HB209

WRH3EEE-2

By Representatives Oliver, Stubbs

RFD: Public Safety and Homeland Security

First Read: 21-Feb-24

A BILL

TO BE ENTITLED

AN ACT

Relating to boats and boating on certain fresh waters of this state; to amend Act 2023-459 of the 2023 Regular Session, now appearing as Section 33-5-26.1 of the Code of Alabama 1975, regulating and prohibiting wakeboarding and wakesurfing under certain conditions on certain fresh waters of the state and providing fines and penalties; to add the waters of the state impounded by Martin Dam (Lake Martin) and by Weiss Dam (Weiss Lake) to the waters of the state where the law applies; to prohibit the operation of a motorboat above idle speed within 100 feet from any shoreline, dock, pier, boathouse, or other structure located on any waters to which this act applies including Lake Martin subject to the same penalties and subject to a warning period; 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 1 of Act 2023-459 of the 2023

Regular Session, now appearing as Section 33-5-26.1 of the Code of Alabama 1975, is amended to read as follows:

"§33-5-26.1

(a) This section shall apply only to the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake), to the waters of the state impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris Reservoir), to the waters of the state impounded by Martin Dam (Lake Martin), to the waters of the state impounded by Weiss Dam (Weiss Lake), and to ~~Shoals~~ Shoal Creek in Lauderdale County north of Highway 72.

(b) For purposes of this section, the following words have the following meanings:

(1) MOTORBOAT. A motorized recreational vessel.

(2) WAKEBOARDING. Either of the following:

a. To use a board with or without foot bindings on which a rider is towed by a motorboat across a wake.

b. To operate a motorboat in a manner that creates a wake while towing an individual using a board with or without foot bindings to be towed by the motorboat across the boat's wake.

(3) WAKESURFING. Either of the following:

a. To surf a motorboat's wake, regardless of whether the individual is being pulled by a tow rope attached to the motorboat that is producing the wake.

b. To operate a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person.

(c) On the waters of this state impounded by Lewis Smith Dam (Lewis Smith Lake), on the waters of the state

impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris Reservoir), on the waters of the state impounded by Martin Dam (Lake Martin), on the waters of the state impounded by Weiss Dam (Weiss Lake), or on ~~Shoals~~ Shoal Creek in Lauderdale County north of Highway 72, an individual may not engage in wakeboarding or wakesurfing under any of the following conditions:

(1) Between sunset and sunrise.

(2) On any portion of the impounded waters where the width of the portion is less than 400 feet.

(3) Within 200 feet from any shoreline, dock, pier, boathouse, or other structure located on the impounded waters.

(4) When not wearing a personal flotation device approved by the United States Coast Guard.

(d) On the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake), on the waters of the state impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris Reservoir), on the waters of this state impounded by Martin Dam (Lake Martin), on the waters of the state impounded by Weiss Dam (Weiss Lake), or on Shoal Creek in Lauderdale County north of Highway 72, an individual may not operate a motorboat above idle speed within 100 feet from any shoreline, dock, pier, boathouse, or other structure located on the impounded waters.

(e)(1) On a first violation of this section, an individual shall be guilty of a violation punishable by a fine of not less than one hundred dollars ($100).

(2) On a second or subsequent violation of this section

during a single calendar year, the individual shall be guilty of a violation and shall be fined not less than two hundred dollars ($200). In addition, at the discretion of the court, the individual shall be subject to the revocation or suspension of his or her boater safety certification or vessel operator's certification or vessel operating privileges upon the waters of this state for the duration of the calendar year.

(3) Any prosecution for a violation of this section shall be commenced by a citation issued by a law enforcement officer.

~~(e)~~ (f) Nothing in this section shall apply to any regatta, race, ~~trail~~ trial run, parade, tournament, or exhibition ~~on the waters of this state impounded by Lewis Smith Dam~~ for which a written marine event application has been submitted to and approved by the Marine ~~Police~~ Patrol Division of the Alabama State Law Enforcement Agency.

~~(f)~~ (g) The Alabama State Law Enforcement Agency and the Department of Conservation and Natural Resources shall take steps to notify the public of the requirements and prohibitions of this section.

~~(g)~~ (h) Notwithstanding the other provisions of this section, for one year following September 1, 2023, an individual who violates ~~this section~~ subsection (c) on a first violation shall receive a written warning of the violation; and on a second or subsequent violation during the calendar year, the violation shall be treated as a first violation under subsection ~~(d)~~ (e).

(i) Notwithstanding the other provisions of this section, for one year following October 1, 2024, an individual who violates subsection (d) on a first violation shall receive a written warning of the violation; and on a second or subsequent violation during the calendar year, the violation shall be treated as a first violation under subsection (e)."

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.

House of Representatives

Read for the first time and referred 21-Feb-24
to the House of Representatives
committee on Public Safety and
Homeland Security

Read for the second time and placed 28-Feb-24
on the calendar:
0 amendments

Read for the third time and passed 04-Apr-24
as amended
Yeas 86
Nays 5
Abstains 8

John Treadwell
Clerk