

**HB375 ENROLLED**



1 HB375  
2 T4FY115-3  
3 By Representatives Shaver, Oliver, Wadsworth, Woods, Colvin  
4 RFD: Public Safety and Homeland Security  
5 First Read: 21-Mar-24



## HB375 Enrolled

1 Enrolled, An Act,

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3 Relating to vessels; to amend Section 33-5-52, Code of  
4 Alabama 1975, to establish the Nonresident Alabama Boater  
5 Safety Certification; to require nonresidents to obtain the  
6 certification prior to operating a vessel on the waters of  
7 this state, with exceptions; to provide a penalty for a  
8 violation; and in connection therewith would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds within the meaning of Section  
11 111.05 of the Constitution of Alabama of 2022.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 33-5-52, Code of Alabama 1975, is  
14 amended to read as follows:

15 "§33-5-52

16 (a) (1) Every person shall procure a boater safety  
17 certification before operating a motorized vessel upon the  
18 waters of this state. This section does not apply to the  
19 operation of any non-motorized sailboat, rowboat, or canoe.

20 (2) a. Notwithstanding any law to the contrary, an  
21 Alabama resident 16 years of age or older who purchases a  
22 vessel and who has not been previously issued a boater safety  
23 certification, for a period of 30 days following the date of  
24 sale of the vessel to the person, may operate the vessel upon  
25 the waters, provided both of the following conditions are  
26 met:

27 a.1. The vessel has been registered in the name of the  
28 person.



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29            ~~b.~~2. A bill of sale for the vessel, indicating that the  
30 person is the purchaser and owner of the vessel, is in the  
31 possession of the person at all times of operation.

32            ~~(3)~~b. A person ~~taking~~who test drives ~~of vessels~~a vessel  
33 for sale, when accompanied by a licensed vessel dealer, shall  
34 be exempt during the drive from the certification requirements  
35 of this subsection.

36            ~~(4) Every new resident of this state, before operating~~  
37 ~~a motorized vessel, shall procure the certification within 30~~  
38 ~~days after establishing residence in this state.~~

39            (b) Each boater safety certification issued to a  
40 person, if issued at the same time the person is issued a  
41 valid Alabama motor vehicle driver or learner license, or  
42 valid Alabama nondriver identification card, or if issued  
43 prior to the expiration date of the driver or learner license  
44 or card, shall expire on the expiration date of the person's  
45 valid Alabama motor vehicle driver or learner license or card.  
46 In all other cases, the expiration date of each boater safety  
47 certification shall be four years from the date of issuance.

48            (c) ~~Every~~ Upon application, a boater safety  
49 certification issued under this article may be renewed at the  
50 end of the certification period without examination ~~upon~~  
51 ~~application.~~ For the purpose of renewal of a boater safety  
52 certification, ALEA shall mail renewal notices to each  
53 certification holder 30 days after the expiration date if the  
54 certification has not been renewed. A grace period of 60 days  
55 after the expiration date of certification shall exist for the  
56 purpose of certification renewal and the certification shall



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57 be valid for this time period. The applicant shall apply for  
58 renewal of certification any time during a period beginning 30  
59 days before the expiration date of the then current  
60 certification until three years after the expiration date of  
61 certification. Failure to make application for renewal within  
62 the specified time shall result in the applicant being  
63 required to take, and successfully pass, a written or oral  
64 examination administered by ALEA. ~~If any person's birthday is~~  
65 ~~February 29, the first day of March following shall be~~  
66 ~~regarded as the birthday for the purposes of this section.~~

67 (d) Nonresidents 12 or more years of age who have in  
68 their immediate possession a valid boater safety certification  
69 or vessel operator's certification issued in their home state  
70 or country shall be exempt from the requirements of this  
71 section, but under no circumstances shall a ~~person~~ nonresident  
72 be granted any privileges of operation beyond those granted to  
73 an Alabama resident certification holder of the same age,  
74 including those individuals described in Section 33-5-57(b).

75 (e) ~~Nonresidents 12 or more years of age whose home~~  
76 ~~state or country does not require boater safety certification~~  
77 ~~or the licensing of vessel operators shall also be exempt from~~  
78 ~~the requirements of this section for a cumulative operation~~  
79 ~~period of not more than 45 days in any calendar year.~~  
80 ~~Otherwise, any nonresidents shall be examined and~~  
81 ~~certified~~ Except as provided in subsections (f) and (g), a  
82 nonresident may operate a vessel upon the waters of this state  
83 only after obtaining a valid boater safety certification or  
84 vessel operator's certification issued in his or her home



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85 state or country, or after obtaining a Nonresident Alabama  
86 Boater Safety Certification upon examination and certification  
87 under the same terms and conditions as Alabama residents.  
88 ~~Nonresidents may be examined and obtain certification in any~~  
89 ~~county and the certification shall be entitled "Nonresident~~  
90 ~~Alabama Boater Safety Certification," but under no~~  
91 ~~circumstances shall a person be granted any privileges of~~  
92 ~~operation beyond those granted to an Alabama resident~~  
93 ~~certification holder of the same age.~~

94 (f) A person operating a vessel pursuant to a valid and  
95 legal commercial activity, during the period of time of that  
96 activity only, shall be exempt from the requirement of boater  
97 safety certification. ~~Otherwise, the person shall be subject~~  
98 ~~to the requirement.~~

99 (g) A person, while using a ~~rental vessel~~ registered  
100 with the Marine Patrol Division of ALEA as a rental vessel  
101 from a boat rental business duly licensed by the applicable  
102 municipality or county or from a state-owned marina, shall be  
103 exempt from the certification requirements of this section if  
104 the following conditions are met:

105 (1) The rental contract specifies that the lessee has  
106 been instructed in the proper and safe operation of the vessel  
107 by the lessor or the authorized agent of the lessor.

108 (2) The lessor has complied with the terms of rental  
109 contract and all parties sign the contract.

110 (3) The lessee signs a statement that the lessee is not  
111 currently under suspension or revocation of any boater safety  
112 certification or vessel operation privilege.



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113 (4) A copy of the applicable rental contract is on  
114 board the vessel while the vessel is in operation.

115 (5) The operator of the vessel is 16 or more years of  
116 age.

117 (h) A violation of this section is a boating violation.

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

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



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 09-Apr-24, as amended.

John Treadwell  
Clerk

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Senate    **08-May-24**    Passed

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