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Exempt Action: Final Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-430
VAC Chapter title(s)	Watercraft: Safety Equipment Requirements
Action title	May 2026 – Ch. 430
Final agency action date	8/20/2026
Date this document prepared	8/26/2026

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.

Note: Slight change was made to section 211 due to input from the U.S. Coast Guard during the public comment period. This clarification dealt with changing “in displacement mode” to “above displacement speed” regarding when an engine cutoff switch tether shall be required to be attached to the operator of a vessel underway.

Section 30:

The proposed amendments center around the adoption of the federal United States Coast Guard (USCS) requirement for life jackets to be worn by children under the age of 13 for vessels underway.

Section 211:

The Department is proposing a new regulation section in Chapter 430 requiring the use of a boat’s engine cut off switch (i.e., kill switch) for certain vessels under certain conditions as a safety measure when

boating accidents occur, boat operators fall or get knocked from the helm, or if a boat operator goes overboard while operating a vessel underway.

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."

Section 30:

The amendment to the regulation on personal flotation devices was adopted to incorporate the federal USCS child life jacket requirement into Virginia's regulations, as recommended by the Board of Wildlife Resources and during the Department's recent regulatory public scoping period. Both the Lake Anna Civic Association and the Tri-County Lake Administrative Commission, which serves Smith Mountain Lake, included a suggestion to adopt this requirement during the public scoping period. Aligning Virginia's regulation with the federal standard reduces confusion about differing life jacket requirements for children under the age of 13. The recent 2025 Recreational Boating Incident Summary Report from the Department noted that 90% of recent boating fatalities in the Commonwealth involved persons not wearing a life jacket.

Section 211:

Adopted new section was created to match the federal USCG rule that requires certain motorboats to use an engine cutoff switch (ECOS, or kill switch) under specific conditions. The federal law requiring the use of engine cutoff switches, 46 USC 4312, was enacted in 2018.

For Virginia to maintain a USCG-approved Recreational Boating Program, the state must adopt the equipment rules set by the USCG unless the federal statute specifically says that states do not have to adopt them (as is the case with child life jacket rules) (reference Commandant Publication 16755.3B). Code of Virginia §29.1-735B also instructs the agency to keep Virginia's boating regulations generally aligned with federal navigation laws and USCG rules. However, another Virginia statute, §29.1-748A4, conflicts with the federal ECOS requirement in 46 USC 4312. Because of the conflict between state law and federal law, Virginia has not been able to adopt a state regulation that would mirror the federal ECOS rule.

In 2025, the USCG issued a policy letter stating that existing state laws that already require ECOS wear on personal watercraft (PWCs), even if they conflict with 46 USC 4312, are exempt from federal preemption. This clarification now allows Virginia to move forward with creating an ECOS requirement for certain motorboats that is in alignment with federal law and does not conflict with Virginia statute that requires ECOS wear for PWC operators any time while underway (§ 29.1-748 A 4). This new regulation does not require boaters to install an engine cut-off switch if the boat is not equipped with such device; rather it requires ECOS systems to be used when operating boats that have them for certain boats under certain conditions.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 20, 2026, the Board of Wildlife Resources adopted final amendments to Chapter 430.