

# HB502 INTRODUCED



1 JC09FF-1  
2 By Representatives Fidler, Brown, Treadaway, Travis, Marques,  
3 Lipscomb, Paramore, Baker  
4 RFD: Ports, Waterways & Intermodal Transit  
5 First Read: 18-May-23  
6 2023 Regular Session



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SYNOPSIS:

This bill would provide for the placement of a uniform system of navigational markers on the waters of this state and would require the Alabama State Law Enforcement Agency to provide general oversight and maintenance of permitted navigational markers on the waters of this state.

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 vessels and navigation; to provide for the placement of a uniform system of navigational markers on the waters of this state; to amend Section 33-5-4, Code of Alabama 1975, to require the Alabama State Law Enforcement Agency to provide general oversight and maintenance of permitted navigational markers on the waters of this state; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29           Section 1. (a) The Alabama State Law Enforcement Agency  
30 shall adopt rules to establish a uniform system of  
31 navigational markers for the waters of this state, compatible  
32 with the system of regulatory markers prescribed by the United  
33 States Coast Guard in the United States Aids to Navigation  
34 System, 33 C.F.R. Part 62.

35           (b) Waters of this state shall be marked only in  
36 conformity with the rules adopted pursuant to this section and  
37 United States Aids to Navigation System, 33 C.F.R. Part 62.

38           (c) Uniform navigational markers may only be placed in  
39 the waters of this state as provided in this section. Any  
40 person, county, or municipality desiring to mark waterways for  
41 safety and navigation purposes in the state may apply to the  
42 Alabama State Law Enforcement Agency for permission to place  
43 uniform navigational markers on the waters of this state.

44           (d) Application for placement of a uniform navigational  
45 marker on the waters of this state or any navigable waters  
46 under concurrent jurisdiction of the Coast Guard and the state  
47 shall be made to the Alabama State Law Enforcement Agency,  
48 accompanied by a map locating the approximate placement of  
49 markers, a list of the markers to be placed, a statement of  
50 the specification of the markers, a statement of the purpose  
51 of marking, and the names of individuals responsible for the  
52 placement and upkeep of the markers.

53           (e) The Alabama State Law Enforcement Agency shall  
54 assist any applicant for a permit under this section to secure  
55 the proper permission from the Coast Guard where required,  
56 make any investigations as needed, and issue a permit.



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57 (f) The agency shall furnish an applicant with the  
58 information concerning the system adopted and the rules  
59 existing for placing and maintaining the markers. The agency  
60 shall keep records of all approvals given and counsel with  
61 individuals, counties, municipalities, or other groups  
62 desiring to mark waterways for safety and navigation purposes  
63 in the state.

64 (g) This section shall only apply to the waters of the  
65 Gulf of Mexico and any other salt and brackish bodies of water  
66 under the jurisdiction of the State of Alabama, whether  
67 coastal, intercoastal, or inland, and any part thereof.

68 Section 2. Section 33-5-4, Code of Alabama 1975, is  
69 amended to read as follows:

70 "§33-5-4

71 (a) ~~It is hereby expressly made the duty of the~~  
72 ~~commissioner to set up a division within the Department of~~  
73 ~~Conservation and Natural Resources to be known as the~~  
74 ~~"Division of Marine Police" with sufficient personnel to~~  
75 ~~perform the necessary clerical and routine work for the~~  
76 ~~department in issuing, The Marine Patrol Division shall be~~  
77 ~~responsible for all of the following duties:~~

78 (1) Issuing, handling, and recording vessel  
79 ~~registration identifying numbers, including the receiving.~~

80 (2) Receiving and accounting of all registration fees  
81 and payments ~~of same~~ to the Alabama State Law Enforcement  
82 Agency into the State Treasury, ~~receiving.~~

83 (3) Receiving, investigating, and recording accident  
84 reports and ~~making such~~ providing reports of ~~such~~ accidents to



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85 ~~such~~ the applicable federal agency as may be required by  
86 federal law ~~and such~~.

87 (4) General oversight and maintenance of permitted  
88 navigation markers located on the waters of this state, as  
89 provided in Section 1 of the act amending this section.

90 (5) Any other incidental clerical work connected with  
91 the administration of this ~~article~~ chapter.

92 (b) The ~~law-enforcement~~ law enforcement officers of the  
93 ~~Division of Marine Police of the Department of Conservation~~  
94 ~~and Natural Resources~~ Marine Patrol Division shall be known as  
95 marine police officers."

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