, there is potential for injury and property damage if not handled properly. These devices produce a very hot flame, and the residue can cause burns and ignite flammable materials.
- Pistol-launched and handheld parachute flares and meteors have many characteristics of a firearm and must be handled with caution. In some states, they are considered a firearm and are prohibited from use.
- Pyrotechnic devices should be stored in a cool, dry, and prominently marked location.

**Non-Pyrotechnic Devices**

- The distress flag is a day signal only. It must be at least 3 x 3 feet with a black square and ball on an orange background.
- The electric distress light is accepted for night use only and must flash the international SOS distress signal automatically.

**Arm Signal**

Although this signal does not meet VDS equipment requirements, wave your arms to summon help if you do not have other distress signals on board.

**federally controlled waters**

Waters on which vessels must observe federal requirements, including VDS requirements; these waters include:

- Coastal waters
- The Great Lakes
- Territorial seas
- Bodies of water connected directly to one of the above, up to a point where the body of water is less than two miles wide
Common Sound Signals
Some common sound signals that you should be familiar with as a recreational boater are as follows.

Changing Direction
- One short blast tells other boaters “I intend to pass you on my port (left) side.”
- Two short blasts tell other boaters “I intend to pass you on my starboard (right) side.”
- Three short blasts tell other boaters “I am backing up.”

Restricted Visibility
- One prolonged blast at intervals of not more than two minutes is the signal used by power-driven vessels when underway.
- One prolonged blast plus two short blasts at intervals of not more than two minutes is the signal used by sailing vessels.

Warning
- One prolonged blast is a warning signal (for example, used when coming around a blind bend or exiting a slip).
- Five (or more) short, rapid blasts signal danger or signal that you do not understand or disagree with the other boater’s intentions.

Diver-Down Flags: West Virginia law requires that skin divers and scuba divers display a diver-down flag to mark their diving area. Divers must stay within a 100-foot radius of the flag. Motorized vessels must remain at least 100 feet away from the flag. Two types of flags are used to indicate diving activity.
- A rectangular red flag, at least 10 inches on any side, with at least a 1½-inch, white diagonal stripe running from upper left to lower right is required on state waters.
- A blue and white International Code Flag A (or Alfa flag), at least 3.3 feet (one meter) high and visible from all directions, must be displayed on vessels on federally controlled waters. This flag indicates that the vessel is involved in a diving activity.

Small Government-Owned Reservoirs: On some smaller government-owned reservoirs, motorboats are limited to a maximum of 10 horsepower. Motorboats with more than 10 horsepower must have the propeller removed or have the motor raised to the maximum trailerable limit while operating on these reservoirs.

Local Regulations: Local waterways may have specific equipment and operational restrictions in addition to those covered in this chapter. Be sure to check for local regulations before you go boating.

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Requirements Specific to Personal Watercraft (PWCs)

In addition to adhering to all boating laws, personal watercraft (PWC) operators have requirements specific to their vessel.

- Each person riding on a PWC must wear a U.S. Coast Guard–approved Type I, II, III, or V personal flotation device (PFD).
- An operator of a PWC equipped with a lanyard-type ignition safety switch must attach the lanyard to his or her person, clothing, or PFD.
- PWCs may be operated only during daylight hours (between sunrise and sunset).
- PWCs must be operated in a responsible manner. Remember, it is illegal to:
  - Weave your PWC through congested traffic.
  - Jump the wake of another vessel unreasonably close to that vessel or when visibility is obstructed.
  - Become airborne while crossing the wake of another vessel and within 100 feet of that vessel.
  - Operate at greater than “no wake speed” within 100 feet of an anchored vessel, shoreline, dock, pier, swim float, marked swimming area, swimmers, surfers, fishermen, or manually powered boats.
  - Exceed 10 miles per hour if you are following another vessel within 100 feet of its rear or 50 feet of its side.

