

1 HB477
2 199246-1
3 By Representatives Shaver, Collins, Nordgren, Wilcox, Wood
4 (D), Weaver, Estes, Moore (P), Farley, Shedd, Harbison, Faust,
5 Brown (K), Kitchens, Hanes, Wheeler, Kiel, Reynolds, Rich,
6 Pettus, Ball, Sorrell, Fridy, Lipscomb, Hurst, Johnson and
7 Pringle
8 RFD: Judiciary
9 First Read: 18-APR-19

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8 SYNOPSIS: Existing law defines the term vessel as
9 every description of watercraft, other than a
10 seaplane, capable of being used as a means of
11 transportation on the water.

12 Existing law also provides for the operation
13 of personal watercraft on the waters of this state
14 and provides criminal penalties for a violation.

15 This bill would include vessels within those
16 provisions of law and would provide criminal
17 penalties for a person who operates a vessel or
18 personal watercraft at an improper distance.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Section 33-5-51, Code of Alabama 1975,
18 relating to the operation of watercraft; to provide for the
19 operation of a vessel on the waters of this state and require
20 a person to maintain a proper distance when operating a vessel
21 or personal watercraft; and in connection therewith would have
22 as its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 33-5-51, Code of Alabama 1975, is
2 amended to read as follows:

3 "§33-5-51.

4 "(a) As used in this section, "personal watercraft"
5 means a vessel which uses an inboard motor powering a water
6 jet pump as its primary source of motive power and which is
7 designed to be operated by a person sitting, standing, or
8 kneeling on the vessel, rather than the conventional manner of
9 sitting or standing inside the vessel.

10 "(b) A person may not operate a vessel or personal
11 watercraft on the waters of this state, as waters are defined
12 in Section 33-5-3, unless each person operating, riding on, or
13 being towed by the vessel or watercraft is wearing a personal
14 flotation device approved by the United States Coast Guard, in
15 accordance with rules ~~and regulations~~ adopted by the
16 Commissioner of the Department of Conservation and Natural
17 Resources.

18 "(c) A person operating a personal watercraft on the
19 waters of this state that does not have ~~self-circling~~
20 self-circling capability, shall have a lanyard type engine
21 cutoff switch and ~~must~~ shall attach the lanyard to the person,
22 his or her clothing, or a personal flotation device, as is
23 appropriate.

24 "(d) A vessel or personal watercraft ~~shall at all~~
25 ~~times be operated~~ on the waters of this state shall be
26 operated in a reasonable and prudent manner. Maneuvers which
27 endanger life, limb, or property, or create a public nuisance,

1 including, but not limited to ~~the following~~, weaving through
2 congested vessel traffic at high speed, following closely
3 behind within the wake of a vessel towing a person or persons
4 on water skis, surfboard, or other water sport device, jumping
5 the wake of another vessel travelling in the same direction in
6 close proximity to the vessel, cutting between a boat and the
7 person or persons being towed by that boat, or crossing at
8 right angles in close proximity to the stern of another vessel
9 or when visibility around the other vessel is obstructed, or
10 steering a vessel toward any object or person in the water and
11 turning sharply at close range so as to spray the object or
12 person, shall all constitute the reckless operation of a
13 vessel, as provided in subsection (a) of Section 33-5-70. Any
14 person violating this subsection shall be punished upon
15 conviction as provided in Section 33-5-70.

16 "(e) (1) It is unlawful for a person to operate a
17 vessel or personal watercraft at greater than idle speed
18 within 100 feet of any of the following:

19 "a. A moored or anchored boat or any boat that is
20 adrift.

21 "b. A dock, pier, or bridge.

22 "c. A person in the water.

23 "d. The shoreline adjacent to a residence.

24 "e. A public park or beach.

25 "f. A marina, restaurant, or other public use area.

1 "(2) As used in this subsection, idle speed means
2 the lowest speed a boat may be operated while maintaining
3 steering control.

4 "~~(e)~~ (f) No person under ~~the age of 12~~ years of age
5 shall operate a personal watercraft on the waters of this
6 state, ~~and persons who are at least 12 and over may only~~
7 ~~operate personal watercraft on the waters of this state to the~~
8 ~~extent otherwise permitted by law.~~

9 "~~(f)~~ (g) It is unlawful for the owner of any vessel
10 or personal watercraft or any person having charge over or
11 control of a vessel or personal watercraft to authorize or
12 knowingly permit ~~these~~ the vessel or personal watercraft to be
13 operated on the waters of this state by a person in violation
14 of this section.

15 "~~(g)~~ (h) No person shall tow any person by vessel or
16 personal watercraft unless the personal watercraft is equipped
17 with a rearview mirror meeting the specifications established
18 by ~~regulation~~ rule of the Commissioner of the Department of
19 Conservation and Natural Resources.

20 "~~(h)~~ (i) Any person who violates this section,
21 except as otherwise provided in subsection (d), shall be
22 guilty of a Class B misdemeanor, ~~punishable upon conviction as~~
23 ~~provided in Sections 13A-5-7 and 13A-5-12. All persons so~~
24 ~~convicted~~ and shall be fined not less than twenty-five dollars
25 (\$25). All fines collected for a violation of this section
26 shall be paid into the State Water Safety Fund.

1 "~~(i)~~ (j) This section does not apply to a performer
2 engaged in a professional exhibition or a person participating
3 in a regatta, race, marine parade, tournament, or exhibition
4 held in compliance with Section 33-5-27, and any rules ~~and~~
5 ~~regulations~~ issued by the Commissioner of Conservation and
6 Natural Resources."

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 3. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.