

Chapter 430. Watercraft: Safety Equipment Requirements

4VAC-430-211 (NEW). Engine cut-off switch required.

Summary: Staff is proposing a new regulation requiring the use of a boat's engine cut off switch for certain vessels under certain conditions.

Rationale: A new regulation is being created to match the federal rule that requires certain motorboats to use an engine cutoff switch (ECOS) 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).

State law **§ 29.1-735 B** also instructs the agency to keep Virginia's boating regulations generally aligned with federal navigation laws and USCG rules. However, another Virginia statute, **§ 29.1-748 A 4**, 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**).

4VAC15-430-211 (NEW). Engine Cut-Of f Switch

1. Any operator of a motorboat 26' or less and capable of developing 115 pounds or more of static thrust equipped with an engine cut-of f switch shall have attached the engine cut-of f switch to their person while on plane or otherwise in displacement mode unless the main helm of the vessel is within an enclosed cabin.
2. This section does not apply to Personal Watercraf t as defined § 29.1-700.

Statutory Authority

§§ 29.1-501, 29.1-502, 29.1-701, and 29.1-735 of the Code of Virginia.