Towing a Person with a Vessel Legally

Vessel operators towing a person(s) on water skis, surfboards, or any similar devices must obey these laws also.

- All persons being towed must wear a U.S. Coast Guard–approved Type I, II, or III PFD. The only exception is for persons engaged in barefoot water-skiing. These persons, at their own risk, may wear a non–U.S. Coast Guard–approved barefoot wetsuit designed for that purpose.
- It is illegal for a vessel to tow a person(s) between one hour after sunset and one hour before sunrise.
- The person operating the towing vessel must not operate the vessel in a manner that would cause the object being towed to collide with any other object or person.
- The persons riding on the object being towed:
  - Must not manipulate the object so as to endanger the life, limb, or property of another person.
  - Must not be legally intoxicated due to alcohol or any combination of alcohol, controlled substances, or drugs.
- Every boat (other than a PWC) towing a person(s) on water skis or a similar device must have on board:
  - An observer, other than the vessel operator, 12 years of age or older or ...
  - A wide-angle rearview mirror mounted such that the operator can observe the person(s) being towed.
- Every PWC towing a person(s) on water skis or a similar device must:
  - Have a rear-facing observer on board who 12 years of age or older and ...
  - Be rated for at least three people—the operator, the observer, and the retrieved skier.
- It is illegal to tow a person on water skis, a surfboard, or similar devices in any controlled speed zone areas.
Waste, Oil, and Trash Disposal in West Virginia and Federal Waters

- It is illegal to discharge waste, oil, or trash into any state or federally controlled waters. This is for very good reasons.
  - Sewage carries disease and other pollutants that are harmful to people, aquatic plants, and animals.
  - Trash thrown into the water can injure swimmers and wildlife alike. It also can plug engine cooling water intakes.
  - Pollution is unsightly and takes away from your enjoyment of the water.
- Vessel operators need to be aware of the following regulations for waste, oil, and trash disposal that apply to both federally controlled and state waters. The Refuse Act prohibits throwing, discharging, or depositing any refuse matter of any kind (including trash, garbage, oil, and other liquid pollutants) into the waters of the United States.

Discharge of Sewage and Waste

If you have a recreational vessel with installed toilet facilities, it must have an operable marine sanitation device (MSD) on board.

- There are three types of MSDs.
  - Types I and II MSDs are usually found on large vessels. Waste is treated with special chemicals to kill bacteria before the waste is discharged. Types I and II MSDs with “Y” valves that would direct the waste overboard must be secured so that the valve cannot be opened. This can be done by placing a lock or non-reusable seal on the “Y” valve or by taking the handle off the “Y” valve.
  - Type III MSDs provide no treatment and are either holding tanks or portable toilets. Collected waste should be taken ashore and disposed of in a pump-out station or onshore toilet.
  - Vessels 65 feet or less in length may use a Type I, II, or III MSD. Vessels over 65 feet in length must install a Type II or III MSD.
  - All installed devices must be U.S. Coast Guard–certified.

Discharge of Trash

The Act to Prevent Pollution from Ships places limitations on the discharge of garbage from vessels. It is illegal to dump refuse, garbage, or plastics into any state or federally controlled waters. Many forms of litter can kill birds, fish, and marine mammals.

- You must store trash in a container while on board and place it in a proper receptacle after returning to shore.
- If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a Garbage Disposal Placard in a prominent location. The Garbage Disposal Placard is a durable sign that is at least 4 x 9 inches and notifies passengers and crew about discharge restrictions.
Discharge of Oil and Other Hazardous Substances

Regulations issued under the Federal Water Pollution Control Act require all vessels with propulsion machinery to be able to retain oil mixtures on board.

