

**SB282 INTRODUCED**



1 SB282  
2 B9CKJJJ-1  
3 By Senator Hovey  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 04-Apr-24



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SYNOPSIS:

Under existing law, wakeboarding and wakesurfing are regulated and prohibited under certain conditions, including within 200 feet of any shoreline, dock, pier, boathouse, or other structure on the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake), R.L. Harris Dam (Lake Wedowee), or on Shoal Creek in Lauderdale County north of Highway 72. Violations of the law are subject to certain fines and penalties.

This bill would add waters of the state impounded by Martin Dam (Lake Martin) to the waters of the state where the law applies.

This bill would also prohibit the operation of a motorboat above idle speed within 100 feet from any shoreline, dock, pier, boathouse, or other structure on the same impounded waters of the state, including Lake Martin, subject to the same penalties.

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



## SB282 INTRODUCED

29           entity; or the Legislature appropriates funds, or  
30           provides a local source of revenue, to the entity for  
31           the purpose.

32                     The purpose or effect of this bill would be to  
33           require a new or increased expenditure of local funds  
34           within the meaning of the section. However, the bill  
35           does not require approval of a local governmental  
36           entity or enactment by a 2/3 vote to become effective  
37           because it comes within one of the specified exceptions  
38           contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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



## SB282 INTRODUCED

57 period; and in connection therewith would have as its purpose  
58 or effect the requirement of a new or increased expenditure of  
59 local funds within the meaning of Section 111.05 of the  
60 Constitution of Alabama of 2022.

61 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

62 Section 1. Section 1 of Act 2023-459 of the 2023  
63 Regular Session, now appearing as Section 33-5-26.1 of the  
64 Code of Alabama 1975, is amended to read as follows:

65 "§33-5-26.1

66 (a) This section shall apply only to the waters of the  
67 state impounded by Lewis Smith Dam (Lewis Smith Lake), to the  
68 waters of the state impounded by R.L. Harris Dam (Lake Wedowee  
69 or the R.L. Harris Reservoir), to the waters of the state  
70 impounded by Martin Dam (Lake Martin), and to ~~Shoals Shoal~~  
71 Creek in Lauderdale County north of Highway 72.

72 (b) For purposes of this section, the following words  
73 have the following meanings:

74 (1) MOTORBOAT. A motorized recreational vessel.

75 (2) WAKEBOARDING. Either of the following:

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

78 b. To operate a motorboat in a manner that creates a  
79 wake while towing an individual using a board with or without  
80 foot bindings to be towed by the motorboat across the boat's  
81 wake.

82 (3) WAKESURFING. Either of the following:

83 a. To surf a motorboat's wake, regardless of whether  
84 the individual is being pulled by a tow rope attached to the



## SB282 INTRODUCED

85 motorboat that is producing the wake.

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

88           (c) On the waters of this state impounded by Lewis  
89 Smith Dam (Lewis Smith Lake), on the waters of the state  
90 impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris  
91 Reservoir), on the waters of the state impounded by Martin Dam  
92 (Lake Martin), or on ~~Sheals~~ Shoal Creek in Lauderdale County  
93 north of Highway 72, an individual may not engage in  
94 wakeboarding or wakesurfing under any of the following  
95 conditions:

96           (1) Between sunset and sunrise.

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

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

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

103           (d) On the waters of the state impounded by Lewis Smith  
104 Dam (Lewis Smith Lake), on the waters of the state impounded  
105 by R.L. Harris Dam (Lake Wedowee or the R.L. Harris  
106 Reservoir), on the waters of this state impounded by Martin  
107 Dam (Lake Martin), or on Shoal Creek in Lauderdale County  
108 north of Highway 72, an individual may not operate a motorboat  
109 above idle speed within 100 feet from any shoreline, dock,  
110 pier, boathouse, or other structure located on the impounded  
111 waters.

112           (e) (1) On a first violation of this section, an



## SB282 INTRODUCED

113 individual shall be guilty of a violation punishable by a fine  
114 of not less than one hundred dollars (\$100).

115 (2) On a second or subsequent violation of this section  
116 during a single calendar year, the individual shall be guilty  
117 of a violation and shall be fined not less than two hundred  
118 dollars (\$200). In addition, at the discretion of the court,  
119 the individual shall be subject to the revocation or  
120 suspension of his or her boater safety certification or vessel  
121 operator's certification or vessel operating privileges upon  
122 the waters of this state for the duration of the calendar  
123 year.

124 (3) Any prosecution for a violation of this section  
125 shall be commenced by a citation issued by a law enforcement  
126 officer.

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

133 ~~(f)~~ (g) The Alabama State Law Enforcement Agency and the  
134 Department of Conservation and Natural Resources shall take  
135 steps to notify the public of the requirements and  
136 prohibitions of this section.

137 ~~(g)~~ (h) Notwithstanding the other provisions of this  
138 section, for one year following September 1, 2023, an  
139 individual who violates ~~this section~~ subsection (c) on a first  
140 violation shall receive a written warning of the violation;



## SB282 INTRODUCED

141 and on a second or subsequent violation during the calendar  
142 year, the violation shall be treated as a first violation  
143 under subsection ~~(d)~~ (e).

144 (i) Notwithstanding the other provisions of this  
145 section, for one year following October 1, 2024, an individual  
146 who violates subsection (d) on a first violation shall receive  
147 a written warning of the violation; and on a second or  
148 subsequent violation during the calendar year, the violation  
149 shall be treated as a first violation under subsection (e)."

150 Section 2. Although this bill would have as its purpose  
151 or effect the requirement of a new or increased expenditure of  
152 local funds, the bill is excluded from further requirements  
153 and application under Section 111.05 of the Constitution of  
154 Alabama of 2022, because the bill defines a new crime or  
155 amends the definition of an existing crime.

156 Section 3. This act shall become effective on October  
157 1, 2024.