## 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



1 Enrolled, An Act,

- Relating to vessels; to amend Section 33-5-52, Code of Alabama 1975, to establish the Nonresident Alabama Boater Safety Certification; to require nonresidents to obtain the certification prior to operating a vessel on the waters of this state, with exceptions; to provide a penalty for a violation; 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.
- 12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. Section 33-5-52, Code of Alabama 1975, is amended to read as follows:
- 15 "\$33-5-52
- (a) (1) Every person shall procure a boater safety
  certification before operating a motorized vessel upon the
  waters of this state. This section does not apply to the
  operation of any non-motorized sailboat, rowboat, or canoe.
  - (2) a. Notwithstanding any law to the contrary, an Alabama resident 16 years of age or older who <u>purchases a vessel and who</u> has not been previously issued a boater safety certification, for a period of 30 days following the date of sale of the vessel to the person, may operate the vessel upon the waters, provided both of the following conditions are met:
- $\frac{a.1.}{a}$  The vessel has been registered in the name of the 28 person.



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

- (3)b. A person takingwho test drives of vessels vessel for sale, when accompanied by a licensed vessel dealer, shall be exempt during the drive from the certification requirements of this subsection.
- (4) Every new resident of this state, before operating a motorized vessel, shall procure the certification within 30 days after establishing residence in this state.
- (b) Each boater safety certification issued to a person, if issued at the same time the person is issued a valid Alabama motor vehicle driver or learner license, or valid Alabama nondriver identification card, or if issued prior to the expiration date of the driver or learner license or card, shall expire on the expiration date of the person's valid Alabama motor vehicle driver or learner license or card. In all other cases, the expiration date of each boater safety certification shall be four years from the date of issuance.
- (c) Every Upon application, a boater safety certification issued under this article may be renewed at the end of the certification period without examination—upon application. For the purpose of renewal of a boater safety certification, ALEA shall mail renewal notices to each certification holder 30 days after the expiration date if the certification has not been renewed. A grace period of 60 days after the expiration date of certification shall exist for the purpose of certification renewal and the certification shall



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

- (d) Nonresidents 12 or more years of age who have in their immediate possession a valid boater safety certification or vessel operator's certification issued in their home state or country shall be exempt from the requirements of this section, but under no circumstances shall a <a href="mailto:person-nonresident">person-nonresident</a> be granted any privileges of operation beyond those granted to an Alabama resident certification holder of the same age, including those individuals described in Section 33-5-57(b).
- (e) Nonresidents 12 or more years of age whose home state or country does not require boater safety certification or the licensing of vessel operators shall also be exempt from the requirements of this section for a cumulative operation period of not more than 45 days in any calendar year.

  Otherwise, any nonresidents shall be examined and certifiedExcept as provided in subsections (f) and (g), a nonresident may operate a vessel upon the waters of this state only after obtaining a valid boater safety certification or vessel operator's certification issued in his or her home



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

(f) A person operating a vessel pursuant to a valid and legal commercial activity, during the period of time of that activity only, shall be exempt from the requirement of boater

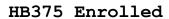
certification holder of the same age.

- 97 safety certification. Otherwise, the person shall be subject
- 98 <del>to the requirement.</del>

- 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.



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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