

1 SJR13
2 152082-1
3 By Senator Dial
4 RFD:
5 First Read: 14-JAN-14

2
3
4
5
6
7
8 EXPRESSING LEGISLATIVE INTENT REGARDING THE
9 EXEMPTION OF CERTAIN VESSELS THAT MAY EMPLOY A SAIL FROM
10 REGISTRATION REQUIREMENTS.
11

12 WHEREAS, the Legislature enacted certain provisions
13 within Article 1, Chapter 5, Title 33, Code of Alabama 1975,
14 to authorize the Department of Conservation and Natural
15 Resources to require owners of certain vessels used as a means
16 of transportation on the waters of this state to obtain
17 certificates of registration and numbers for the vessels; and

18 WHEREAS, Section 33-5-17, Code of Alabama 1975,
19 authorizes an annual fee in the amount of eighteen dollars
20 (\$18), plus a two-dollar (\$2) issuance fee for vessels less
21 than 16 feet in length; and,

22 WHEREAS, Section 33-5-19, Code of Alabama 1975,
23 exempts a vessel not propelled by machinery, except sail boats
24 and boats for hire, from the numbering requirements contained
25 in Article 1, Chapter 5, Title 33, Code of Alabama 1975; and

26 WHEREAS, the term "sailboat" is commonly defined as
27 "a boat usually propelled by sail"; therefore, it is not the

1 intent of the Legislature to require registration of a vessel
2 that occasionally employs a sail; and

3 WHEREAS, based upon the express exemption for a
4 vessel not propelled by machinery from the numbering
5 requirements as well as the common definition of "sailboat,"
6 it is the clear intent of the Legislature in the enactment of
7 the registration and numbering scheme in Article 1, Chapter 5,
8 Title 33, Code of Alabama 1975, not to require registration
9 and numbering of a canoe or kayak or other floating device
10 that has as a principal means of propulsion an individual with
11 a paddle, even if a sail is employed on the vessel from time
12 to time; and

13 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
14 HOUSES THEREOF CONCURRING, That the Legislature hereby
15 affirmatively states that the intent of the Legislature in the
16 enactment of the provisions within Article 1, Chapter 5, Title
17 33, Code of Alabama 1975, relating to the registration of
18 vessels used as a means of transportation on water, was to
19 exempt from any registration requirements a canoe or kayak or
20 other floating device that has as a principal means of
21 propulsion an individual with a paddle, even if a sail is
22 employed on the vessel from time to time.

23 BE IT FURTHER RESOLVED, That a copy of this
24 resolution be forwarded to the Commissioner of the Department
25 of Conservation and Natural Resources that the department may
26 know of our intent.