HB208

Z6Y9RKK-1

By Representatives Oliver, Robbins, Stubbs

RFD: Public Safety and Homeland Security

First Read: 21-Feb-24

SYNOPSIS:

Under existing law, boats of certain lengths are prohibited on certain bodies of water in this state.

This bill would increase the maximum authorized length of certain boats for these bodies of water.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL

TO BE ENTITLED

AN ACT

Relating to boating; to amend Sections 33-6A-1 and 33-6A-3.1, Code of Alabama 1975, to increase the maximum authorized length of certain vessels on specific bodies of water in this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 33-6A-1 and 33-6A-3.1, Code of Alabama 1975, are amended to read as follows:

"§33-6A-1

For the purpose of this chapter, the following terms ~~shall~~ have the following meanings, unless the context clearly

indicates otherwise:

(1) DEPARTMENT. The ~~state Department of Conservation and Natural Resources~~ Alabama State Law Enforcement Agency.

(2) DISCHARGE. Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping in state waters.

(3) LENGTH. The term as defined in Section 33-5-3.

~~(3)~~ (4) MARINA. Any entity required to have a business license ~~which~~ that is located on any waters of this state and which moors, docks, stores, or anchors vessels for periods of seven consecutive calendar days or longer for a fee.

~~(4)~~ (5) MARINE SANITATION DEVICE. Any equipment for installation on board a vessel, or a floating or over-the-water residence, ~~which~~ that is designated to receive, retain, treat, or discharge sewage, and any process to treat ~~such~~ sewage ~~except that marine sanitation device shall not be interpreted to~~. The term does not include portable toilets of any type.

~~(5)~~ (6) RECREATIONAL VESSEL. Every description of watercraft or other artificial contrivance used primarily as ~~a means of~~ recreational transportation on the waters of this state. ~~Such term shall exclude, without limitation,~~ The term does not include commercial watercraft such as a tow boat or commercial passenger carrying vessels.

~~(6)~~ (7) RESIDENCE BOAT. Any structure used primarily for habitation located on any waters in the state, floating or supported totally or partially on pilings.

~~(7)~~ (8) SEWAGE. Human body wastes and the wastes from

toilets and other receptacles intended to receive or retain body wastes~~, but~~. The term does not include by-catch or bait discharge by fishermen, galley water, bath and shower water, or bilge water."

"§33-6A-3.1

(a) The prohibitions in this section shall apply only to the following lakes: Lake Harris (Lake Wedowee), Lake Martin, and Weiss Lake.

(1) Except as authorized under subsection (d), beginning July 1, 2007, the use of houseboats shall be prohibited. The term houseboat shall include any residence boat as defined in~~ subdivision (6) of~~ Section 33-6A-1 or any recreational vessel that constitutes a fully equipped dwelling similar in content to a mobile home, with a marine sanitation device, galley, and sleeping quarters.

(2) Beginning October 1, 2006, the use of recreational vessels greater than 26 feet 11 inches in length and rated by the manufacturer for or capable of a top speed in excess of 60 miles an hour shall be prohibited.

(3) Except as authorized under subsection (d), beginning~~ July 1, 2007~~ October 1, 2024, the use of recreational vessels greater~~ than 30 feet 6 inches~~ in length than a Class 3 vessel as described in Section 33-5-17~~, as determined by the straight line distance between the ends of the boat, excluding bowsprits, outboard motor brackets, rudders, or other attachments,~~ shall be prohibited.

(b) Vessels used for law enforcement, public safety, search and rescue, scientific research, or dam operation or

maintenance or medical vessels shall be excluded from the prohibitions in this section.

(c) Sailboats equipped with a mast and sails that are dependent upon the wind for propulsion in the normal course of operation shall be excluded from the prohibitions in this section.

(d) The ~~department~~ Secretary of the Alabama State Law Enforcement Agency shall adopt rules pursuant to the Alabama Administrative Procedure Act ~~within six months of July 1, 2006,~~ to provide for the issuance of permits authorizing the use of vessels otherwise prohibited by this section in the following circumstances:

(1) Vessels needed for use on a temporary basis.

(2) Houseboats that were licensed and in use on July 1, 2006, provided, that they meet all applicable standards for sewage discharges, are moored at a marina or other facility with a certified pump-out station or other approved means of sewage disposal, and are inspected annually.

(3) Boats exceeding ~~30 feet 6 inches in~~ the length of a Class 3 vessel as described in Section 33-5-17, not ~~to include~~ including any boat covered by subdivision ~~(2) of subsection~~ (a)(2), that ~~was~~ were licensed and in use or that ~~was~~ were on site and available for sale at a marina located on one of the lakes referenced in subsection (a) on July 1, 2006.

(e) A permit issued under subsection (d) shall specify the lake where continued use of the vessel is authorized and shall not be transferable to any other lake referenced in subsection (a). Each permit issued under subsection (d) shall

have a term of one year and shall be issued on or after the annual inspection of the vessel, if required. The ~~department~~ Alabama State Law Enforcement Agency may charge and collect a fee sufficient to cover the reasonable anticipated costs for annual inspections and permit issuance under subsection (d).

(f) For the purposes of enforcing this section, the vessel length as carried on a vessel's registration certificate or manufacturer's certificate of origin will be prima facie evidence of the length of the vessel."

Section 2. This act shall become effective on October 1, 2024.