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Exempt Action: Proposed Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-390-10, 4VAC15-390-85, 4VAC15-390-140
VAC Chapter title(s)	4VAC15-390. Watercraft: Safe and Reasonable Operation of Vessels
Action title	(1) Aligning safe operation with CFR; (2) bowriding not allowed
Date this document prepared	June 5, 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Sections 10 and 85:

(1) The proposed amendments are needed to provide correct citation of the Inland Navigation Rules found in 33 CFR, Chapter 1, Subchapter E, Part 83 through 88 as established by the U.S. Coast Guard which is where our Virginia Administrative Code requirements are derived from.

Section 140:

(2) The proposed amendments change the current language regarding operating the boat with passengers sitting on decks and gunwales.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Sections 10 and 85:

(1) This change is necessary to avoid preemption of our regulations as the current regulation may be considered in conflict with the CFR.

Section 140:

(2) The current language is confusing to enforce and may be considered permissive to some judges as currently written. The proposed amendments will clarify the violation of operating a vessel while passengers are seated in certain areas, putting the responsibility on the boat operator rather than any decision made by a passenger.