HB422 INTRODUCED



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

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6 2023 Regular Session



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4 SYNOPSIS:

This bill would regulate and prohibit wakeboarding and wakesurfing under certain conditions on the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake).

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

27 A BILL

28 TO BE ENTITLED

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29 AN ACT

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Relating to the waters of the state impounded by Lewis

Smith Dam; to regulate and prohibit wakeboarding and

wakesurfing under certain conditions; to provide penalties for

violations; and in connection therewith would have as its

purpose or effect the requirement of a new or increased

expenditure of local funds within the meaning of Section

111.05 of the Constitution of Alabama of 2022.

- 37 111.05 of the Constitution of Alabama of 2022
- 38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. (a) This section shall apply only to the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake).
- 42 (b) For purposes of this section, the following words 43 have the following meanings:
- 44 (1) MOTORBOAT. A motorized recreational vessel.
- 45 (2) WAKEBOARDING. Either of the following:
- 46 a. To use a board with or without foot bindings on which a rider is towed by a motorboat across a wake.
- b. To operate a motorboat in a manner that creates a wake while towing a person using a board with or without foot bindings to be towed by the motorboat across the boat's wake.
- 51 (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.
- 55 b. To operate a motorboat in a manner that creates a 56 wake that is, or is intended to be, surfed by another person.

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- (c) On the waters of this state impounded by Lewis
 Smith Dam (Lewis Smith Lake), a person may not engage in
 wakeboarding or wakesurfing under any of the following
 conditions:
- (1) Between sunset and sunrise.

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- 62 (2) On any portion of the impounded waters where the 63 width of the portion is less than 400 feet.
- (3) Within 200 feet from any shoreline, dock, pier,boathouse, or other structure located on the impounded waters.
- 66 (4) When not wearing a personal flotation device 67 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.
- 79 (3) Any prosecution for a violation of this section 80 shall be commenced by a citation issued by a law enforcement 81 officer.
- 82 (e) Nothing in this section shall apply to any regatta,
 83 race, trail run, parade, tournament, or exhibition on the
 84 waters of this state impounded by Lewis Smith Dam for which a

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written marine event application has been submitted to and approved by the Marine Police Division of the Alabama State
Law Enforcement Agency.

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- (f) The Alabama State Law Enforcement Agency and the Department of Conservation and Natural Resources shall take steps to notify the public of the requirements and prohibitions of this section.
- (g) Notwithstanding the other provisions of this section, for one year following the effective date of this act, a person who violates this section on a first violation shall receive a written warning of the violation; and on a second or subsequent violation during the calendar year, the violation shall be treated as a first violation under subsection (d).
- 99 Section 2. Although this bill would have as its purpose 100 or effect the requirement of a new or increased expenditure of 101 local funds, the bill is excluded from further requirements 102 and application under Section 111.05 of the Constitution of 103 Alabama of 2022, because the bill defines a new crime or 104 amends the definition of an existing crime.
- Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.