

SB272 INTRODUCED



1 OK7QMJ-1
2 By Senators Gudger, Waggoner
3 RFD: County and Municipal Government
4 First Read: 02-May-23
5
6 2023 Regular Session



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SYNOPSIS:

This bill would regulate and prohibit wakeboarding and wakesurfing under certain conditions on the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake).

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

A BILL
TO BE ENTITLED



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AN ACT

Relating to the waters of the state impounded by Lewis Smith Dam; to regulate and prohibit wakeboarding and wakesurfing under certain conditions; to provide penalties for violations; 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. (a) This section shall apply only to the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake).

(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 a person 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 person 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.



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57 (c) On the waters of this state impounded by Lewis
58 Smith Dam (Lewis Smith Lake), a person may not engage in
59 wakeboarding or wakesurfing under any of the following
60 conditions:

61 (1) Between sunset and sunrise.

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

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

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

68 (d) (1) On a first violation of this section, a person
69 shall be guilty of a violation punishable by a fine of not
70 less than one hundred dollars (\$100).

71 (2) On a second or subsequent violation of this section
72 during a single calendar year, the person shall be guilty of a
73 violation and shall be fined not less than two hundred dollars
74 (\$200). In addition, at the discretion of the court, the
75 person shall be subject to the revocation or suspension of his
76 or her boater safety certification or vessel operator's
77 certification or vessel operating privileges upon the waters
78 of this state for the duration of the calendar year.

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

82 (e) Nothing in this section shall apply to any regatta,
83 race, trail run, parade, tournament, or exhibition on the
84 waters of this state impounded by Lewis Smith Dam for which a



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85 written marine event application has been submitted to and
86 approved by the Marine Police Division of the Alabama State
87 Law Enforcement Agency.

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

92 (g) Notwithstanding the other provisions of this
93 section, for one year following the effective date of this
94 act, a person who violates this section on a first violation
95 shall receive a written warning of the violation; and on a
96 second or subsequent violation during the calendar year, the
97 violation shall be treated as a first violation under
98 subsection (d).

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

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