- You are not allowed to discharge oil or hazardous substances. The penalty for illegal discharge may be a fine of up to $10,000.
- You are not allowed to dump oil into the bilge of the vessel without means for proper disposal. Fuel spills can be removed using absorbent bilge pads.
- You must dispose of oil waste at an approved reception facility. On recreational vessels, a bucket or bailer is adequate for temporary storage prior to disposing of the oil waste at an approved facility.
- You must notify the U.S. Coast Guard immediately if your vessel discharges oil or hazardous substances in the water. Call toll-free 1-800-424-8802. Report the discharge's location, color, source, substances, size, and time observed. You also must call the West Virginia Department of Environmental Protection and report the discharge.
- If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a 5 x 8-inch placard made of durable material, fixed in a conspicuous place in the machinery spaces or at the bilge pump control station, stating the following:

Discharge of Oil Prohibited

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste upon or into any navigable waters of the U.S. The prohibition includes any discharge which causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil and/or criminal sanctions including fines and imprisonment.

Waste Management Plan

- Ocean-going vessels that are 40 feet or more in length with cooking and sleeping facilities must have a written Waste Management Plan.
- The captain of the vessel is responsible for implementing the Waste Management Plan.
- The Waste Management Plan, identifying the vessel’s name and home port, should be posted and should include directives to all persons on board about:
  - Discharging sewage and hazardous substances
  - Discharging garbage and other food waste
  - Disposing of plastics, bottles, and cans
  - Reading applicable placards for additional information
  - Advising the captain in case of oily discharges or diesel spills

Oil Discharge Placard

A 5 x 8-inch sign that states the law pertaining to oil discharge

What to Do in Case of Discharge

If your vessel discharges oil or hazardous substances into the water, notify the U.S. Coast Guard by calling:

- 1-800-424-8802

Also notify the West Virginia Department of Environmental Protection by calling:

- 1-800-642-3074

Stop the Spread of Nuisance Species!

Introducing non-native species into West Virginia waters can upset the balance of the ecosystem, thereby harming the environment. Aquatic nuisance species, such as zebra mussels and hydrilla, most often spread between waterways by hitching a ride on vessels and trailers. When transplanted into new waters, these organisms proliferate, displacing native species and damaging the water resource.

To prevent spreading aquatic nuisance species:

- Inspect your vessel and trailer, and remove any plants and animals you see before leaving the area.
- Drain your motor, live well, and bilge on land before leaving the area.
- Empty your bait bucket on land. Never release live bait into a body of water or release aquatic animals from one body of water into another.
- Rinse your vessel, propeller, trailer, and equipment.
- Air dry your vessel and equipment for as long as possible.
Boating Accident Report Form

Boating Accidents and Casualties ... What the Law Requires You to Do

- An operator involved in a boating accident must:
  - Stop the vessel immediately at the scene of the accident and …
  - Assist anyone injured or in danger from the accident, unless doing so would seriously endanger his or her own vessel or passengers and …
  - Give, in writing, his or her name, address, and vessel identification to anyone injured and to the owner of any property damaged by the accident.

- A vessel operator involved in a boating accident must report the accident using the West Virginia Boating Accident Report Form MB-3 if the accident caused:
  - Death or personal injury that required medical treatment beyond first aid or …
  - Damage to the vessel(s) or other property exceeding $500.

- Accidents involving a death must be reported within 48 hours of the incident. Other accidents involving a reportable injury or property damage must be reported within five days.

- A West Virginia Boating Accident Report form may be obtained from and submitted in person or by mail to:
  Division of Natural Resources
  Motorboat Safety Section
  1900 Kanawha Boulevard East
  Charleston, West Virginia 25305-0668

Enforcement

The West Virginia DNR and its conservation officers and all other peace officers enforce the boating laws of West Virginia. U.S. Coast Guard officers also patrol and have enforcement authority on federally controlled waters.

- Officers have the authority to stop and board your vessel in order to check that you are complying with state and federal laws.

- It is illegal to refuse to follow the directive of a person with law enforcement authority. An operator who has received a visual or audible signal from a law enforcement officer must bring his or her vessel to a stop.