

1 SB281
2 217481-4
3 By Senators Gudger and Waggoner
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 01-MAR-22

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8 SYNOPSIS: This bill would prohibit wake surfing under
9 certain conditions, including between sunset and
10 sunrise; without a life jacket; on public bodies of
11 water that are deemed too small based on width or
12 size; and within a certain distance of any
13 shoreline, dock, pier, boathouse, or other
14 structure in the water.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, as amended by Amendment 890, now appearing
17 as Section 111.05 of the Official ReCompilation of
18 the Constitution of Alabama of 1901, as amended,
19 prohibits a general law whose purpose or effect
20 would be to require a new or increased expenditure
21 of local funds from becoming effective with regard
22 to a local governmental entity without enactment by
23 a 2/3 vote unless: it comes within one of a number
24 of specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 Relating to the operation of vessels; to provide
14 certain requirements and restrictions on wake surfing on
15 public waters of this state; to provide criminal penalties for
16 violations; and in connection therewith would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds within the meaning of Amendment 621
19 of the Constitution of Alabama of 1901, as amended by
20 Amendment 890, now appearing as Section 111.05 of the Official
21 Recompilation of the Constitution of Alabama of 1901, as
22 amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) For purposes of this section, "wake
25 surfing" means either of the following:

1 (1) To surf a wake, regardless of whether or not the
2 person is being pulled by a tow rope attached to the motorboat
3 that is producing the wake.

4 (2) To operate a motorboat in a manner that creates
5 a wake that is, or is intended to be, surfed by another
6 person.

7 (b) When in a public body of water of this state, a
8 person may not engage in wake surfing under any of the
9 following conditions:

10 (1) Between sunset and sunrise.

11 (2) When the public body of water is less than 50
12 acres in size.

13 (3) On any motorboat that has a propulsion system
14 that extends beyond the motorboat's outboard or
15 inboard/outboard boarding platform.

16 (4) On any portion of the public body of water where
17 the width of the portion is less than 400 feet.

18 (5) Within 200 feet from any shoreline, dock, pier,
19 boathouse, or other structure located in the waters of this
20 state.

21 (6) When surfing or attempting to surf a wake
22 without a personal flotation device approved by the United
23 States Coast Guard.

24 (c) (1) On a first violation of subsection (b), a
25 person shall be guilty of a Class B misdemeanor and shall be
26 fined not less than one hundred fifty dollars (\$150).

1 (2) On a second or subsequent violation of
2 subsection (b) during a single calendar year, the person shall
3 be guilty of a Class A misdemeanor and shall be fined not less
4 than two hundred fifty dollars (\$250). In addition, at the
5 court's discretion, the person shall be subject to the
6 revocation or suspension of his or her boating safety
7 certification or vessel operator's certification or vessel
8 operating privileges upon the waters of this state for the
9 duration of the calendar year.

10 (d) Nothing in this section shall apply to any
11 regatta, race, trail run, parade, tournament, or exhibition on
12 the waters of this state for which a written marine event
13 application has been submitted to and approved by the Marine
14 Police Division of the Alabama State Law Enforcement Agency.

15 (e) Notwithstanding subsection (c), for one year
16 following the effective date of this act, a person who
17 violates subsection (b), on a first violation, shall receive a
18 written warning of the violation; and on a second or
19 subsequent violation, shall be guilty of a Class B misdemeanor
20 and fined not less than one hundred fifty dollars (\$150).

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, as amended
25 by Amendment 890, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of Alabama of 1901,

1 as amended, because the bill defines a new crime or amends the
2 definition of an existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.