

# HOUSE BILL No. 1305

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Wake boarding and wake surfing. Specifies restrictions that apply to wake boarding or wake surfing on a public freshwater lake. Establishes a penalty. Prohibits operation of a motorboat with: (1) an outboard motor; or (2) an outdrive unit; with a propeller that extends past the motorboat's transom, swim platform, boarding platform, swim step, or swim ladder for the purpose of wake surfing.

**Effective:** January 1, 2024.

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## Abbott, Zent

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January 11, 2023, read first time and referred to Committee on Natural Resources.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

# HOUSE BILL No. 1305

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 JANUARY 1, 2024]: 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 14-8-2-301.1 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JANUARY 1, 2024]: **Sec. 301.1. "Wake boarding"**  
8 **means to:**

- 9 (1) **use a short board with or without foot bindings on which**  
10 **a rider is towed by a motorboat across a wake; or**
- 11 (2) **operate a motorboat that creates a wake and that tows or**  
12 **is intended to tow a person who uses a short board with or**  
13 **without foot bindings on which the person is towed by the**  
14 **motorboat across the boat's wake.**

15 SECTION 3. IC 14-8-2-301.4 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JANUARY 1, 2024]: **Sec. 301.4. "Wake surfing"**



- 1 means to:
- 2 (1) surf a wake, regardless of whether the person is being
- 3 pulled by a tow rope attached to the motorboat that is
- 4 producing the wake; or
- 5 (2) operate a motorboat that creates a wake that is or is
- 6 intended to be surfed by another person.
- 7 SECTION 4. IC 14-15-3-8.1 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 JANUARY 1, 2024]: **Sec. 8.1. An individual shall not operate a**
- 10 **motorboat on a public freshwater lake for the purpose of wake**
- 11 **boarding or wake surfing during the period between sunset and**
- 12 **sunrise.**
- 13 SECTION 5. IC 14-15-3-10 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 10. (a) Subject to
- 15 section 11 of this chapter, a person may not operate a motorboat upon
- 16 a small lake at a speed greater than ten (10) miles per hour.
- 17 (b) **An individual may not operate a motorboat on a small lake**
- 18 **for the purpose of wake boarding or wake surfing.**
- 19 SECTION 6. IC 14-15-3-11.1 IS ADDED TO THE INDIANA
- 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE JANUARY 1, 2024]: **Sec. 11.1. A rule adopted under**
- 22 **section 11 of this chapter before January 1, 2024, applies to wake**
- 23 **boarding and wake surfing.**
- 24 SECTION 7. IC 14-15-3-31, AS AMENDED BY P.L.195-2014,
- 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JANUARY 1, 2024]: Sec. 31. (a) A person who violates section 2, 3,
- 27 5, 7, 8, **8.1**, 9, 10, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 27, 28, 29, or
- 28 30 of this chapter commits a Class C infraction.
- 29 (b) A person who knowingly or intentionally violates section 6 of
- 30 this chapter commits a Class C misdemeanor.
- 31 SECTION 8. IC 14-15-13-3, AS AMENDED BY P.L.164-2020,
- 32 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JANUARY 1, 2024]: Sec. 3. An individual may not do the following:
- 34 (1) Operate a motorboat inboard or have the inboard engine of a
- 35 motorboat run idle while an individual is holding onto the swim
- 36 platform, swim deck, swim step, swim ladder or any part of the
- 37 exterior of the transom of a motorboat while the motorboat is
- 38 underway at any speed.
- 39 (2) Operate a motorboat powered by an outboard motor or
- 40 equipped with an outdrive unit while an individual is:
- 41 (A) holding onto the swim platform, swim deck, swim step,
- 42 swim ladder or any portion of the exterior of the transom of a



- 1                    motorboat while the motorboat is underway at any speed; or  
2                    (B) swimming, or floating on or in the wake directly behind a  
3                    motorboat that is underway.  
4                    (3) Operate a motorboat with the number of individual riders on  
5                    a towed device that exceeds the listed capacity on the towed  
6                    device or the owner's manual.  
7                    **(4) Operate a motorboat with an outdrive unit or outboard**  
8                    **motor with a propeller that extends past the motorboat's:**  
9                    **(A) transom;**  
10                    **(B) swim platform;**  
11                    **(C) boarding platform;**  
12                    **(D) swim step; or**  
13                    **(E) swim ladder;**  
14                    **for the purpose of wake surfing.**

