

## **HB 121 FAQ: How, what, why, where, when?**

### **How did HB 121 come about?**

HB 121 is the result of several organizations working to respond to safety and property damage concerns related to wake surf boat wakes. These include the Lake Rabun Association, the Lake Burton Civic Association, the wake boat industry, the Georgia DNR and our elected Georgia legislators.

### **What does HB 121 do and not do?**

HB 121 establishes regulations around the **ACTIVITIES** of wake surfing and wakeboarding. It does not regulate specific types of boats, and no boat has been prohibited. It is the **ACTIVITY** of wakeboarding, wake surfing, or casting a surfable wave that is regulated by HB 121.

### **Where does HB 121 apply?**

HB 121 applies to all public waters of the State of Georgia, excluding intracoastal waters, rivers and private lakes. This legislation applies to all public lakes in Georgia and is not unique to Seed Lake.

### **How do the regulations under HB 121 work?**

HB 121 defines wakeboarding and wake surfing and creates new regulations for BOTH activities.

Quoted from the operative section of HB 121:

“No person shall engage in wake surfing or wakeboarding upon waters of this state:”

- 1) Between sunset and sunrise,
- 2) Within 200 feet of any moored vessel; any wharf, dock, pier, piling, or bridge structure or abutment; or any shoreline adjacent to a full-time or part-time residence, public park, public beach, public swimming area, marina, restaurant, or other public use area, or
- 3) When surfing a wake or being towed without wearing a personal flotation device.”

Further, HB 121 defines wake surfing to INCLUDE “operating a motorboat in a manner that creates a wake that is capable of being surfed by another person.” This provision prohibits casting a surf wake within 200 feet of the shore even when there is no surfer in or on the water.

### **Why does HB 121 include wakeboarding?**

Our legislators as well as representatives from the boating industry decided to use recently enacted legislation from the State of Tennessee as the framework for HB 121. That legislation included wakeboarding, so it was included in the State of Georgia’s bill.

**When does HB 121 go into law?**

New legislation in the State of Georgia becomes effective July 1st 2023.

**Who will enforce HB 121?**

The Georgia Department of Natural Resources (DNR) enforces all boater operator and safety laws on inland waters and lakes. They are sometimes assisted by local law enforcement. DNR will provide primary enforcement of HB 121 on Seed Lake. DNR officers will use their judgement to determine when a violation has occurred. For egregious violations or repeat offenders it is more likely a citation will be issued.

It is expected that during an educational period regarding HB 121 that warnings to violators will be issued. Following that period, violators could be subject to citation and fines. It is our recommendation that you follow the law now.

**What are the practical implications of HB 121 on Seed Lake?**

Wakeboarding and wake surfing will be prohibited in any sections of Seed Lake narrower than 400 feet (to allow for a 200-foot buffer on each side of the motorboat). This requirement will prohibit wakeboarding and wake surfing in the Narrows starting past Seed Lake Campground.

**How will we know where the 200-foot buffer is?**

The SLA has produced a map with the assistance of Game Warden Sergeant Cody Jones that clearly shows the allowable 200 foot buffer for the entire lake. It is the responsibility of the boat operator to study this map and understand where wakeboarding and wake surfing are permitted.

**Does HB 121 affect placement of private buoys?**

HB 121 is silent on and has no regulatory impact over the placement of buoys by lake homeowners. Placement of buoys by homeowners is regulated by Georgia Power Company and enforced by GPC and the DNR. Here are the published GPC regulations regarding private buoys on all of GPC's North Georgia lakes including Seed Lake.

“Only DNR or other agency-authorized regulatory buoys are permitted, and all other buoys, floats, swimming ropes, etc., must meet the following guidelines:

- they are only permitted to be in the lake between Memorial Day and Labor Day
- they must be located no further than 50 feet from the shoreline and must not interfere with the legal flow of boat traffic
- they are not allowed to have the appearance of a state-enforced regulatory marker.

Any buoys or other apparatus not complying with this guideline are subject to removal by GPC or GADNR.”

<http://georgiapowerlakes.com/northgeorgialakes/2021/05/13/swim-buoys/>

**Wake Responsibly:**

- By law, boat operator is responsible for any damage/injury caused by their wake.
- Stay at least 200 feet from the shoreline, docks or other structures, and from any people in the water.
- Wakeboard or surf in the center of any given body of water. Do not wakeboard or surf in any narrow channel.
- Minimize repetitive passes near any one portion of the shoreline.
- Keep music at reasonable levels. If the person on the wake hears it, so does everyone else in the vicinity.
- Do not wakeboard or surf in low light conditions.
- No on-board ballast when simply cruising or water skiing.
- Be courteous and respect others at all times!!!

