



# COMMONWEALTH of VIRGINIA

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The Honorable Barry D. Knight  
Member, House of Delegates  
1852 Mill Landing Road  
Virginia Beach, Virginia 23457

Dear Delegate Knight:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

## Issue Presented

You ask whether “paddleboards” are included in the prohibition of § 29.1-738, which makes unlawful the reckless use of any skis, surfboard, or similar device to the endangerment of another person.

## Response

It is my opinion that § 29.1-738 prohibits the reckless use of paddleboards.

## Applicable Law and Discussion

Section 29.1-738(A) provides: “No person shall . . . manipulate any skis, surfboard, or similar device . . . in a reckless manner so as to endanger the life, limb, or property of any person.” Section 29.1-738 does not expressly include “paddleboards,” nor does the Code define “surfboard.”

“The primary objective of statutory construction is to ascertain and give effect to legislative intent.”<sup>1</sup> Intent is to be determined by the words used.<sup>2</sup> Absent a statutory definition, words will be accorded their ordinary meaning.<sup>3</sup> According to *Merriam-Webster’s Collegiate Dictionary*, a “surfboard” means “a long narrow buoyant board . . . used in the sport of surfing[.]”<sup>4</sup> while a “paddleboard” is “a long narrow buoyant board used for riding the surf or in rescuing swimmers”<sup>5</sup> Based on these definitions, these two water instruments clearly constitute “similar device[s.]” In fact, other sources define

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<sup>1</sup> *Turner v. Commonwealth*, 226 Va. 456, 459, 309 S.E.2d 337, 338 (1983) (citing *Tiller v. Commonwealth*, 193 Va. 418, 69 S.E.2d 441 (1952)).

<sup>2</sup> *Hubbard v. Henrico Ltd. P’ship*, 255 Va. 335, 339, 497 S.E.2d 335, 337 (1998) (citations omitted).

<sup>3</sup> *Id.*, at 340, 497 S.E.2d at 388 (citations omitted).

<sup>4</sup> *MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY* 1182 (10th ed. 2001).

<sup>5</sup> *Id.* at 832.

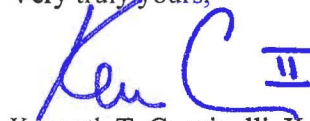
“paddleboard” as “a type of surfboard.”<sup>6</sup> I therefore conclude that § 29.1-739 applies to the use of a paddleboard.<sup>7</sup>

### Conclusion

Accordingly, it my opinion that § 29.1-738 prohibits the reckless use of paddleboards.

With kindest regards, I am

Very truly yours,



Kenneth T. Cuccinelli, II  
Attorney General

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<sup>6</sup> See *Paddleboat Definition*, Dictionary.com, <http://dictionary.reference.com/browse/paddleboard?qsrc=2446> (citing Random House Dictionary and Collins English Dictionary) (last visited Jan. 20, 2011).

<sup>7</sup> Whether a violation of § 29.1-738 has occurred, however, remains an issue properly reserved to Commonwealth’s Attorney, grand jury and trier of fact. See 1996 Op. Va. Att’y Gen. 99, 100 and citations therein.