

HOUSE BILL No. 1197

DIGEST OF INTRODUCED BILL

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

Synopsis: Wake boating. Beginning January 1, 2021, prohibits a person from operating on a public lake a motorboat that engages in plowing: (1) during the period between sunset and sunrise; (2) within 600 feet of the shore; or (3) in violation of a rule adopted by the natural resources commission. Establishes a procedure for property owners on a public lake to petition the natural resources commission to adopt rules concerning plowing restrictions. Establishes a penalty.

Effective: July 1, 2020.

Abbott

January 13, 2020, read first time and referred to Committee on Natural Resources.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1197

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 14-8-2-206.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 206.5. "Plowing", for purposes of**
4 **IC 14-15-3, has the meaning set forth in IC 14-15-3-0.5.**

5 SECTION 2. IC 14-8-2-222 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 222. "Public freshwater
7 lake", for purposes of **IC 14-15-3 and IC 14-26-2**, has the meaning set
8 forth in IC 14-26-2-3.

9 SECTION 3. IC 14-15-3-0.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2020]: **Sec. 0.5. As used in this chapter, "plowing" means**
12 **intentionally operating a motorboat, including a motorboat that**
13 **has been modified to create a larger wake, to maintain the bow of**
14 **the motorboat in an elevated position to create a wake. The term**
15 **does not include the operation of a motorboat that is in transition**
16 **while accelerating or deaccelerating.**

17 SECTION 4. IC 14-15-3-20.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2020]: **Sec. 20.5. Beginning January 1, 2021,**
 3 **a person may not operate on a public freshwater lake a motorboat**
 4 **that engages in plowing:**

- 5 (1) during the period between sunset and sunrise;
 6 (2) within six hundred (600) feet of the shore; or
 7 (3) in violation of a rule adopted under section 21.1 of this
 8 chapter.

9 SECTION 5. IC 14-15-3-21.1 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2020]: **Sec. 21.1. (a) The commission may**
 12 **adopt rules under IC 4-22-2 to amend the restrictions, under**
 13 **section 20.5 of this chapter, on a person operating a motorboat on**
 14 **a public freshwater lake while engaging in plowing, if a majority**
 15 **of the abutting property owners petition the commission as**
 16 **provided in this section.**

17 (b) A petition under this section must specify the amended
 18 restriction on plowing that is being requested. The request must
 19 include at least one (1) of the following:

- 20 (1) Add or amend a restriction on the days of the week
 21 plowing is allowed.
 22 (2) Add or amend a restriction on the time of day plowing is
 23 allowed.
 24 (3) Add or amend a restriction on the distance from the shore
 25 that plowing is allowed.
 26 (4) Add or amend a ban on plowing on all or part of the public
 27 freshwater lake.

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

30 (d) The commission may adopt rules under IC 4-22-2 to rescind
 31 or amend a restriction granted under subsection (a) if a majority
 32 of the abutting property owners of a public freshwater lake that
 33 has been granted a restriction under this section petitions the
 34 commission in substantial accordance with the appropriate
 35 corresponding requirements of subsection (f) to rescind or amend
 36 the restriction. Two (2) years must elapse before the commission
 37 may amend or rescind a rule adopted under this section.

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

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



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**To the State of Indiana
Department of Natural Resources**
The undersigned, all owners of abutting property to (name of lake) and situated in _____ County, Indiana, petition the department to post the plowing restrictions on (name of lake) as specified in IC 14-15-3-21.1(b) as follows:

(Petition to specify any restrictions listed above.)

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

Signed Lake Property Address

Date

(g) A rule adopted under this section may be more or less restrictive than is required under section 20.5 of this chapter.

SECTION 6. IC 14-15-3-31, AS AMENDED BY P.L.195-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) A person who violates section 2, 3, 5, 7, 8, 9, 10, 14, 15, 16, 17, 20, 20.5, 22, 23, 24, 25, 26, 27, 28, 29, or 30 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.

