## HB422 ENROLLED



- 1 23ROIK-3
- 2 By Representatives Wadsworth, Woods, Harbison
- 3 RFD: Public Safety and Homeland Security
- 4 First Read: 02-May-23
- 5 2023 Regular Session



1 Enrolled, An Act,

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- Relating to the waters of the state impounded by Lewis
- 4 Smith Dam (Lewis Smith Lake), to the waters of the state
- 5 impounded by R.L. Harris Dam (Lake Wedowee), and on Shoals
- 6 Creek in Lauderdale County north of Highway 72; to regulate
- 7 and prohibit wakeboarding and wakesurfing under certain
- 8 conditions; to provide penalties for violations; and in
- 9 connection therewith would have as its purpose or effect the
- 10 requirement of a new or increased expenditure of local funds
- 11 within the meaning of Section 111.05 of the Constitution of
- 12 Alabama of 2022.
- 13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 14 Section 1. (a) This section shall apply only to the
- waters of the state impounded by Lewis Smith Dam (Lewis Smith
- 16 Lake) and to the waters of the state impounded by R.L. Harris
- 17 Dam (Lake Wedowee or the R.L. Harris Reservoir) and to Shoals
- 18 Creek in Lauderdale County north of Highway 72.
- 19 (b) For purposes of this section, the following words
- 20 have the following meanings:
- 21 (1) MOTORBOAT. A motorized recreational vessel.
- 22 (2) WAKEBOARDING. Either of the following:
- a. To use a board with or without foot bindings on
- 24 which a rider is towed by a motorboat across a wake.
- 25 b. To operate a motorboat in a manner that creates a
- 26 wake while towing a person using a board with or without foot
- 27 bindings to be towed by the motorboat across the boat's wake.
- 28 (3) WAKESURFING. Either of the following:



- a. To surf a motorboat's wake, regardless of whether
  the person is being pulled by a tow rope attached to the
  motorboat that is producing the wake.
- b. To operate a motorboat in a manner that creates a wake that is, or is intended to be, surfed by another person.
- 34 (c) On the waters of this state impounded by Lewis
  35 Smith Dam (Lewis Smith Lake) or on the waters of the state
  36 impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris
  37 Reservoir), or on Shoals Creek in Lauderdale County north of
  38 Highway 72, a person may not engage in wakeboarding or
  39 wakesurfing under any of the following conditions:
- 40 (1) Between sunset and sunrise.

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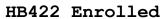
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- 41 (2) On any portion of the impounded waters where the 42 width of the portion is less than 400 feet.
- 43 (3) Within 200 feet from any shoreline, dock, pier, 44 boathouse, or other structure located on the impounded waters.
- 45 (4) When not wearing a personal flotation device 46 approved by the United States Coast Guard.
- (d) (1) On a first violation of this section, a person shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100).
  - (2) On a second or subsequent violation of this section during a single calendar year, the person shall be guilty of a violation and shall be fined not less than two hundred dollars (\$200). In addition, at the discretion of the court, the person shall be subject to the revocation or suspension of his or her boater safety certification or vessel operator's certification or vessel operating privileges upon the waters



- of this state for the duration of the calendar year.
- 58 (3) Any prosecution for a violation of this section 59 shall be commenced by a citation issued by a law enforcement
- 60 officer.
- (e) Nothing in this section shall apply to any regatta,
- for race, trail run, parade, tournament, or exhibition on the
- waters of this state impounded by Lewis Smith Dam for which a
- 64 written marine event application has been submitted to and
- approved by the Marine Police Division of the Alabama State
- 66 Law Enforcement Agency.
- (f) The Alabama State Law Enforcement Agency and the
- 68 Department of Conservation and Natural Resources shall take
- 69 steps to notify the public of the requirements and
- 70 prohibitions of this section.
- 71 (g) Notwithstanding the other provisions of this
- 72 section, for one year following the effective date of this
- act, a person who violates this section on a first violation
- 74 shall receive a written warning of the violation; and on a
- 75 second or subsequent violation during the calendar year, the
- 76 violation shall be treated as a first violation under
- 77 subsection (d).
- 78 Section 2. Although this bill would have as its purpose
- 79 or effect the requirement of a new or increased expenditure of
- 80 local funds, the bill is excluded from further requirements
- and application under Section 111.05 of the Constitution of
- 82 Alabama of 2022, because the bill defines a new crime or
- 83 amends the definition of an existing crime.
- Section 3. This act shall become effective on the first





- 85 day of the third month following its passage and approval by
- the Governor, or its otherwise becoming law.



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| 94  |         | Speaker of the House of Rep                            | resentatives     |  |
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| 98  |         |  |                  |  |
| 99  |         | President and Presiding Office                         | r of the Senate  |  |
| 100 |         |  |                  |  |
| 101 |         |  |                  |  |
| 102 |         | House of Representatives                               |                  |  |
| 103 |         |  |                  |  |
| 104 | -       | I hereby certify that the within Act originated in and |                  |  |
| 105 | was pas | sed by the House 18-May-23, as a                       | nmended.         |  |
| 106 |         |  |                  |  |
| 107 |         | John Treadwell   |                  |  |
| 108 |         | Clerk  |                  |  |
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| 114 |         |  |                  |  |
| 115 |         |  |                  |  |
| 116 | Senate  | 01-Jun-23  | Passed           |  |
| 117 | -       |  |                  |  |
| 118 |         |  |                  |  |
| 119 | House   | 01-Jun-23  | Concurred in     |  |
| 120 | -       |  | Senate Amendment |  |