

**HB422 ENGROSSED**



1 23ROIK-2  
2 By Representatives Wadsworth, Woods, Harbison  
3 RFD: Public Safety and Homeland Security  
4 First Read: 02-May-23  
5 2023 Regular Session



## HB422 Engrossed

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake) and to the waters of the state impounded by R.L. Harris Dam (Lake Wedowee); to regulate and prohibit wakeboarding and wakesurfing under certain conditions; to provide penalties for violations; 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. (a) This section shall apply only to the waters of the state impounded by Lewis Smith Dam (Lewis Smith Lake) and to the waters of the state impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris Reservoir).

(b) For purposes of this section, the following words have the following meanings:

(1) MOTORBOAT. A motorized recreational vessel.

(2) WAKEBOARDING. Either of the following:

a. To use a board with or without foot bindings on which a rider is towed by a motorboat across a wake.

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



## HB422 Engrossed

29 wake while towing a person using a board with or without foot  
30 bindings to be towed by the motorboat across the boat's wake.

31 (3) WAKESURFING. Either of the following:

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

35 b. To operate a motorboat in a manner that creates a  
36 wake that is, or is intended to be, surfed by another person.

37 (c) On the waters of this state impounded by Lewis  
38 Smith Dam (Lewis Smith Lake) or on the waters of the state  
39 impounded by R.L. Harris Dam (Lake Wedowee or the R.L. Harris  
40 Reservoir), a person may not engage in wakeboarding or  
41 wakesurfing under any of the following conditions:

42 (1) Between sunset and sunrise.

43 (2) On any portion of the impounded waters where the  
44 width of the portion is less than 400 feet.

45 (3) Within 200 feet from any shoreline, dock, pier,  
46 boathouse, or other structure located on the impounded waters.

47 (4) When not wearing a personal flotation device  
48 approved by the United States Coast Guard.

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

52 (2) On a second or subsequent violation of this section  
53 during a single calendar year, the person shall be guilty of a  
54 violation and shall be fined not less than two hundred dollars  
55 (\$200). In addition, at the discretion of the court, the  
56 person shall be subject to the revocation or suspension of his



## HB422 Engrossed

57 or her boater safety certification or vessel operator's  
58 certification or vessel operating privileges upon the waters  
59 of this state for the duration of the calendar year.

60 (3) Any prosecution for a violation of this section  
61 shall be commenced by a citation issued by a law enforcement  
62 officer.

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

69 (f) The Alabama State Law Enforcement Agency and the  
70 Department of Conservation and Natural Resources shall take  
71 steps to notify the public of the requirements and  
72 prohibitions of this section.

73 (g) Notwithstanding the other provisions of this  
74 section, for one year following the effective date of this  
75 act, a person who violates this section on a first violation  
76 shall receive a written warning of the violation; and on a  
77 second or subsequent violation during the calendar year, the  
78 violation shall be treated as a first violation under  
79 subsection (d).

80 Section 2. Although this bill would have as its purpose  
81 or effect the requirement of a new or increased expenditure of  
82 local funds, the bill is excluded from further requirements  
83 and application under Section 111.05 of the Constitution of  
84 Alabama of 2022, because the bill defines a new crime or



## HB422 Engrossed

85 amends the definition of an existing crime.

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



**HB422 Engrossed**

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House of Representatives

Read for the first time and referred .....02-May-23  
to the House of Representatives  
committee on Public Safety and  
Homeland Security  
Read for the second time and placed .....11-May-23  
on the calendar:  
0 amendments  
Read for the third time and passed .....18-May-23  
as amended  
Yeas 69  
Nays 7  
Abstains 28

John Treadwell  
Clerk