

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4537

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[Originating in the Committee on Government
Organization; February 13, 2020.]

1 A BILL to amend and reenact §20-7-23 of the Code of West Virginia, 1931, as amended, relating
2 to allowing boats with motors larger than 10 horsepower to idle on the Upper Mud River
3 Lake; and requiring the Division of Natural Resources to create special permits for 100
4 boaters.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-23. Local rules.

1 (a) The provisions of this article, and of other applicable laws of this state, shall govern
2 the operation, equipment, numbering and all other matters relating thereto whenever any vessel
3 shall be operated on the waters of this state, or when any activity regulated by this article shall
4 take place thereon, but nothing in this article shall be construed to prevent the adoption of any
5 ordinance or local law relating to operation and equipment of vessels the provisions of which are
6 identical to the provisions of this article, amendments thereto or rules promulgated thereunder:
7 *Provided*, That such ordinances or local laws shall be operative only so long as to the extent that
8 they continue to be identical to provisions of this article, amendments thereto or rules promulgated
9 thereunder.

10 (b) Any subdivision of this state may, at any time, but only after public notice, make formal
11 application to the director for special rules with reference to the operation of vessels on any waters
12 within its territorial limits and shall set forth therein the reasons which make such special rules
13 necessary or appropriate.

14 (c) The director is hereby authorized to promulgate special rules with reference to the
15 operation of vessels on any waters within the territorial limits of any subdivision of this state.

16 (d) The director shall immediately promulgate an emergency rule pursuant to the
17 provisions of section fifteen, article three, chapter twenty-nine-a of this code, providing for the use
18 of electric motors on the waters of Miletree lake in Roane County.

- 19 (e) The director shall issue up to 100 permits for boat operators seeking to operate a boat
20 with the motor at idle speed only in a manner where no wake is created for operation of boats
21 with motors greater than 10 horsepower on the Upper Mud River Lake.

NOTE: The purpose of this bill is to direct the Division of Natural Resources to permit up to 100 boats with motors larger than 10 horsepower to operate on the Upper Mud River Lake.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.