

HB208 INTRODUCED



1 HB208
2 Z6Y9RKK-1
3 By Representatives Oliver, Robbins, Stubbs
4 RFD: Public Safety and Homeland Security
5 First Read: 21-Feb-24



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SYNOPSIS:

Under existing law, boats of certain lengths are prohibited on certain bodies of water in this state.

This bill would increase the maximum authorized length of certain boats for these bodies of water.

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 boating; to amend Sections 33-6A-1 and 33-6A-3.1, Code of Alabama 1975, to increase the maximum authorized length of certain vessels on specific bodies of water in this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 33-6A-1 and 33-6A-3.1, Code of Alabama 1975, are amended to read as follows:

"§33-6A-1

For the purpose of this chapter, the following terms ~~shall~~ have the following meanings, unless the context clearly



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29 indicates otherwise:

30 (1) DEPARTMENT. The ~~state Department of Conservation~~
31 ~~and Natural Resources~~ Alabama State Law Enforcement Agency.

32 (2) DISCHARGE. Includes, but is not limited to, any
33 spilling, leaking, pumping, pouring, emitting, emptying, or
34 dumping in state waters.

35 (3) LENGTH. The term as defined in Section 33-5-3.

36 ~~(3)~~ (4) MARINA. Any entity required to have a business
37 license ~~which~~ that is located on any waters of this state and
38 which moors, docks, stores, or anchors vessels for periods of
39 seven consecutive calendar days or longer for a fee.

40 ~~(4)~~ (5) MARINE SANITATION DEVICE. Any equipment for
41 installation on board a vessel, or a floating or
42 over-the-water residence, ~~which~~ that is designated to receive,
43 retain, treat, or discharge sewage, and any process to treat
44 ~~such~~ sewage ~~except that marine sanitation device shall not be~~
45 ~~interpreted to.~~ The term does not include portable toilets of
46 any type.

47 ~~(5)~~ (6) RECREATIONAL VESSEL. Every description of
48 watercraft or other artificial contrivance used primarily as ~~a~~
49 ~~means of~~ recreational transportation on the waters of this
50 state. ~~Such term shall exclude, without limitation,~~ The term
51 does not include commercial watercraft such as a tow boat or
52 commercial passenger carrying vessels.

53 ~~(6)~~ (7) RESIDENCE BOAT. Any structure used primarily for
54 habitation located on any waters in the state, floating or
55 supported totally or partially on pilings.

56 ~~(7)~~ (8) SEWAGE. Human body wastes and the wastes from



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57 toilets and other receptacles intended to receive or retain
58 body wastes, ~~but~~. The term does not include by-catch or bait
59 discharge by fishermen, galley water, bath and shower water,
60 or bilge water."

61 "§33-6A-3.1

62 (a) The prohibitions in this section shall apply only
63 to the following lakes: Lake Harris (Lake Wedowee), Lake
64 Martin, and Weiss Lake.

65 (1) Except as authorized under subsection (d),
66 beginning July 1, 2007, the use of houseboats shall be
67 prohibited. The term houseboat shall include any residence
68 boat as defined in ~~subdivision (6) of~~ Section 33-6A-1 or any
69 recreational vessel that constitutes a fully equipped dwelling
70 similar in content to a mobile home, with a marine sanitation
71 device, galley, and sleeping quarters.

72 (2) Beginning October 1, 2006, the use of recreational
73 vessels greater than 26 feet 11 inches in length and rated by
74 the manufacturer for or capable of a top speed in excess of 60
75 miles an hour shall be prohibited.

76 (3) Except as authorized under subsection (d),
77 beginning ~~July 1, 2007~~ October 1, 2024, the use of
78 recreational vessels greater ~~than 30 feet 6 inches~~ in length
79 than a Class 3 vessel as described in Section 33-5-17, ~~as~~
80 ~~determined by the straight line distance between the ends of~~
81 ~~the boat, excluding bowsprits, outboard motor brackets,~~
82 ~~rudders, or other attachments,~~ shall be prohibited.

83 (b) Vessels used for law enforcement, public safety,
84 search and rescue, scientific research, or dam operation or



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85 maintenance or medical vessels shall be excluded from the
86 prohibitions in this section.

87 (c) Sailboats equipped with a mast and sails that are
88 dependent upon the wind for propulsion in the normal course of
89 operation shall be excluded from the prohibitions in this
90 section.

91 (d) The ~~department~~ Secretary of the Alabama State Law
92 Enforcement Agency shall adopt rules pursuant to the Alabama
93 Administrative Procedure Act ~~within six months of July 1,~~
94 ~~2006,~~ to provide for the issuance of permits authorizing the
95 use of vessels otherwise prohibited by this section in the
96 following circumstances:

97 (1) Vessels needed for use on a temporary basis.

98 (2) Houseboats that were licensed and in use on July 1,
99 2006, provided, that they meet all applicable standards for
100 sewage discharges, are moored at a marina or other facility
101 with a certified pump-out station or other approved means of
102 sewage disposal, and are inspected annually.

103 (3) Boats exceeding ~~30 feet 6 inches in~~ the length of a
104 Class 3 vessel as described in Section 33-5-17, not ~~to include~~
105 including any boat covered by subdivision ~~(2) of subsection~~
106 (a) (2), that ~~was~~ were licensed and in use or that ~~was~~ were on
107 site and available for sale at a marina located on one of the
108 lakes referenced in subsection (a) on July 1, 2006.

109 (e) A permit issued under subsection (d) shall specify
110 the lake where continued use of the vessel is authorized and
111 shall not be transferable to any other lake referenced in
112 subsection (a). Each permit issued under subsection (d) shall



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113 have a term of one year and shall be issued on or after the
114 annual inspection of the vessel, if required. The ~~department~~
115 Alabama State Law Enforcement Agency may charge and collect a
116 fee sufficient to cover the reasonable anticipated costs for
117 annual inspections and permit issuance under subsection (d).

118 (f) For the purposes of enforcing this section, the
119 vessel length as carried on a vessel's registration
120 certificate or manufacturer's certificate of origin will be
121 prima facie evidence of the length of the vessel."

122 Section 2. This act shall become effective on October
123 1, 2024.