

HB209 ENGROSSED



1 HB209

2 WRH3EEE-2

3 By Representatives Oliver, Stubbs

4 RFD: Public Safety and Homeland Security

5 First Read: 21-Feb-24



HB209 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to boats and boating on certain fresh waters of this state; to amend Act 2023-459 of the 2023 Regular Session, now appearing as Section 33-5-26.1 of the Code of Alabama 1975, regulating and prohibiting wakeboarding and wakesurfing under certain conditions on certain fresh waters of the state and providing fines and penalties; to add the waters of the state impounded by Martin Dam (Lake Martin) and by Weiss Dam (Weiss Lake) to the waters of the state where the law applies; to prohibit the operation of a motorboat above idle speed within 100 feet from any shoreline, dock, pier, boathouse, or other structure located on any waters to which this act applies including Lake Martin subject to the same penalties and subject to a warning period; 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. Section 1 of Act 2023-459 of the 2023



HB209 Engrossed

29 Regular Session, now appearing as Section 33-5-26.1 of the
30 Code of Alabama 1975, is amended to read as follows:

31 "§33-5-26.1

32 (a) This section shall apply only to the waters of the
33 state impounded by Lewis Smith Dam (Lewis Smith Lake), to the
34 waters of the state impounded by R.L. Harris Dam (Lake Wedowee
35 or the R.L. Harris Reservoir), to the waters of the state
36 impounded by Martin Dam (Lake Martin), to the waters of the
37 state impounded by Weiss Dam (Weiss Lake), and to ~~Sheals~~ Shoal
38 Creek in Lauderdale County north of Highway 72.

39 (b) For purposes of this section, the following words
40 have the following meanings:

41 (1) MOTORBOAT. A motorized recreational vessel.

42 (2) WAKEBOARDING. Either of the following:

43 a. To use a board with or without foot bindings on
44 which a rider is towed by a motorboat across a wake.

45 b. To operate a motorboat in a manner that creates a
46 wake while towing an individual using a board with or without
47 foot bindings to be towed by the motorboat across the boat's
48 wake.

49 (3) WAKESURFING. Either of the following:

50 a. To surf a motorboat's wake, regardless of whether
51 the individual is being pulled by a tow rope attached to the
52 motorboat that is producing the wake.

53 b. To operate a motorboat in a manner that creates a
54 wake that is, or is intended to be, surfed by another person.

55 (c) On the waters of this state impounded by Lewis
56 Smith Dam (Lewis Smith Lake), on the waters of the state



HB209 Engrossed

57 impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris
58 Reservoir), on the waters of the state impounded by Martin Dam
59 (Lake Martin), on the waters of the state impounded by Weiss
60 Dam (Weiss Lake), or on ~~Shoals~~ Shoal Creek in Lauderdale
61 County north of Highway 72, an individual may not engage in
62 wakeboarding or wakesurfing under any of the following
63 conditions:

64 (1) Between sunset and sunrise.

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

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

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

71 (d) On the waters of the state impounded by Lewis Smith
72 Dam (Lewis Smith Lake), on the waters of the state impounded
73 by R.L. Harris Dam (Lake Wedowee or the R.L. Harris
74 Reservoir), on the waters of this state impounded by Martin
75 Dam (Lake Martin), on the waters of the state impounded by
76 Weiss Dam (Weiss Lake), or on Shoal Creek in Lauderdale County
77 north of Highway 72, an individual may not operate a motorboat
78 above idle speed within 100 feet from any shoreline, dock,
79 pier, boathouse, or other structure located on the impounded
80 waters.

81 (e) (1) On a first violation of this section, an
82 individual shall be guilty of a violation punishable by a fine
83 of not less than one hundred dollars (\$100).

84 (2) On a second or subsequent violation of this section



HB209 Engrossed

85 during a single calendar year, the individual shall be guilty
86 of a violation and shall be fined not less than two hundred
87 dollars (\$200). In addition, at the discretion of the court,
88 the individual shall be subject to the revocation or
89 suspension of his or her boater safety certification or vessel
90 operator's certification or vessel operating privileges upon
91 the waters of this state for the duration of the calendar
92 year.

93 (3) Any prosecution for a violation of this section
94 shall be commenced by a citation issued by a law enforcement
95 officer.

96 ~~(e)~~ (f) Nothing in this section shall apply to any
97 regatta, race, ~~trail~~ trial run, parade, tournament, or
98 exhibition ~~on the waters of this state impounded by Lewis~~
99 ~~Smith Dam~~ for which a written marine event application has
100 been submitted to and approved by the Marine ~~Police~~ Patrol
101 Division of the Alabama State Law Enforcement Agency.

102 ~~(f)~~ (g) The Alabama State Law Enforcement Agency and the
103 Department of Conservation and Natural Resources shall take
104 steps to notify the public of the requirements and
105 prohibitions of this section.

106 ~~(g)~~ (h) Notwithstanding the other provisions of this
107 section, for one year following September 1, 2023, an
108 individual who violates ~~this section~~ subsection (c) on a first
109 violation shall receive a written warning of the violation;
110 and on a second or subsequent violation during the calendar
111 year, the violation shall be treated as a first violation
112 under subsection ~~(d)~~ (e).



HB209 Engrossed

113 (i) Notwithstanding the other provisions of this
114 section, for one year following October 1, 2024, an individual
115 who violates subsection (d) on a first violation shall receive
116 a written warning of the violation; and on a second or
117 subsequent violation during the calendar year, the violation
118 shall be treated as a first violation under subsection (e)."

119 Section 2. Although this bill would have as its purpose
120 or effect the requirement of a new or increased expenditure of
121 local funds, the bill is excluded from further requirements
122 and application under Section 111.05 of the Constitution of
123 Alabama of 2022, because the bill defines a new crime or
124 amends the definition of an existing crime.

125 Section 3. This act shall become effective on October
126 1, 2024.



HB209 Engrossed

127
128
129

130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148

House of Representatives

Read for the first time and referred21-Feb-24
to the House of Representatives
committee on Public Safety and
Homeland Security
Read for the second time and placed28-Feb-24
on the calendar:
0 amendments
Read for the third time and passed04-Apr-24
as amended
Yeas 86
Nays 5
Abstains 8

John Treadwell
Clerk