

**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



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to vessels; to amend Section 33-5-52, Code of Alabama 1975, to establish the Nonresident Alabama Boater Safety Certification; to require nonresidents to obtain the certification prior to operating a vessel on the waters of this state, with exceptions; to provide a penalty for a violation; 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 33-5-52, Code of Alabama 1975, is amended to read as follows:

"§33-5-52

(a) (1) Every person shall procure a boater safety certification before operating a motorized vessel upon the waters of this state. This section does not apply to the operation of any non-motorized sailboat, rowboat, or canoe.

(2) a. Notwithstanding any law to the contrary, an Alabama resident 16 years of age or older who purchases a



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29 vessel and who has not been previously issued a boater safety  
30 certification, for a period of 30 days following the date of  
31 sale of the vessel to the person, may operate the vessel upon  
32 the waters, provided both of the following conditions are  
33 met:

34 ~~a~~1. The vessel has been registered in the name of the  
35 person.

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.

39 ~~(3)~~b. A person ~~taking~~who test drives ~~of vessels~~a vessel  
40 for sale, when accompanied by a licensed vessel dealer, shall  
41 be exempt during the drive from the certification requirements  
42 of this subsection.

43 ~~(4) Every new resident of this state, before operating~~  
44 ~~a motorized vessel, shall procure the certification within 30~~  
45 ~~days after establishing residence in this state.~~

46 (b) Each boater safety certification issued to a  
47 person, if issued at the same time the person is issued a  
48 valid Alabama motor vehicle driver or learner license, or  
49 valid Alabama nondriver identification card, or if issued  
50 prior to the expiration date of the driver or learner license  
51 or card, shall expire on the expiration date of the person's  
52 valid Alabama motor vehicle driver or learner license or card.  
53 In all other cases, the expiration date of each boater safety  
54 certification shall be four years from the date of issuance.

55 (c) ~~Every~~ Upon application, a boater safety  
56 certification issued under this article may be renewed at the



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

74 (d) Nonresidents 12 or more years of age who have in  
75 their immediate possession a valid boater safety certification  
76 or vessel operator's certification issued in their home state  
77 or country shall be exempt from the requirements of this  
78 section, but under no circumstances shall a ~~person~~ nonresident  
79 be granted any privileges of operation beyond those granted to  
80 an Alabama resident certification holder of the same age,   
81 including those individuals described in Section 33-5-57(b).

82 (e) ~~Nonresidents 12 or more years of age whose home~~  
83 ~~state or country does not require boater safety certification~~  
84 ~~or the licensing of vessel operators shall also be exempt from~~



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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.~~

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

106 (g) A person, while using a ~~rental~~ vessel registered  
107 with the Marine Patrol Division of ALEA as a rental vessel  
108 from a boat rental business duly licensed by the applicable  
109 municipality or county or from a state-owned marina, shall be  
110 exempt from the certification requirements of this section if  
111 the following conditions are met:

112 (1) The rental contract specifies that the lessee has



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113 been instructed in the proper and safe operation of the vessel  
114 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.

125 Section 2. Although this bill would have as its purpose  
126 or effect the requirement of a new or increased expenditure of  
127 local funds, the bill is excluded from further requirements  
128 and application under Section 111.05 of the Constitution of  
129 Alabama of 2022, because the bill defines a new crime or  
130 amends the definition of an existing crime.

131 Section 3. This act shall become effective on October  
132 1, 2024.

