

HB209 ENROLLED



1 HB209
2 WRH3EEE-3
3 By Representatives Oliver, Stubbs
4 RFD: Public Safety and Homeland Security
5 First Read: 21-Feb-24



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1 Enrolled, An Act,

2 Relating to boats and boating on certain fresh waters
3 of this state; to amend Act 2023-459 of the 2023 Regular
4 Session, now appearing as Section 33-5-26.1 of the Code of
5 Alabama 1975, regulating and prohibiting wakeboarding and
6 wakesurfing under certain conditions on certain fresh waters
7 of the state and providing fines and penalties; to add the
8 waters of the state impounded by Martin Dam (Lake Martin) and
9 by Weiss Dam (Weiss Lake) to the waters of the state where the
10 law applies; to prohibit the operation of a motorboat above
11 idle speed within 100 feet from any shoreline, dock, pier,
12 boathouse, or other structure located on any waters to which
13 this act applies including Lake Martin subject to the same
14 penalties and subject to a warning period; and in connection
15 therewith would have as its purpose or effect the requirement
16 of a new or increased expenditure of local funds within the
17 meaning of Section 111.05 of the Constitution of Alabama of
18 2022.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§33-5-26.1

24 (a) This section shall apply only to the waters of the
25 state impounded by Lewis Smith Dam (Lewis Smith Lake), to the
26 waters of the state impounded by R.L. Harris Dam (Lake Wedowee
27 or the R.L. Harris Reservoir), to the waters of the state
28 impounded by Martin Dam (Lake Martin), to the waters of the



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29 state impounded by Weiss Dam (Weiss Lake), and to ~~Sheals~~ Shoal
30 Creek in Lauderdale County north of Highway 72.

31 (b) For purposes of this section, the following words
32 have the following meanings:

33 (1) MOTORBOAT. A motorized recreational vessel.

34 (2) WAKEBOARDING. Either of the following:

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

37 b. To operate a motorboat in a manner that creates a
38 wake while towing an individual using a board with or without
39 foot bindings to be towed by the motorboat across the boat's
40 wake.

41 (3) WAKESURFING. Either of the following:

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

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

47 (c) On the waters of this state impounded by Lewis
48 Smith Dam (Lewis Smith Lake), on the waters of the state
49 impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris
50 Reservoir), on the waters of the state impounded by Martin Dam
51 (Lake Martin), on the waters of the state impounded by Weiss
52 Dam (Weiss Lake), or on ~~Sheals~~ Shoal Creek in Lauderdale
53 County north of Highway 72, an individual may not engage in
54 wakeboarding or wakesurfing under any of the following
55 conditions:

56 (1) Between sunset and sunrise.



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

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

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

63 (d) On the waters of the state impounded by Lewis Smith
64 Dam (Lewis Smith Lake), on the waters of the state impounded
65 by R.L. Harris Dam (Lake Wedowee or the R.L. Harris
66 Reservoir), on the waters of this state impounded by Martin
67 Dam (Lake Martin), on the waters of the state impounded by
68 Weiss Dam (Weiss Lake), or on Shoal Creek in Lauderdale County
69 north of Highway 72, an individual may not operate a motorboat
70 above idle speed within 100 feet from any shoreline, dock,
71 pier, boathouse, or other structure located on the impounded
72 waters.

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

76 (2) On a second or subsequent violation of this section
77 during a single calendar year, the individual shall be guilty
78 of a violation and shall be fined not less than two hundred
79 dollars (\$200). In addition, at the discretion of the court,
80 the individual shall be subject to the revocation or
81 suspension of his or her boater safety certification or vessel
82 operator's certification or vessel operating privileges upon
83 the waters of this state for the duration of the calendar
84 year.



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85 (3) Any prosecution for a violation of this section
86 shall be commenced by a citation issued by a law enforcement
87 officer.

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

94 ~~(f)~~(g) The Alabama State Law Enforcement Agency and the
95 Department of Conservation and Natural Resources shall take
96 steps to notify the public of the requirements and
97 prohibitions of this section.

98 ~~(g)~~(h) Notwithstanding the other provisions of this
99 section, for one year following September 1, 2023, an
100 individual who violates ~~this section~~subsection (c) on a first
101 violation shall receive a written warning of the violation;
102 and on a second or subsequent violation during the calendar
103 year, the violation shall be treated as a first violation
104 under subsection ~~(d)~~(e).

105 (i) Notwithstanding the other provisions of this
106 section, for one year following October 1, 2024, an individual
107 who violates subsection (d) on a first violation shall receive
108 a written warning of the violation; and on a second or
109 subsequent violation during the calendar year, the violation
110 shall be treated as a first violation under subsection (e)."

111 Section 2. Although this bill would have as its purpose
112 or effect the requirement of a new or increased expenditure of



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113 local funds, the bill is excluded from further requirements
114 and application under Section 111.05 of the Constitution of
115 Alabama of 2022, because the bill defines a new crime or
116 amends the definition of an existing crime.

117 Section 3. This act shall become effective on October
118 1, 2024.

