

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



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1 Enrolled, An Act,

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3 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
15 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:

23 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:



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29 a. To surf a motorboat's wake, regardless of whether
30 the person is being pulled by a tow rope attached to the
31 motorboat that is producing the wake.

32 b. To operate a motorboat in a manner that creates a
33 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.

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.

47 (d) (1) On a first violation of this section, a person
48 shall be guilty of a violation punishable by a fine of not
49 less than one hundred dollars (\$100).

50 (2) On a second or subsequent violation of this section
51 during a single calendar year, the person shall be guilty of a
52 violation and shall be fined not less than two hundred dollars
53 (\$200). In addition, at the discretion of the court, the
54 person shall be subject to the revocation or suspension of his
55 or her boater safety certification or vessel operator's
56 certification or vessel operating privileges upon the waters



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57 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.

61 (e) Nothing in this section shall apply to any regatta,
62 race, trail run, parade, tournament, or exhibition on the
63 waters of this state impounded by Lewis Smith Dam for which a
64 written marine event application has been submitted to and
65 approved by the Marine Police Division of the Alabama State
66 Law Enforcement Agency.

67 (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
73 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
81 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.

84 Section 3. This act shall become effective on the first

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 18-May-23, as amended.

John Treadwell
Clerk

Senate **01-Jun-23**

Passed

House **01-Jun-23**

Concurred in
Senate Amendment