

HOUSE BILL No. 1098

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-15-3; IC 14-15-13-3.

Synopsis: Wake boarding and wake surfing. Prohibits a person from operating on a public freshwater lake a motorboat that engages in wake boarding or wake surfing: (1) during the period between sunset and sunrise; or (2) in violation of a rule adopted by the natural resources commission (commission). Places restrictions that apply to wake boarding or wake surfing on a small public freshwater lake that is at least 70 acres but not more than 300 acres. Establishes a procedure for property owners on a public freshwater lake to petition the commission to adopt rules concerning wake boarding and wake surfing restrictions. Establishes a penalty. Provides that an individual may not operate a motorboat with: (1) an outboard engine; or (2) an outdrive unit with a propeller that extends past the motorboat's transom or swim platform; for the purpose of wake surfing.

Effective: Upon passage.

Abbott

January 7, 2021, read first time and referred to Committee on Natural Resources.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1098

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-222 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 222. "Public
3 freshwater lake", for purposes of **IC 14-15-3 and IC 14-26-2**, has the
4 meaning set forth in IC 14-26-2-3.

5 SECTION 2. IC 14-8-2-301.4 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: **Sec. 301.4. "Wake boarding", for**
8 **purposes of IC 14-15-3, has the meaning set forth in IC 14-15-3-1.4.**

9 SECTION 3. IC 14-8-2-301.6 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: **Sec. 301.6. "Wake surfing", for**
12 **purposes of IC 14-15-3 and IC 14-15-13-3, has the meaning set**
13 **forth in IC 14-15-3-1.6.**

14 SECTION 4. IC 14-15-3-1.4 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: **Sec. 1.4. As used in this chapter, "wake**
17 **boarding" means:**



1 (1) to use a short board with or without foot bindings on
2 which a rider is towed by a motorboat across a wake; or

3 (2) to operate a motorboat that creates a wake that tows or is
4 intended to tow a person who uses a short board with or
5 without foot bindings on which they are towed by the
6 motorboat across the boat's wake.

7 SECTION 5. IC 14-15-3-1.6 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: **Sec. 1.6. As used in this chapter, "wake surfing"**
10 **means:**

11 (1) to surf a wake, regardless of whether the person is being
12 pulled by a tow rope attached to the motorboat that is
13 producing the wake; or

14 (2) to operate a motorboat that creates a wake that is or is
15 intended to be surfed by another person.

16 SECTION 6. IC 14-15-3-8.1 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: **Sec. 8.1. A person may not operate a motorboat**
19 **on a public freshwater lake while engaging in wake boarding or**
20 **wake surfing during the period between sunset and sunrise.**

21 SECTION 7. IC 14-15-3-10 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a)** Subject to
23 section 11 of this chapter, a person may not operate a motorboat upon
24 a small lake at a speed greater than ten (10) miles per hour.

25 **(b) A person may not operate a motorboat upon a small lake**
26 **while engaging in wake boarding or wake surfing unless:**

27 (1) it is during the time and day of a speed exemption that is
28 granted for the small lake under section 11 of this chapter
29 before July 1, 2021; or

30 (2) a rule is adopted for the small lake under section 21.1 of
31 this chapter.

32 **(c) A rule adopted under section 21.1 of this chapter supersedes**
33 **any time or day restrictions placed by subsection (b)(1) as it relates**
34 **to wake boarding or wake surfing on a small lake.**

35 SECTION 8. IC 14-15-3-21.1 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE UPON PASSAGE]: **Sec. 21.1. (a) The commission may**
38 **adopt rules under IC 4-22-2 to add or amend the restrictions on a**
39 **person operating a motorboat on a public freshwater lake while**
40 **engaging in wake boarding or wake surfing, if a majority of the**
41 **abutting property owners petition the commission as provided in**
42 **this section.**



1 (b) A petition under this section must specify the amended
2 restriction on wake boarding or wake surfing that is being
3 requested. The request must include at least one (1) of the
4 following:

5 (1) Add or amend a restriction on the days of the week wake
6 boarding or wake surfing is allowed.

7 (2) Add or amend a restriction on the time of day wake
8 boarding or wake surfing is allowed.

9 (3) Add or amend a restriction on the distance from the shore
10 that wake boarding or wake surfing is allowed.

11 (4) Add or amend a ban on wake boarding or wake surfing on
12 all or part of the public freshwater lake.

13 (c) The commission may not establish a restriction that deviates
14 from the restriction requested in the petition under subsection (b).

15 (d) The commission may adopt rules under IC 4-22-2 to rescind
16 or amend a restriction granted under subsection (a) if a majority
17 of the abutting property owners of a public freshwater lake that
18 has been granted a restriction under this section petitions the
19 commission in substantial accordance with the appropriate
20 corresponding requirements of subsection (f) to rescind or amend
21 the restriction. Two (2) years must elapse before the commission
22 may amend or rescind a rule adopted under this section.

23 (e) Before the adoption of a rule under subsection (a), the
24 commission must certify that the petition represents a majority of
25 the abutting property owners. A determination under this
26 subsection is subject to IC 4-21.5.

27 (f) A petition under this section must be in the following form:

28 To the State of Indiana

29 Department of Natural Resources

30 The undersigned, all owners of abutting property to (name of
31 lake) and situated in _____ County, Indiana, petition the
32 department to post the wake boarding or wake surfing restrictions
33 on (name of lake) as specified in IC 14-15-3-21.1(b) as follows:

34 (Petition to specify any restrictions listed above.)

35 We certify that the signatures listed on this petition represent a
36 majority of bona fide property owners of abutting property of
37 (name of lake), as recorded in the office of the county recorder of
38 (name of county). The department may verify the validity of the
39 signatures. We also understand and agree that this petition, when
40 certified, may not be changed or altered within two (2) years from
41 the date of the certification.



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Signed	Lake Property Address
Date	

(g) A rule adopted under this section may be more restrictive than is required under section 8.1 of this chapter.

SECTION 9. IC 14-15-3-31, AS AMENDED BY P.L.195-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) A person who violates section 2, 3, 5, 7, 8, **8.1**, 9, 10, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 27, 28, 29, or 30 of this chapter **or a rule adopted under section 21.1 of this chapter** commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 6 of this chapter commits a Class C misdemeanor.

SECTION 10. IC 14-15-13-3, AS AMENDED BY P.L.164-2020, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. An individual may not do the following:

- (1) Operate a motorboat inboard or have the inboard engine of a motorboat run idle while an individual is holding onto the swim platform, swim deck, swim step, swim ladder or any part of the exterior of the transom of a motorboat while the motorboat is underway at any speed.
- (2) Operate a motorboat powered by an outboard motor or equipped with an outdrive unit while an individual is:
 - (A) holding onto the swim platform, swim deck, swim step, swim ladder or any portion of the exterior of the transom of a motorboat while the motorboat is underway at any speed; or
 - (B) swimming, or floating on or in the wake directly behind a motorboat that is underway.
- (3) Operate a motorboat with the number of individual riders on a towed device that exceeds the listed capacity on the towed device or the owner's manual.
- (4) Operate a motorboat with:**
 - (A) an outboard engine; or**
 - (B) an outdrive unit with a propeller that extends past the motorboat's transom or swim platform;****for the purpose of wake surfing.**

SECTION 11. **An emergency is declared for this act.**

