



**House Ports, Waterways & Intermodal Transit
Reported Substitute for HB502**

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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:

Section 1. (a) The Alabama State Law Enforcement Agency shall adopt rules to establish a uniform system of navigational markers for the waters of this state, compatible with the system of regulatory markers prescribed by the Private Aids to Navigation pursuant to 33 C.F.R. Part 66.

(b) Waters of this state shall be marked only in conformity with the rules adopted pursuant to this section and the Private Aids to Navigation pursuant to 33 C.F.R. Part 66.

(c) Subject to the applicable requirements of federal law and the United States Coast Guard, uniform navigational markers may only be placed in the waters of this state as



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29 provided in this section. Any person, county, or municipality
30 desiring to mark waterways for safety and navigation purposes
31 in the state may apply to the Alabama State Law Enforcement
32 Agency for permission to place uniform navigational markers on
33 the waters of this state.

34 (d) Application for placement of a uniform navigational
35 marker on the waters of this state or any navigable waters
36 under concurrent jurisdiction of the Coast Guard and the state
37 shall be made to the Alabama State Law Enforcement Agency,
38 accompanied by a map locating the approximate placement of
39 markers, a list of the markers to be placed, a statement of
40 the specification of the markers, a statement of the purpose
41 of marking, and the names of individuals responsible for the
42 placement and upkeep of the markers, and any other requirement
43 of 33 C.F.R. Part 66.

44 (e) The Alabama State Law Enforcement Agency shall
45 assist any applicant for a permit under this section to secure
46 the proper permission from the Coast Guard where required and
47 make any investigations as needed.

48 (f) The agency shall furnish an applicant with the
49 information concerning the system adopted and the rules
50 existing for placing and maintaining the markers. The agency
51 shall keep records of all approvals given and counsel with
52 individuals, counties, municipalities, or other groups
53 desiring to mark waterways for safety and navigation purposes
54 in the state.

55 (g) This section shall only apply to the waters of the
56 Gulf of Mexico and any other salt and brackish bodies of water



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57 under the jurisdiction of the State of Alabama, whether
58 coastal, intercoastal, or inland, and any part thereof.

59 (h) Nothing in this section shall apply to commercial
60 navigable waterways that are under the jurisdiction of the
61 federal government or United States Coast Guard.

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

64 "§33-5-4

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

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

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

77 (3) Receiving, investigating, and recording accident
78 reports and ~~making such~~ providing reports of ~~such~~
79 ~~such~~ the applicable federal agency as may be required by
80 federal law ~~and such.~~

81 (4) General oversight and maintenance of permitted
82 navigational markers located on the waters of this state, as
83 provided in Section 1 of the act amending this section;
84 provided, nothing in this section or Section 1 shall be deemed



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85 to supersede or conflict with federal law or the authority of
86 the United States Coast Guard to regulate the waters of this
87 state.

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

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

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