#### HB375 ENGROSSED



- 1 HB375
- 2 T4FY115-2
- 3 By Representatives Shaver, Oliver, Wadsworth, Woods, Colvin
- 4 RFD: Public Safety and Homeland Security
- 5 First Read: 21-Mar-24

### HB375 Engrossed



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6	A BILL
7	TO BE ENTITLED
8	AN ACT
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10	Relating to vessels; to amend Section 33-5-52, Code of
11	Alabama 1975, to establish the Nonresident Alabama Boater
12	Safety Certification; to require nonresidents to obtain the
13	certification prior to operating a vessel on the waters of
14	this state, with exceptions; to provide a penalty for a
15	violation; and in connection therewith would have as its
16	purpose or effect the requirement of a new or increased
17	expenditure of local funds within the meaning of Section
18	111.05 of the Constitution of Alabama of 2022.
19	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
20	Section 1. Section 33-5-52, Code of Alabama 1975, is
21	amended to read as follows:
22	<b>"</b> §33-5-52
23	(a)(1) Every person shall procure a boater safety
24	certification before operating a motorized vessel upon the
25	waters of this state. This section does not apply to the
26	operation of any non-motorized sailboat, rowboat, or canoe.
27	(2) $\underline{a}$ . Notwithstanding any law to the contrary, an
28	Alabama resident 16 years of age or older who purchases a

#### HB375 Engrossed



- vessel and who has not been previously issued a boater safety certification, for a period of 30 days following the date of sale of the vessel to the person, may operate the vessel upon the waters, provided both of the following conditions are met:
- $\frac{\text{a.1.}}{\text{person.}}$  The vessel has been registered in the name of the
- 36 b.2. A bill of sale for the vessel, indicating that the 37 person is the purchaser and owner of the vessel, is in the 38 possession of the person at all times of operation.

- (3)b. A person takingwho test drives of vessels vessel for sale, when accompanied by a licensed vessel dealer, shall be exempt during the drive from the certification requirements of this subsection.
- (4) Every new resident of this state, before operating a motorized vessel, shall procure the certification within 30 days after establishing residence in this state.
- (b) Each boater safety certification issued to a person, if issued at the same time the person is issued a valid Alabama motor vehicle driver or learner license, or valid Alabama nondriver identification card, or if issued prior to the expiration date of the driver or learner license or card, shall expire on the expiration date of the person's valid Alabama motor vehicle driver or learner license or card. In all other cases, the expiration date of each boater safety certification shall be four years from the date of issuance.
- (c) Every Upon application, a boater safety certification issued under this article may be renewed at the

# STEE OF ALBORITOR POPULATION APPENDED SERVICE

#### HB375 Engrossed

end of the certification period without examination—upon
application. For the purpose of renewal of a boater safety
certification, ALEA shall mail renewal notices to each
certification holder 30 days after the expiration date if the
certification has not been renewed. A grace period of 60 days
after the expiration date of certification shall exist for the
purpose of certification renewal and the certification shall
be valid for this time period. The applicant shall apply for
renewal of certification any time during a period beginning 30
days before the expiration date of the then current
certification until three years after the expiration date of
certification. Failure to make application for renewal within
the specified time shall result in the applicant being
required to take, and successfully pass, a written or oral
examination administered by ALEA. If any person's birthday is
February 29, the first day of March following shall be
regarded as the birthday for the purposes of this section.

- (d) Nonresidents 12 or more years of age who have in their immediate possession a valid boater safety certification or vessel operator's certification issued in their home state or country shall be exempt from the requirements of this section, but under no circumstances shall a person nonresident be granted any privileges of operation beyond those granted to an Alabama resident certification holder of the same age, including those individuals described in Section 33-5-57(b).
- (e) Nonresidents 12 or more years of age whose home state or country does not require boater safety certification or the licensing of vessel operators shall also be exempt from

#### HB375 Engrossed



85	the requirements of this section for a cumulative operation
86	period of not more than 45 days in any calendar year.
87	Otherwise, any nonresidents shall be examined and
88	certified Except as provided in subsections (f) and (g), a
89	nonresident may operate a vessel upon the waters of this state
90	only after obtaining a valid boater safety certification or
91	vessel operator's certification issued in his or her home
92	state or country, or after obtaining a Nonresident Alabama
93	Boater Safety Certification upon examination and certification
94	under the same terms and conditions as Alabama residents.
95	Nonresidents may be examined and obtain certification in any
96	county and the certification shall be entitled "Nonresident
97	Alabama Boater Safety Certification," but under no
98	circumstances shall a person be granted any privileges of
99	operation beyond those granted to an Alabama resident
100	certification holder of the same age.

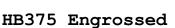
(f) A person operating a vessel pursuant to a valid and legal commercial activity, during the period of time of that activity only, shall be exempt from the requirement of boater safety certification. Otherwise, the person shall be subject to the requirement.

- (g) A person, while using a rental vessel registered with the Marine Patrol Division of ALEA as a rental vessel from a boat rental business duly licensed by the applicable municipality or county or from a state-owned marina, shall be exempt from the certification requirements of this section if the following conditions are met:
  - (1) The rental contract specifies that the lessee has

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#### HB375 Engrossed

- been instructed in the proper and safe operation of the vessel by the lessor or the authorized agent of the lessor.
- 115 (2) The lessor has complied with the terms of rental 116 contract and all parties sign the contract.
- 117 (3) The lessee signs a statement that the lessee is not 118 currently under suspension or revocation of any boater safety 119 certification or vessel operation privilege.
- 120 (4) A copy of the applicable rental contract is on 121 board the vessel while the vessel is in operation.
- 122 (5) The operator of the vessel is 16 or more years of 123 age.
- 124 (h) A violation of this section is a boating violation.
- Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.
- Section 3. This act shall become effective on October 132 1, 2024.





133 134 135 House of Representatives Read for the first time and referred ...........21-Mar-24 to the House of Representatives 137 138 committee on Public Safety and 139 Homeland Security 140 Read for the second time and placed ...........04-Apr-24 141 on the calendar: 142 143 0 amendments 144 145 Read for the third time and passed ...........09-Apr-24 146 as amended Yeas 97 147 Nays 0 148 Abstains 5 149 150 151 152 John Treadwell Clerk 153 154