

HB375 INTRODUCED



1 HB375
2 QD3U451-1
3 By Representatives Shaver, Oliver, Wadsworth, Woods, Colvin
4 RFD: Public Safety and Homeland Security
5 First Read: 21-Mar-24



4 SYNOPSIS:

5 Under existing law, a nonresident whose home
6 state or country does not require boater safety
7 certification or the licensing of vessel operators may
8 operate a vessel on the waters of this state without a
9 boater safety certification for a period of not more
10 than 45 days in any calendar year.

11 Also under existing law, a person of whom boater
12 safety certification is required who operates a vessel
13 without the required boater safety certification is
14 guilty of a boating violation.

15 This bill would require all nonresidents to
16 procure a boater safety certification in their home
17 state or country or procure a Nonresident Alabama
18 Boater Safety Certification prior to operating a vessel
19 on the waters of this state, except under certain
20 conditions.

21 Section 111.05 of the Constitution of Alabama of
22 2022, prohibits a general law whose purpose or effect
23 would be to require a new or increased expenditure of
24 local funds from becoming effective with regard to a
25 local governmental entity without enactment by a 2/3
26 vote unless: it comes within one of a number of
27 specified exceptions; it is approved by the affected
28 entity; or the Legislature appropriates funds, or



HB375 INTRODUCED

provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the section.

A BILL
TO BE ENTITLED
AN ACT

Relating to vessels; to amend Section 33-5-52, Code of Alabama 1975, to establish the Nonresident Alabama Boater Safety Certification; to require nonresidents to obtain the certification prior to operating a vessel on the waters of this state, with exceptions; to provide a penalty for a violation; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 33-5-52, Code of Alabama 1975, is amended to read as follows:

"§33-5-52



HB375 INTRODUCED

(a) (1) Every person shall procure a boater safety certification before operating a motorized vessel upon the waters of this state. This section does not apply to the operation of any non-motorized sailboat, rowboat, or canoe.

(2) a. Notwithstanding any law to the contrary, an Alabama resident 16 years of age or older who purchases a vessel and who has not been previously issued a boater safety certification, for a period of 30 days following the date of sale of the vessel to the person, may operate the vessel upon the waters, provided both of the following conditions are met:

~~a.~~ 1. The vessel has been registered in the name of the person.

~~b.~~ 2. A bill of sale for the vessel, indicating that the person is the purchaser and owner of the vessel, is in the possession of the person at all times of operation.

~~(3)~~ b. A person ~~taking~~ who test drives ~~of vessels~~ a vessel for sale, when accompanied by a licensed vessel dealer, shall be exempt during the drive from the certification requirements of this subsection.

~~(4) Every new resident of this state, before operating a motorized vessel, shall procure the certification within 30 days after establishing residence in this state.~~

(b) Each boater safety certification issued to a person, if issued at the same time the person is issued a valid Alabama motor vehicle driver or learner license, or valid Alabama nondriver identification card, or if issued prior to the expiration date of the driver or learner license



HB375 INTRODUCED

or card, shall expire on the expiration date of the person's valid Alabama motor vehicle driver or learner license or card. In all other cases, the expiration date of each boater safety certification shall be four years from the date of issuance.

(c) ~~Every~~ Upon application, a boater safety certification issued under this article may be renewed at the end of the certification period without examination ~~upon application~~. For the purpose of renewal of a boater safety certification, ALEA shall mail renewal notices to each certification holder 30 days after the expiration date if the certification has not been renewed. A grace period of 60 days after the expiration date of certification shall exist for the purpose of certification renewal and the certification shall be valid for this time period. The applicant shall apply for renewal of certification any time during a period beginning 30 days before the expiration date of the then current certification until three years after the expiration date of certification. Failure to make application for renewal within the specified time shall result in the applicant being required to take, and successfully pass, a written or oral examination administered by ALEA. ~~If any person's birthday is February 29, the first day of March following shall be regarded as the birthday for the purposes of this section.~~

(d) Nonresidents 12 or more years of age who have in their immediate possession a valid boater safety certification or vessel operator's certification issued in their home state or country shall be exempt from the requirements of this section, but under no circumstances shall a ~~person~~ nonresident



HB375 INTRODUCED

be granted any privileges of operation beyond those granted to an Alabama resident certification holder of the same age.

~~(e) Nonresidents 12 or more years of age whose home state or country does not require boater safety certification or the licensing of vessel operators shall also be exempt from the requirements of this section for a cumulative operation period of not more than 45 days in any calendar year.~~

~~Otherwise, any nonresidents shall be examined and certified~~Except as provided in subsections (f) and (g), a nonresident may operate a vessel upon the waters of this state only after obtaining a valid boater safety certification or vessel operator's certification issued in his or her home state or country, or after obtaining a Nonresident Alabama Boater Safety Certification upon examination and certification under the same terms and conditions as Alabama residents.

~~Nonresidents may be examined and obtain certification in any county and the certification shall be entitled "Nonresident Alabama Boater Safety Certification," but under no circumstances shall a person be granted any privileges of operation beyond those granted to an Alabama resident certification holder of the same age.~~

(f) A person operating a vessel pursuant to a valid and legal commercial activity, during the period of time of that activity only, shall be exempt from the requirement of boater safety certification. ~~Otherwise, the person shall be subject to the requirement.~~

(g) A person, while using a rental vessel from a boat rental business duly licensed by the applicable municipality



HB375 INTRODUCED

or county, shall be exempt from the certification requirements of this section if the following conditions are met:

(1) The rental contract specifies that the lessee has been instructed in the proper and safe operation of the vessel by the lessor or the authorized agent of the lessor.

(2) The lessor has complied with the terms of rental contract and all parties sign the contract.

(3) The lessee signs a statement that the lessee is not currently under suspension or revocation of any boater safety certification or vessel operation privilege.

(4) A copy of the applicable rental contract is on board the vessel while the vessel is in operation.

(h) A violation of this section is a boating violation.

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on October 1, 2024.